

SOR/2009-109 April 2, 2009

HAZARDOUS PRODUCTS ACT

Order Amending Schedule I to the Hazardous Products Act (Glass Doors and Enclosures)

P.C. 2009-496 April 2, 2009

Her Excellency the Governor General in Council, on the recommendation of the Minister of Health, pursuant to section 6 ([see footnote a](#)) of the *Hazardous Products Act* ([see footnote b](#)), hereby makes the annexed *Order Amending Schedule I to the Hazardous Products Act (Glass Doors and Enclosures)*.

ORDER AMENDING SCHEDULE I TO THE HAZARDOUS PRODUCTS ACT (GLASS DOORS AND ENCLOSURES)

AMENDMENTS

- 1. Item 17 of Part I of Schedule I to the *Hazardous Products Act* ([see footnote 1](#)) is repealed.**
- 2. Part II of Schedule I to the Act is amended by adding the following after item 2:**
3. Glass doors and enclosures, as defined in the *Glass Doors and Enclosures Regulations*.

COMING INTO FORCE

- 3. This Order comes into force on the day on which it is registered.**

REGULATORY IMPACT ANALYSIS STATEMENT

(This statement is not part of the Order and of the Regulations.)

Executive summary

Issue: The safety standards referenced in the *Safety Glass Regulations* of the *Hazardous Products Act* (HPA) are no longer the most current and need to be updated to harmonize with updated and more stringent test methods published by the Canadian General Standards Board (CGSB) and referenced by the National Building Code of Canada (NBC).

Description: This regulatory initiative updates the current *Safety Glass Regulations* of the HPA such that the safety standards referenced therein are harmonized with the NBC. This initiative does not change the original intent of the Regulations which was to reduce the number and severity of cutting and piercing injuries due to human impact with vertical panes of glass in household doors. The amended Regulations provide minimum requirements and harmonize with the NBC, and also include the addition of a record-keeping requirement.

Cost-benefit statement: Industry will most likely not incur increased costs as a result of the regulatory amendments. Industry is currently testing to the revised standards, rather than the standards currently specified in the Regulations, as demonstrated by a survey conducted by Health Canada in February of 2005.

Business and consumer impacts: There is negligible administrative burden to industry members because industry is currently testing to the revised standards. For consumers, there will be an increased level of protection from laceration injuries caused by impact with vertical panes of glass in the doors and enclosures covered by the Regulations.

Domestic and international coordination and cooperation: There are no adverse trade impacts as a result of the amendment. These amendments will also harmonize with regulations in the US.

Issue

The *Safety Glass Regulations* of the *Hazardous Products Act* were implemented in 1974 to complement the National Building Code of Canada (NBC). The safety standards referenced in the Regulations are no longer the most current and need to be updated to harmonize with updated and more stringent test methods published by the Canadian General Standards Board and referenced by the NBC.

Objectives

The objective of the amendments to the *Safety Glass Regulations* of the HPA is to incorporate references to more up-to-date and technically relevant safety standards with the main objective of increased protection of the Canadian public.

Description

This regulatory initiative updates the current *Safety Glass Regulations* such that the safety standards referenced therein are harmonized with the NBC. This initiative does not change the original intent of the Regulations which was to reduce the number and severity of cutting and piercing injuries due to human impact with vertical panes of glass in household doors. The Regulations provide minimum requirements and harmonize with the NBC.

In addition, the initiative amends Schedule I to the HPA such that the item concerning glass doors and enclosures is moved from Part I, prohibited products, to Part II, restricted products. Items in Part II, restricted products, have conditions on their sale, advertisement, and importation, while those in Part I are prohibited from sale, advertisement, and importation. Since the item concerning glass doors and enclosures does have associated conditions, it will move to Part II. The title of the Regulations will also change from *Safety Glass Regulations* to *Glass Doors and Enclosures Regulations*, as the regulated product is not the glass, but the door or enclosure that contains the glass.

The tests specified in the Regulations reference Standard for Glass: Safety, for Building Construction, 12-GP-1b, August, 1971, and Standard for Glass: Wired, Safety, for Building Construction, 12-GP-11, January, 1973, both published by the Canadian General Standards Board (CGSB). The tests consist of impact tests and boiling water tests for laminated glass, and impact tests for tempered and wired glass.

The NBC currently contains references from the most recent versions of the CGSB standards: CAN/CGSB 12.1-M90 Tempered or Laminated Safety Glass, and CAN/CGSB 12.11-M90 Wired

Safety Glass, published in 1990. The NBC is incorporated, in whole or in part, into many provincial and territorial building codes.

In addition to harmonizing with the NBC, there are safety considerations; the tests in the revised standards are more representative of normal-use conditions compared to those currently referenced in the Regulations. The revised standard for tempered and laminated glass specifies tests more representative of human body impact with glass that would normally result in cutting and piercing injuries. That is, the impact tests currently referenced involve both a shot bag drop and a steel ball drop onto a horizontally oriented specimen of glass. The revised tests involve a pendulum drop of a shot bag into a vertically oriented specimen.

In addition to referencing the revised standards, the regulatory amendments include the provision that the company responsible for the product in Canada will be required to keep records, for a period of four years, showing that the glass in the doors and enclosures meets the requirements of the Regulations, and to produce such records upon request by Health Canada.

Regulatory and non-regulatory options considered

Status quo — Maintain current Regulations

In addition to the safety considerations outlined above, maintaining the current Regulations is not deemed viable because industry no longer employs the standards currently referenced in the Regulations, and by continuing to reference the older standards Health Canada will be unable to enforce the more stringent and updated standards.

Repeal current Regulations

Repealing the current Regulations means compliance to existing safety standards would be voluntary. It is expected that established glass manufacturers in Canada who already meet the standards would continue to do so regardless of whether it was prescribed by law. However, new fabricators or importers of glass doors and enclosures who choose not to comply would not be subject to enforcement action by Health Canada. It is believed that the majority of glass doors and enclosures on the Canadian marketplace are fabricated with glass that is made in Canada. However, the possibility remains for non-compliant glass destined for use in doors and enclosures, or for finished glass doors or enclosures, to be imported into Canada.

Regulatory option

Amending and updating the references to safety standards in the *Safety Glass Regulations* allows Health Canada to use current and evolving enforcement policies and procedures to perform inspection and enforcement at retail, manufacturer, and importer level, and to correct or seize non-compliant products. For glass doors and enclosures already installed in homes, local authorities can enforce applicable building codes. The Regulations create a means of enforcement for non-compliant products prior to their sale and installation.

Benefits and costs

Industry members will most likely not incur increased costs as a result of the regulatory amendments, which consist of updating the referenced test methods, and adding a record-keeping requirement, because they are currently testing to the revised standards, rather than the standards specified in the original *Safety Glass Regulations*. This was demonstrated by a survey conducted by Health Canada in February of 2005. Of the major glass manufacturers in Canada surveyed, all of them currently have their glass tested in accordance with the revised CGSB standards or other international standards in which the applicable impact and boil tests are equivalent to the revised CGSB standards.

The record-keeping requirement is not expected to cause extra costs to industry because it is good business practice to maintain these records regardless of whether it is required by law, and it is expected that this already occurs.

There are no adverse trade impacts as a result of the amendment. Rather, the requirements in this regulatory amendment are harmonized with the US Code of Federal Regulations Part 1201—*Safety Standard for Architectural Glazing Materials*.

Rationale

The amendment of the references to the newer versions of the CGSB standards is the most beneficial to industry members and consumers. The majority of the industry members currently use the updated standards. For consumers, there will be an increased level of protection from laceration injuries caused by impact with vertical panes of glass in the doors and enclosures covered by the Regulations.

The standards are harmonized with the NBC, and with the regional building codes which adopt it. Harmonizing with other legislation is in the best interest of consumers, regulatory authorities and industry stakeholders, including manufacturers and testing laboratories, because it creates consistent, acceptable safety requirements, for the protection of consumers.

Consultation

A survey was conducted in February of 2005 to determine which standards the industry currently employs, and to advise the industry that Health Canada is proposing to amend the *Safety Glass Regulations*. Ontario has the greatest number of manufacturers and wholesalers of glass per province, and it was determined that a survey in Ontario would provide a representative view of the Canadian glass manufacturing industry. Of the 15 companies which participated, all have their glass tested in accordance with the revised CGSB standards or other international standards in which the applicable tests are equivalent to the revised CGSB standards.

The amendments to the Regulations were pre-published in the *Canada Gazette*, Part I, on November 3rd, 2007, with a 75-day period for stakeholder comments, of which none were received.

Implementation, enforcement and service standards

The amendments will not have an impact on the current approach taken by Health Canada when enforcing the regulations under HPA. Compliance and enforcement will continue to be based on existing inspection and enforcement policies and cyclical enforcement cycle.

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[Footnote a](#)

S.C. 1996, c. 8, s. 26

[Footnote b](#)

R.S., c. H-3

[Footnote 1](#)

R.S., c. H-3

SOR/2009-110 April 2, 2009

HAZARDOUS PRODUCTS ACT

Glass Doors and Enclosures Regulations

P.C. 2009-497 April 2, 2009

Her Excellency the Governor General in Council, on the recommendation of the Minister of Health, pursuant to section 5 ([see footnote a](#)) of the *Hazardous Products Act* ([see footnote b](#)), hereby makes the annexed *Glass Doors and Enclosures Regulations*.

GLASS DOORS AND ENCLOSURES REGULATIONS

INTERPRETATION

Definitions	1. The following definitions apply in these Regulations.
"Act" « <i>Loi</i> »	"Act" means the <i>Hazardous Products Act</i> .
"glass door or enclosure" « <i>portes et enceintes contenant du verre</i> »	"glass door or enclosure" means the following products when they are for household use: (a) a bathtub or shower door or enclosure that is made of glass or that contains a pane of glass; (b) a storm door that is made of glass or that contains a pane of glass; and (c) an exterior door, other than a storm door, that contains a pane of glass that has an area greater than 0.5 m ² and whose lowest edge is less than 900 mm from the bottom edge of the door.
"laminated glass" « <i>verre feuilleté</i> »	"laminated glass" means glass that is formed when two or more sheets of glass are bonded to an intervening layer or layers of plastic material.
"person responsible" « <i>responsable</i> »	"person responsible", in respect of a glass door or enclosure, means (a) if the product is manufactured in Canada, the manufacturer who sells or advertises it; and (b) if the product is imported, the importer.
"safety glass" « <i>verre de sécurité</i> »	"safety glass" means laminated, tempered or wired glass.
"safety glass standard" « <i>norme sur le verre de sécurité</i> »	"safety glass standard" means the standard CAN/CGSB-12.1-M90, entitled <i>Tempered or Laminated Safety Glass</i> , published in November 1990 by the Canadian General Standards Board.
"tempered glass" « <i>verre trempé</i> »	"tempered glass" means glass that has been treated chemically or thermally so that, on fracture, it disintegrates into many small granular pieces.
"wired glass"	"wired glass" means glass into which a wire mesh has been

« verre armé » embedded.

"wired safety glass standard"
« norme sur le verre de sécurité armé » "wired safety glass standard" means the standard CAN/CGSB-12.11-M90, entitled *Wired Safety Glass*, published in November 1990 by the Canadian General Standards Board.

AUTHORIZATION

Advertise, sell or import **2.** A glass door or enclosure may be advertised, sold or imported if the glass contained in it is safety glass that meets the requirements of these Regulations.

SAFETY GLASS REQUIREMENTS

Requirements **3.** Safety glass that is set out in column 1 of the table to this section, when tested in accordance with the applicable tests set out in column 2, must meet the requirements set out in column 3.

Column 1	Column 2	Column 3
Safety Item glass	Test	Requirement
1. Laminated glass	(1) Boiling water test in paragraph 7.2.2 of the safety glass standard (2) Impact test in paragraph 7.2.3 of the safety glass standard	(1) No bubbles or other defects develop beyond 12 mm from the outer edge of the glass or from any crack that develops. (2) No opening occurs that would permit free passage of a 75 mm diameter steel sphere.
2. Tempered glass	Impact test in paragraph 7.2.3 of the safety glass standard	If breakage occurs, the total mass of the 10 largest particles does not exceed the mass of 6 500 mm ² of the original test specimen.
3. <u>Wired glass</u>	<u>Impact test in paragraph 8.2.2 of the wired safety glass standard</u>	(a) No opening occurs that would permit free passage of a 75 mm diameter steel sphere. (b) The glass adjacent to each crack extending from the impact area is held in place by the reinforcing material. (c) Small fragments of glass from both sides of the test specimen at or immediately around the point of impact may become detached, but no piece loosens or detaches from any other part of the glass.

RECORDS

Retention period **4.** (1) The person responsible must keep records that show that a glass door or enclosure meets the requirements of these Regulations, for a period of at least four years after the date of manufacture in Canada or

the date of importation of the glass door or enclosure, as the case may be.

Inspection (2) The person responsible must provide an inspector with any records that the inspector requests in writing, within 15 days after receipt of the request.

REPEAL

Safety Glass Regulations **5. The *Safety Glass Regulations* ([see footnote 1](#)) are repealed.**

COMING INTO FORCE

Registration **6. These Regulations come into force on the day on which they are registered.**

N.B. The Regulatory Impact Analysis Statement for these Regulations appears following SOR/2009-109, [Order Amending Schedule I to the Hazardous Products Act \(Glass Doors and Enclosures\)](#).

[Footnote a](#)

S.C. 2004, c. 9, s. 2

[Footnote b](#)

R.S., c. H-3

[Footnote 1](#)

C.R.C., c. 933