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> Ozone-depleting Substances and Halocarbon Alternatives Regulations

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## Ozone-depleting Substances and Halocarbon Alternatives Regulations

### Statutory authority

*Canadian Environmental Protection Act, 1999*

### Sponsoring departments

Department of the Environment and Department of Health

### REGULATORY IMPACT ANALYSIS STATEMENT

*(This statement is not part of the regulations.)*

### Issues

Severe depletion of the ozone layer over the Antarctic has been occurring since 1979 and a general downturn in global ozone levels has been observed since the early 1980s. In 1987, Canada signed the *Montreal Protocol on Substances that Deplete the Ozone Layer* (the Montreal Protocol). This agreement has been signed and ratified by 197 countries. To date, the Montreal Protocol has enabled reductions of over 97% of all global consumption of controlled ozone-depleting substances (ODSs), ([see footnote 1](#)) including chlorofluorocarbons (CFCs), hydrochlorofluorocarbons (HCFCs), halons and methyl bromide.

At the 19th meeting of the Parties to the Montreal Protocol in September 2007, new commitments were made to accelerate the phase-out of the consumption of HCFCs and to introduce controls on the production of HCFCs. These new obligations are not yet reflected in the *Ozone-Depleting Substances Regulations, 1998* (ODSR 1998). To ensure that Canada's international obligations under the Montreal Protocol continue to be met, these new commitments, which took effect on January 1, 2015, must be reflected in Canada's ODS regulations. In addition, data on hydrofluorocarbon (HFC) activity in Canada is required to inform the establishment of any future domestic controls, which would be aligned with possible new obligations under the Montreal Protocol.

Developing new regulations for ODSs and halocarbon alternatives also presents an opportunity to resolve other issues, including the use of non-refillable containers for ODSs and their halocarbon alternatives; the lack of flexibility for the transfer of methyl bromide for exempt uses among users; inconsistencies in the ODSR 1998 and their five amendments; and administrative changes to the *Regulations Designating Regulatory Provisions for Purposes of Enforcement (Canadian Environmental Protection Act, 1999)* [the Designation Regulations], as well as administrative issues raised by the Standing Joint Committee for the Scrutiny of Regulations (SJCSR).

### Background

CFCs, HCFCs and HFCs are all classified as halocarbons and are included in the fluorocarbons niche market. Based on the North American Industry Classification System (NAICS), firms involved in the manufacture of these substances in Canada are in the industrial gases manufacturing segment (NAICS 325120). The refrigeration and air conditioner manufacturing segment is the largest consumer of fluorocarbons; however, other consumers are the industry segments of polymer precursors, foam blowing agents, aerosol propellants, solvent cleaning, and others. CFCs and HCFCs are also ozone-depleting substances, while HFCs are potent greenhouse gases (GHGs) and are alternatives to CFCs and HCFCs for use in applications such as refrigeration and air conditioning.

Ozone depletion is the term commonly used to describe the thinning of the ozone layer in the stratosphere. The ozone layer acts as a natural filter, absorbing most of the sun's ultraviolet (UV) rays. Stratospheric ozone depletion leads to an increase in ultraviolet rays that reach the Earth's surface, where it can disrupt biological processes and damage a number of materials. Human activity is the major factor causing ozone depletion, mostly from releasing ODSs to the atmosphere. Exposure to UV radiation has been linked to many human health problems, including skin cancer. Scientists also indicate that increased exposure to UVB rays affects the human immune system and causes premature aging of the skin.

Under the Montreal Protocol, Parties must phase out the production and consumption of a wide range of chemicals known to contribute to ozone depletion, including CFCs, HCFCs, halons and methyl bromide. Since 1999, Canada's obligations under the Montreal Protocol have been met through the implementation of the ODSR 1998. Over the years, the Montreal Protocol has been amended or adjusted several times by the international community. Consequently, the ODSR 1998 have been amended five times to ensure that Canada continues to meet its obligations under the Montreal Protocol. Controls on ODSs in Canada have resulted in an overall phase-out of over 99% of baseline levels. Canada has successfully phased out the production and consumption of 94% of HCFCs from baseline levels and 100% of production and consumption of all other controlled ODSs from baseline levels.

### Hydrochlorofluorocarbons

At the 19th meeting of the Parties to the Montreal Protocol in September 2007, the Parties agreed to an accelerated phase-out of hydrochlorofluorocarbons (HCFCs) that included, for the first time, controls on the production of HCFCs. HCFCs are the only fluorocarbons produced in Canada. Canada produces approximately 5 300 tonnes of HCFCs annually, predominantly for export to the United States. A phase-out of production of HCFCs was not previously part of the obligations under the Montreal Protocol; therefore, domestic controls on production were not previously required.

To ensure Canada meets its production phase-out obligations between 2010 and 2015, Environment Canada (EC) entered into a performance agreement with Canada's only producer to control its production of HCFCs in Canada. To date, this performance agreement has been an effective measure. However, this agreement is a temporary measure, and it does not prevent other companies from producing HCFCs in the future.

### Hydrofluorocarbons

While hydrofluorocarbons (HFCs) are not currently controlled under the Montreal Protocol, they are substitutes for HCFCs and are potent GHGs with a global warming potential thousands of times higher than that of carbon dioxide (CO<sub>2</sub>).

HFCs are included in the basket of GHGs controlled under the United Nations Framework Convention on Climate Change (UNFCCC), although they are not subject to specific measures under this agreement. HFCs currently represent only 1–2% of total GHGs covered under the UNFCCC, but their emissions are rising by about 8–9% per year. ([see footnote 2](#)) The global consumption and emissions of HFCs are projected to increase substantially in the coming decades, according to the UNFCCC, making HFCs an emerging concern because of their immediate and future impact on the climate.

Canada has partnered with the United States and Mexico in submitting a North American proposal to amend the Montreal Protocol and gradually phase down the use of HFCs. Canada has also made commitments in relation to the Climate and Clean Air Coalition to Reduce Short-Lived Climate Pollutants (which include HFCs). Also, at the most recent North American Leaders Summit, Canada agreed to further intensify its efforts to promote an amendment to the Montreal Protocol to phase down HFCs, and, during the last G7 Summit, Canada agreed to promote low-global warming potential alternatives to HFCs.

According to the Chemical Economics Handbook, Canada consumed approximately 9 000 tonnes of fluorocarbons in 2010 (mainly HFCs). Between 2010 and 2012, imports of mixtures containing HFCs or perfluorocarbons (PFCs) grew by 31.4% annually on average, from 1 557 tonnes valued at \$19.1 million in 2010 to 2 683 tonnes valued at \$26.8 million in 2012 (source: Statistics Canada Merchandise Trade Database).

### Import and manufacture in non-refillable containers

The use of refillable containers for halocarbon refrigerants, which include ODSs and HFCs, is more desirable than the use of non-refillable containers. Refillable containers are more suitable for storing and transporting controlled substances as they are less likely to leak. Reusing these containers avoids having to dispose of them in landfills.

All provinces and territories have introduced control measures on the use of halocarbon refrigerants in non-refillable containers, and some provinces have introduced controls on their sale or offer for sale. However, halocarbon refrigerants in these containers can still be legally manufactured and imported, and there is evidence that they are still being used, notwithstanding the provincial and territorial controls.

### Methyl bromide

The import and manufacture of methyl bromide in Canada have been phased out since 2005. However, there are exemptions for the following uses: quarantine application, pre-shipment application, critical use, emergency use, feedstock, and laboratory and analytical use. The ODSR 1998 currently prohibit the transfer

of methyl bromide for these exempt uses. The demand for methyl bromide is diminishing as alternatives are introduced into the market, leaving users with an inventory that is no longer needed.

Stakeholders have previously expressed concern over the lack of flexibility in the ODSR 1998 to allow them to transfer methyl bromide to another authorized user where a need has been identified. As the demand for this substance decreases, the lack of flexibility has resulted in growing stocks of methyl bromide and increased imports of the substance for different exempt uses.

## Objectives

The objective of the proposed *Ozone-depleting Substances and Halocarbon Alternatives Regulations* (proposed Regulations) is to repeal and replace the ODSR 1998 and introduce new requirements to achieve the following:

- Continue to ensure Canada's international obligations under the Montreal Protocol are met;
- Introduce a permitting and reporting system for HFCs;
- Support provincial and territorial controls by introducing a prohibition on the manufacture and import of HCFC and HFC refrigerants in non-refillable containers;
- Allow the transfer of methyl bromide for exempt uses among users, thereby reducing stocks and the need for imports;
- Make the necessary administrative changes by repealing and replacing the original ODSR 1998 and its five amendments, and allow for consequential amendments to the Designation Regulations. The proposed Regulations also provide clarification and address issues raised by the SJCSR.

## Description

The proposed Regulations would repeal the ODSR 1998 and replace them with new regulations that would add new requirements to ensure Canada's international commitments are met, and consolidate the five previous amendments. The proposed Regulations would come into force on the date on which they are registered.

### Hydrochlorofluorocarbons

The proposed Regulations would implement the phase-out schedule for consumption and production of HCFCs in accordance with the Montreal Protocol.

In addition, given the lack of alternatives to HCFCs for use in fire extinguishing applications, the proposed Regulations would allow the use of HCFCs in fire extinguishing applications, while respecting the applicable phase-out schedule in the Regulations. The proposed Regulations would also prohibit the import and manufacture of HCFC refrigerants in non-refillable containers.

### Hydrofluorocarbons

The proposed provisions on HFCs would introduce a permitting and reporting system to monitor quantities of HFCs that are imported, manufactured and exported. This would allow for more accurate projections of HFC activities to inform the establishment of possible future controls. No restrictions on quantities are being proposed at this time. The control measures proposed are coherent with Canada's participation in the North American proposal to phase down HFCs under the Montreal Protocol.

The proposed Regulations would also prohibit the import of HFC refrigerants in non-refillable containers.

### Methyl bromide

The proposed Regulations would allow for the transfer of methyl bromide for the exempt uses among users and help them manage the decreasing quantities of methyl bromide, thereby reducing stocks and the need for imports of the substance.

### Administrative provisions

A number of administrative changes would be made, including consolidation of the ODSR 1998 and the subsequent five amendments, removal of obsolete provisions, and corrections to improve clarity of the regulatory text.

The proposed Regulations would also address issues raised by the SJCSR; some wording changes have been made to add clarity to the regulatory text and to ensure conformity and consistency between the English and French versions.

Finally, the submission of quarterly reports is currently required of persons with a permit for the import

or export of substances under specific conditions. The proposed Regulations would require the submission of an annual report rather than quarterly reports. The proposed Regulations would also eliminate the declaration of use, which users are currently required to complete and retain when transferring substances exempt for specific uses.

## Designation Regulations

The repealing of the ODSR 1998 and their replacement by the proposed Regulations would also require consequential amendments to the Designation Regulations. The Designation Regulations designate the various regulatory provisions from the *Canadian Environmental Protection Act, 1999* regulations that are linked to an increased fine scheme ([see footnote 3](#)) following a successful prosecution of an offence involving harm or risk of harm to the environment, or obstruction of authority. The ODSR 1998 are listed in the Designation Regulations, which now must be amended to reflect the new title and structure of the proposed Regulations, as well as the addition of the new offences pertaining to HFCs.

## “One-for-One” Rule

Under the proposed Regulations, the requirement for quarterly reports would be replaced with a requirement for annual reports, which is expected to save about 3 hours per stakeholder on an annual basis. In addition, the declaration of use would be eliminated, which is estimated to save stakeholders 5 hours per year, assuming 10 declarations per company per year.

However, the permitting and reporting measures for HFCs would impose a new administrative burden on businesses. These businesses would be required to submit an average of 3 permits (up to 2 hours). Also, all regulatees would need to learn about the administrative requirements (1 hour).

Overall, it is projected that the proposed changes would result in a net decrease in the annualized average administrative burden on business by \$2,377, or by \$39 per business, over a 10-year time frame and using a 7% discount rate. The proposed Regulations would be considered an “OUT” under the “One-for-One” Rule.

## Small business lens

The small business lens would not apply to the proposed Regulations since the cost impact would be below one million dollars annually; furthermore, the cost impact per small business would be negligible and not considered disproportionate.

There are currently 61 companies that would be impacted by the proposed Regulations, including 12 small businesses. For these small businesses, the proposed Regulations are expected to result in a reduction in total annualized average costs of \$546 over a 10-year time frame and using a 7% discount rate. This represents an incremental cost decrease of \$45 per small business per year.

## Consultation

Consultations were conducted on several occasions, providing opportunities for interested and affected parties to review and comment on the proposed regulatory provisions. The consultations addressed the nature of the proposed provisions and any ancillary concerns related to their implementation (e.g. administrative practices or policy interpretation). The consultations involved the dissemination of a discussion document by email and its posting on the EC Web site, face-to-face discussions and the solicitation of written comments and submissions.

Participants in consultation sessions included regulatees, namely companies exporting, importing, manufacturing, using and selling ODSs; representatives of provincial and territorial governments; environmental non-governmental organizations and public advocacy groups.

## Hydrochlorofluorocarbons

In March 2008, EC consulted stakeholders on Canada’s plan to implement the commitments made in the Montreal Protocol to accelerate the HCFC phase-out; simplify the HCFC consumption allowance system; prohibit the import, manufacture and export of refrigerants in non-refillable containers; and clarify and streamline administrative requirements. EC presented various options on ways to implement the accelerated HCFC phase-out, including a more aggressive phase-out schedule than that agreed to by the Parties to the Montreal Protocol.

Stakeholders felt that by maintaining the existing provisions related to the use of HCFCs after 2015 and adhering to the phase-out schedule as agreed upon by the Parties, Canada would be ahead of the phase-out schedule without having to adopt a more aggressive schedule domestically. Stakeholders supported the proposed regulatory provisions with respect to the simplified allowance system, the provisions related to

non-refillable containers and the administrative requirements. Stakeholders requested an opportunity to review the proposal prior to its publication in the *Canada Gazette*, Part I.

In June 2013, stakeholders were given the opportunity to review the proposal. A consultation document was sent to stakeholders in advance of the June 2013 meeting, explaining the proposed provisions and how EC had addressed stakeholder feedback obtained in the March 2008 consultation.

During the June 2013 multi-stakeholder consultation meeting, stakeholders expressed concern regarding the provisions limiting the use of HCFCs only to refrigerants after 2015, and prohibiting use in other applications such as fire extinguishing. Such provisions currently exist in the ODSR 1998 and were to be maintained in the proposed Regulations. However, given the lack of alternatives to HCFCs for use in fire extinguishing applications, stakeholders requested that this use be allowed to continue after 2015, and until 2030. Provisions to allow this continued use are included in the proposed Regulations.

### Hydrofluorocarbons

In June 2013, EC consulted stakeholders on the proposal to add HFCs to the list of substances controlled under the proposed Regulations; introducing a permitting and reporting system; and prohibiting the import and manufacture of HFCs in non-refillable containers.

During the consultation, stakeholders expressed support for the proposed regulatory provisions. One stakeholder, while supportive of the proposal, suggested that Canada should adopt more stringent measures in addition to the permitting and reporting system being proposed for HFCs, such as introducing a phase-down for these substances. Environment Canada responded that one of the objectives of the permitting and reporting system is to inform potential future controls on HFCs.

### Methyl bromide

At a separate consultation session on methyl bromide held in 2008, stakeholders requested that provisions be added to allow the transfer of methyl bromide between exempt uses among authorized users. The proposed Regulations include provisions that allow more flexibility for users, and would help reduce stocks and imports of methyl bromide.

In addition, the 2008 consultation document proposed to add reporting requirements for the use of methyl bromide in quarantine applications and pre-shipment applications. Stakeholders expressed concern with this proposal given that this information was already being collected by the Canadian Food Inspection Agency (CFIA). After further analysis and consultation with the CFIA, EC decided not to proceed with the proposal. Updates were provided to stakeholders on the provisions included in the proposed Regulations.

### Rationale

The proposed Regulations would address Canada's commitments under international agreements by phasing out the consumption and production of substances known to contribute to ozone depletion. The proposed Regulations are expected to result in benefits to Canadians and to the Government, while reducing costs to industry.

### Canadians

The proposed Regulations would benefit Canadians by supporting Canada's international commitments pertaining to ODSs in the Montreal Protocol. Complying with these international commitments to accelerate the phase-out of HCFCs would provide benefits to Canadians by ensuring these substances, as well as their import in non-refillable containers, are eliminated from the marketplace. In addition, the proposed Regulations would demonstrate Canada's actions to address harm to the environment and human health from the use of ODSs and other related issues linked to their export, import, manufacture, use and sale.

Furthermore, the proposed HFC permitting and reporting system is expected to provide benefits to Canadians by helping to address the illicit importation of ODSs. Cases of illicit imports containing controlled ODSs have recently been identified in which large amounts of material imported into Canada were labelled as HFCs. The proposed permitting and reporting system would ensure that all importers of halocarbon refrigerants are subject to permit requirements during export, import, and manufacture of HFCs.

### Government

The establishment of HFC controls would serve as a preliminary measure to track importation, domestic production and consumption of HFCs. Information collected on HFCs would inform potential future controls on HFCs, and contribute to more robust data for reporting of GHG inventories in Canada's National Inventory Report on Greenhouse Gas Sources and Sinks in Canada, submitted to the UNFCCC. Introducing domestic measures on HFCs would also be consistent with Canada's international efforts to phase-down

HFCs. The proposed Regulations would also complement provincial and territorial controls on the use of non-refillable containers by prohibiting their import and manufacture.

The costs to the Government are expected to be negligible. It is anticipated that costs for enforcement, compliance promotion and administration of the proposed Regulations would either remain the same or slightly decrease for the Government, as the notification process (declaration of use) would be eliminated and the reporting requirements reduced. Also, as the HCFC phase-out progresses and reduction steps are achieved, administrative costs associated with HCFCs to the Government would diminish.

Although there is no reporting regime currently in place for HFCs, it is anticipated that costs for administering such a system would be negligible. The system would be similar to the one already in place for ODSs. Therefore, EC would simply need to adjust the existing system.

## Industry

The transfer of methyl bromide between the exempt uses among users would reduce inventories of methyl bromide, which could result in benefits to businesses by reducing storage and insurance costs.

The new permitting and reporting system for HFCs would increase administrative costs to businesses. These administrative costs would be offset by the reduction of the administrative cost burden that the businesses currently carry under the ODSR 1998. Specifically, notifications regarding "declaration of use" would be eliminated and the obligation to submit quarterly reports would be removed. Stakeholders would instead be required to submit an annual report.

The impacts to industry of prohibiting the production of HCFCs are expected to be minimal as the substance is being phased out according to the terms of the performance agreement. Likewise, costs to regulatees linked to complementary provisions related to the import and the manufacture of refrigerants in non-refillable containers are expected to be negligible. Many regulatees already use refillable containers, and the use and sale of these refrigerants in these containers are tightly controlled at the provincial and territorial level.

## Designation Regulations

The consequential amendments to the Designation Regulations are important to allow for the effective enforcement of the proposed Regulations as well as to promote compliance. The amendments would also be necessary to ensure the consistency and accuracy of the regulatory text concerning the designated provisions of the proposed Regulations.

## Contacts

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## PROPOSED REGULATORY TEXT

Notice is given, pursuant to subsection 332(1) ([see footnote a](#)) of the *Canadian Environmental Protection Act, 1999* ([see footnote b](#)), that the Governor in Council, pursuant to subsection 93(1) of that Act, proposes to make the annexed *Ozone-depleting Substances and Halocarbon Alternatives Regulations*.

Any person may, within 75 days after the date of publication of this notice, file with the Minister of the Environment comments with respect to the proposed Regulations or a notice of objection requesting that a

board of review be established under section 333 of that Act and stating the reasons for the objection. All comments and notices must cite the *Canada Gazette*, Part I, and the date of publication of this notice, and be sent to the Director, Chemical Production Division, Department of the Environment, Ottawa, Ontario K1A 0H3.

Any person who provides information to the Minister of the Environment may submit with the information a request for confidentiality under section 313 of that Act.

Ottawa, March 12, 2015

JURICA ČAPKUN  
*Assistant Clerk of the Privy Council*

## OZONE-DEPLETING SUBSTANCES AND HALOCARBON ALTERNATIVES REGULATIONS

### INTERPRETATION

#### Definitions

1. The following definitions apply in these Regulations.

“Act”  
« *Loi* »

“Act” means the *Canadian Environmental Protection Act, 1999*.

“CFC”  
« *CFC* »

“CFC” means a chlorofluorocarbon.

“critical use”  
« *utilisation critique* »

“critical use” means a use of methyl bromide that conforms to Decision IX/6 set out in the document entitled *Report of the Ninth Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer*, published by the Ozone Secretariat, United Nations Environment Programme.

“Decision”  
« *Décision* »

“Decision” means a decision adopted at a meeting of the Parties held under Article 11 of the Protocol.

“emergency use”  
« *utilisation d’urgence* »

“emergency use” means a use of up to 20 tonnes of methyl bromide, in response to an emergency event, that conforms to Decision IX/6 set out in the document entitled *Report of the Ninth Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer*, published by the Ozone Secretariat, United Nations Environment Programme.

“essential use”  
« *utilisation essentielle* »

“essential use” means a use, other than a laboratory or analytical use, that conforms to Decision IV/25 set out in the document entitled *Report of the Fourth Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer*, published by the Ozone Secretariat, United Nations Environment Programme.

“feedstock”  
« *matière première* »

“feedstock” means a substance that is used — and the molecular structure of which is transformed — in the manufacture of a chemical substance.

“foaming agent”  
« *agent de gonflement* »

“foaming agent” means a chemical that is added to a plastic during the process of manufacturing plastic foam so that gas cells are formed throughout the plastic.

“HBFC”  
« *HBFC* »

“HBFC” means a hydrobromofluorocarbon.

“HCFC”  
« *HCFC* »

“HCFC” means a hydrochlorofluorocarbon.

“HFC”  
« *HFC* »

“HFC” means a hydrofluorocarbon.

“laboratory or analytical use”  
« *utilisation en laboratoire ou à des fins d’analyse* »

“laboratory or analytical use” means a use that is agreed to be a laboratory or analytical use through a Decision of the Parties.

“Party”  
« *Partie* »

“Party” means a State that has ratified the Protocol or that meets the conditions referred to in paragraph 8 of Article 4 of the Protocol.

“plastic foam”  
« *mousse plastique* »

“plastic foam” means a plastic the weight per unit of volume of which is decreased substantially by the use of a foaming agent during the manufacturing process.

“pre-shipment application”  
« *traitement préalable à l’expédition* »

“pre-shipment application” means the treatment with methyl bromide, within 21 days prior to export, of a commodity or a product that is to be entirely exported to another country, or of a means of conveyance, in order to meet a requirement of the importing country or a requirement of Canadian law.

“Protocol”  
« *Protocole* »

“Protocol” means the *Montreal Protocol on Substances that Deplete the Ozone Layer*, published by the United Nations Environment Programme and signed by Canada on September 16, 1987, as amended from time to time.

“quarantine application”  
« *traitement en quarantaine* »

“quarantine application” means the treatment with methyl bromide of a commodity, product, facility or means of conveyance, when the treatment is intended to prevent the spread of, or to control or eradicate, pests of quarantine significance in order to meet a requirement of the importing country or a requirement of Canadian law.

“reclaimed”  
« *régénérée* »

“reclaimed” means, in respect of a substance, recovered and then reprocessed and upgraded through a process such as filtering, drying, distillation or chemical treatment to restore the substance to industry-accepted reuse standards.

“recovered”  
« *récupérée* »

“recovered” means, in respect of a substance after it has been used, collected from machinery, equipment or a container during servicing or before disposal of the machinery, equipment or container.

“recycled”  
« *recyclée* »



“recycled” means, in respect of a substance, recovered, cleaned through a process such as filtering or drying and reused, including reused to recharge equipment.

“rigid foam product”

« *produit en mousse rigide* »

“rigid foam product” means a product containing or consisting of any of the following types of foam:

- (a) closed-cell rigid polyurethane foam, including one- and two-component froth, pour, spray, injected or bead-applied foam and polyisocyanurate foam;
- (b) closed-cell rigid polystyrene boardstock foam;
- (c) closed-cell rigid phenolic foam;
- (d) closed-cell rigid polyethylene foam that is suitable in shape, thickness and design to be used as a product that provides thermal insulation in heating, plumbing or refrigeration systems or industrial processes.

## PURPOSE

Implementation of Canada’s obligations

**2.** The purpose of these Regulations is to implement Canada’s obligations under the Protocol by setting out rules concerning certain ozone-depleting substances and certain products containing or designed to contain ozone-depleting substances. These Regulations also set out rules concerning halocarbon alternatives.

## APPLICATION

Application

**3.** These Regulations apply to

- (a) substances — including their isomers — whether existing alone or in a mixture, that are set out in Schedule 1 and specified on the List of Toxic Substances in Schedule 1 to the Act; and
- (b) products containing or designed to contain those substances.

Non- application

**4.** These Regulations do not apply to

- (a) a substance if
  - (i) it is produced incidentally in the manufacture of substances that are not regulated under these Regulations, or
  - (ii) it is incidentally present in a mixture, product or equipment;
- (b) the quantity of a substance that is left in a container after it has been emptied and that does not exceed 10% of the total capacity in weight of the container for that substance; or
- (c) a substance that is in transit through Canada from a place outside Canada to another place outside Canada, or a substance that is in transit through another country from a place in Canada to another place in Canada, if
  - (i) the address of the destination is known on the date of entry into Canada or on the date of exit from Canada, and
  - (ii) while in transit, the substance is not stored — other than in the normal course of transport — repackaged, sorted, altered in any manner or sold.

## PART 1

CFCS, BROMOFLUOROCARBONS, BROMOCHLORODIFLUOROMETHANE,  
TETRACHLOROMETHANE, 1,1,1-TRICHLOROETHANE, HBFCS AND BROMOCHLOROMETHANE

### EXPORTING SUBSTANCES

Prohibition — exporting substance without permit

**5.** It is prohibited for any person to export a substance set out in Table 1 of Schedule 1 without a permit issued under these Regulations.

#### Purpose of exporting

**6.** (1) The permit may only be issued to export the substance to a Party for one of the following purposes:

- (a) its destruction;
- (b) its disposal if the substance was imported by mistake;
- (c) a use set out in column 3 of Table 1 of Schedule 1 if the substance was manufactured or imported for a use set out in that column;
- (d) its reclamation, if the substance is a CFC, a bromofluorocarbon or bromochlorodifluoromethane that is recovered, recycled or reclaimed;
- (e) any other purpose that complies with the laws of the importing Party, if the substance is a CFC, a bromofluorocarbon or bromochlorodifluoromethane.

#### Exporting — regardless of purpose

(2) A permit may also be issued to export, regardless of purpose, any of the following substances, if they are recovered, recycled or reclaimed:

- (a) bromochloromethane;
- (b) an HBFC;
- (c) any reclaimed CFC, tetrachloromethane or 1,1,1-trichloroethane.

#### Obligation with respect to paragraph 6(2)(c)

**7.** The holder of a permit issued under subsection 6(2) must export any substance set out in paragraph 6(2)(c) to the country of origin of the substance within six months after its importation date.

#### Refilling or servicing — foreign ship

**8.** Section 5 does not apply to a substance set out in Table 1 of Schedule 1 that is sold to a foreign ship for the refilling or servicing of its refrigeration, air-conditioning or fire-extinguishing equipment in a quantity that does not exceed the total capacity of that equipment.

### EXPORTING PRODUCTS

#### Prohibition — exporting product without permit

**9.** (1) It is prohibited for any person to export to a Party referred to in paragraph 1 of Article 5 of the Protocol a product containing or designed to contain any CFC, bromofluorocarbon, bromochlorodifluoromethane, tetrachloromethane or 1,1,1-trichloroethane set out in Table 1 of Schedule 1 without a permit issued under these Regulations.

#### Exception — fire-extinguishing equipment

(2) Subsection (1) does not apply to fire-extinguishing equipment for use in aircraft, military ships or military vehicles.

### IMPORTING SUBSTANCES

#### Prohibition — importing substance without permit

**10.** It is prohibited for any person to import a substance set out in Table 1 of Schedule 1 without a permit issued under these Regulations.

#### Purpose of importing

**11.** (1) The permit may only be issued to import the substance from a Party for one of the following purposes:

- (a) its destruction;
- (b) a use set out in column 3 of Table 1 of Schedule 1;
- (c) its reclamation, if the substance is a CFC, tetrachloromethane, 1,1,1-trichloroethane, an HBFC or bromochloromethane that is recovered, recycled or reclaimed.

#### Importing — regardless of purpose

(2) A permit may also be issued to import, regardless of purpose, a bromofluorocarbon or

bromochlorodifluoromethane that is recovered, recycled or reclaimed.

Obligation to re-export in certain circumstances

**12.** The holder of the permit must ensure

- (a) if the permit is for a substance set out in paragraph 11(1)(c), that the substance is reclaimed and re-exported to its country of origin within six months after its importation date;
- (b) if the permit is for a substance set out in subsection 11(2), that the substance is re-exported to a Party, for any use that complies with the laws of that Party, within six months after its importation date; or
- (c) if the holder is unable to comply with paragraph (a) or (b), that the substance is sent for destruction, no later than three months after the end of the six-month period following the importation date, to a facility that is operated in accordance with the *Handbook for the Montreal Protocol on Substances that Deplete the Ozone Layer*, as amended from time to time, published by the Ozone Secretariat, United Nations Environment Programme, or that the substance is exported for destruction within that time.

## IMPORTING PRODUCTS

Prohibition — importing product

**13.** (1) It is prohibited for any person to import a product containing or designed to contain a substance set out in Table 1 of Schedule 1.

Exception — miscellaneous products

(2) Subsection 1 does not apply to

- (a) fire-extinguishing equipment containing or designed to contain a bromofluorocarbon or bromochlorodifluoromethane for use in aircraft, military ships or military vehicles if the equipment is imported from a Party;
- (b) an aircraft, ship or vehicle manufactured before January 1, 1999;
- (c) a personal or household effect for the person's personal use; or
- (d) a product that contains a CFC supplied in a container of 3 L or less and that is used for a laboratory or analytical use.

## MANUFACTURE, USE AND SALE OF A SUBSTANCE OR A PRODUCT

Prohibition — manufacturing substance

**14.** It is prohibited for any person to manufacture a substance set out in Table 1 of Schedule 1.

Prohibition — manufacturing product

**15.** It is prohibited for any person to manufacture a product containing or designed to contain a substance set out in Table 1 of Schedule 1.

Prohibition — using or selling substance

**16.** It is prohibited for any person to use or sell a substance set out in Table 1 of Schedule 1, unless

- (a) the substance is recovered, recycled or reclaimed;
- (b) the substance is to be destroyed;
- (c) the substance was manufactured or imported before the following date, whichever applies:
  - (i) in the case of tetrachloromethane, January 1, 1995,
  - (ii) in the case of 1,1,1-trichloroethane, January 1, 1996,
  - (iii) in the case of a CFC, January 1, 1996,
  - (iv) in the case of bromochlorodifluoromethane, bromotrifluoromethane and dibromotetrafluoroethane, July 1, 1994,
  - (v) in the case of bromofluorocarbons other than those set out in subparagraph (iv), January 1, 1994,
  - (vi) in the case of an HBFC, January 1, 1996, and
  - (vii) in the case of bromochloromethane, January 1, 2002;

- (d) the substance was manufactured or imported for one of the uses set out in column 3 of that Table and it is used or sold for that same use; or
- (e) the substance is tetrachloromethane that was manufactured or imported in 1995 and it is used
  - (i) in chlor-alkali plants as a diluent for nitrogen trichloride to prevent explosions, or
  - (ii) as feedstock or for a laboratory or analytical use.

CFCs, bromofluorocarbons, bromochlorodifluoromethane, tetrachloromethane or 1,1,1-trichloroethane

**17.** It is prohibited for any person to use, for any other use, a CFC, a bromofluorocarbon, bromochlorodifluoromethane, tetrachloromethane or 1,1,1-trichloroethane that is recovered from a product in which that substance was used for one of the uses set out in column 3 of Table 1 of Schedule 1, or to sell that substance for any other use.

Substance no longer needed

**18.** A person in possession of a substance set out in Table 1 of Schedule 1 that was imported under a permit issued under these Regulations and that is no longer needed for the use set out in that permit must, within six months after the day on which it is no longer needed,

- (a) ensure that it is sent for destruction to a facility referred to in paragraph 12(c); or
- (b) ensure that it is exported for destruction or for a use set out in column 3 of that Table.

Products, containers and packaging material containing CFCs

**19.** (1) It is prohibited for any person to sell

- (a) a pressurized container that contains 10 kg or less of a CFC set out in Table 1 of Schedule 1; or
- (b) a container or packaging material for food or beverages that is made of a plastic foam in which a CFC set out in Table 1 of Schedule 1 is used as a foaming agent.

Exception — metered-dose inhalers and products containing a CFC

(2) Paragraph (1)(a) does not apply to

- (a) metered-dose inhalers — including those containing a mixture of active ingredients — other than nasal sprays and metered-dose inhalers whose active ingredient is salbutamol; or
- (b) products containing a CFC set out in Table 1 of Schedule 1 that is supplied in a container of 3 L or less for a laboratory or analytical use.

## PART 2

### METHYL BROMIDE

Definition

**20.** For the purposes of this Part, “methyl bromide” includes products containing or designed to contain methyl bromide.

### EXPORTING METHYL BROMIDE

Prohibition — exporting methyl bromide without permit

**21.** It is prohibited for any person to export methyl bromide without a permit issued under these Regulations.

Purpose of exporting

**22.** The permit may only be issued to export methyl bromide to a Party for one of the following purposes:

- (a) its destruction;
- (b) its disposal if the methyl bromide was imported by mistake; or
- (c) a use set out in column 3 of Table 2 of Schedule 1 if the methyl bromide was manufactured or imported for a use set out in that column.

## IMPORTING METHYL BROMIDE

Prohibition — importing methyl bromide without permit

**23.** It is prohibited for any person to import methyl bromide without a permit issued under these Regulations.

Purpose of importing

**24.** The permit may only be issued to import methyl bromide for one of the following purposes:

- (a) its destruction; or
- (b) a use set out in column 3 of Table 2 of Schedule 1.

## MANUFACTURE, USE AND SALE OF METHYL BROMIDE

Prohibition — manufacturing methyl bromide

**25.** It is prohibited for any person to manufacture methyl bromide.

Prohibition — using or selling methyl bromide

**26.** It is prohibited for any person to use or sell methyl bromide, unless

- (a) it is sold for destruction;
- (b) it was manufactured or imported before January 1, 2005;
- (c) it was imported, and it is sold, for use as feedstock;
- (d) it was imported, and it is sold, for a laboratory or analytical use; or
- (e) it was imported, and it is sold, for use as a quarantine application or a pre-shipment application.

Emergency use or critical use permit

**27.** It is prohibited for any person to use methyl bromide for an emergency use or a critical use without a permit issued under these Regulations.

Information required by Protocol

**28.** Every person who anticipates using methyl bromide for a critical use in a given year must, by no later than July 29 of the year that is two years preceding the given year, submit — or cause to be submitted on their behalf — to the Minister the information required by the *Handbook on Critical Use Nominations for Methyl Bromide*, as amended from time to time, published by the Ozone Secretariat, United Nations Environment Programme.

Critical use permit

**29.** (1) The Minister may issue a critical use permit for methyl bromide if a quantity of methyl bromide was granted to Canada by a Decision for the critical use category set out in the application.

Calculation of annual quantity of methyl bromide

(2) The annual quantity of methyl bromide for which a critical use permit may be issued is determined by the formula

$$A \times B / C$$

where

A is the total quantity of methyl bromide granted to Canada by a Decision for a critical use category;  
B is the lesser of the quantity of methyl bromide requested by the applicant in the permit application, or the quantity of methyl bromide set out in the information submitted by or on behalf of the applicant under section 28; and

C is the total quantity of methyl bromide requested by Canada in the nomination under the Protocol.

Prohibition — transferring without authorization

**30.** (1) It is prohibited for any person to transfer their critical use permit for methyl bromide or a portion of the quantity of methyl bromide set out in the permit unless the Minister allows the transfer under

subsection (3).

#### Application to Minister

(2) The transferor and transferee must submit an application to the Minister for the transfer containing the information required by Schedule 3.

#### Conditions

(3) The Minister must allow the transfer if

- (a) the transferor has an unused quantity that is not less than the quantity of the proposed transfer;
- (b) the transferee has submitted, or caused to be submitted on their behalf, the information under section 28 for a critical use of the same category as that set out in the permit; and
- (c) the transferee undertakes to use the quantity for a critical use of the same category as that set out in the permit.

#### Written notice

(4) The Minister must inform the transferor and transferee in writing of the decision concerning the application for a transfer.

#### Breach of conditions of transfer

(5) If the Minister has allowed a transfer and subsequently discovers that the transferee breached the undertaking referred to in paragraph (3)(c), the Minister must inform the transferee of the breach and the transferee must, without delay, transfer back to the transferor the unused portion of the quantity of methyl bromide.

#### Grounds for refusal or cancellation

**31.** (1) The Minister may refuse to allow or may cancel a transfer if the Minister has reasonable grounds to believe that the transferee is not able to use the methyl bromide in compliance with Canadian law.

#### Effect of cancellation

(2) If the Minister cancels a transfer, the transferee must, without delay, transfer back to the transferor the unused portion of the quantity of methyl bromide.

#### Substance no longer needed

**32.** A person in possession of a quantity of methyl bromide that was imported under a permit issued under these Regulations and that is no longer needed for the use set out in that permit must, within six months after the day on which the methyl bromide is no longer needed,

- (a) ensure that it is sent for destruction to a facility referred to in paragraph 12(c);
- (b) ensure that it is exported for destruction or for a use set out in column 3 of Table 2 of Schedule 1;
- (c) if it was imported for use as a quarantine application or a pre-shipment application or for an emergency use or a critical use, transfer it for any one of those uses;
- (d) if it was imported for use as feedstock, transfer it for that same use; or
- (e) if it was imported for a laboratory or analytical use, transfer it for that same use.

## PART 3

### HCFCs

#### EXPORTING HCFCs

##### Prohibition — exporting HCFCs without permit

**33.** It is prohibited for any person to export an HCFC set out in Table 3 of Schedule 1 without a permit issued under these Regulations.

##### Purpose of exporting

**34.** (1) The permit may only be issued to export an HCFC to a Party and, on or after January 1, 2020 —

or, in the case of HCFC-123, on or after January 1, 2030 — for one of the following purposes:

- (a) its destruction;
- (b) its disposal if the HCFC was imported by mistake; or
- (c) a use set out in column 3 of Table 3 of Schedule 1 if the HCFC was manufactured or imported for a use set out in that column.

Exporting — regardless of purpose

(2) A permit may also be issued to export, regardless of purpose and at any time, an HCFC that is recovered, recycled or reclaimed.

Refilling or servicing — foreign ship

**35.** Section 33 does not apply to an HCFC set out in Table 3 of Schedule 1 that is sold to a foreign ship for the refilling or servicing of its refrigeration, air-conditioning or fire-extinguishing equipment in a quantity that does not exceed the total capacity of that equipment.

## IMPORTING HCFCs

Prohibition — importing HCFCs without permit

**36.** It is prohibited for any person to import an HCFC set out in Table 3 of Schedule 1 without a permit issued under these Regulations.

Purpose of importing

**37.** (1) The permit may only be issued to import an HCFC from a Party for one of the following purposes:

- (a) its destruction; or
- (b) a use set out in column 3 of Table 3 of Schedule 1.

Importing — regardless of purpose

(2) A permit may also be issued to import, regardless of purpose, an HCFC that is recovered, recycled or reclaimed until January 1, 2020 — or until January 1, 2030 in the case of HCFC-123.

Exception — consumption allowance

**38.** (1) Section 36 does not apply to a person who is granted a consumption allowance for an HCFC or a transferee of a consumption allowance for an HCFC that issued or sold as a refrigerant or as a fire-extinguishing agent or that is to be exported.

Ceases to have effect

(2) Subsection (1) ceases to have effect on January 1, 2020 — or on January 1, 2030 in the case of HCFC-123.

Refillable container

**39.** Any HCFC that is imported for use as a refrigerant must be stored in a refillable container.

## IMPORTING PRODUCTS CONTAINING HCFCs

Prohibition — importing products containing or designed to contain HCFC-22, HCFC-141b or HCFC-142b

**40.** It is prohibited for any person to import a product containing or designed to contain HCFC-22, HCFC-141b or HCFC-142b, unless

- (a) the product is a personal or household effect for the person's personal use; or
- (b) the product will be used in a military ship before January 1, 2017.

Plastic foam

**41.** It is prohibited for any person to import a plastic foam in which an HCFC set out in Table 3 of Schedule 1 is used as a foaming agent.

Products containing 2 kg or less of HCFCs

**42.** (1) It is prohibited for any person to import a pressurized container that contains 2 kg or less of an HCFC set out in Table 3 of Schedule 1.

Exception — miscellaneous products

(2) Subsection (1) does not apply to the following pressurized containers:

- (a) a mould release agent used in the manufacture of plastic and elastomeric materials;
- (b) a spinneret lubricant or cleaning agent used in the manufacture of synthetic fibres;
- (c) a document preservation agent;
- (d) fire-extinguishing agents used in equipment for non-residential applications;
- (e) a wasp or hornet agent;
- (f) a rigid foam product;
- (g) refrigerant 412A (HCFC-22/HCFC-142b/octafluoropropane); and
- (h) refrigerant 509A (HCFC-22/octafluoropropane).

Exception — health care products and laboratory or analytical use

(3) Subsection (1) does not apply to a pressurized container containing an HCFC that is intended

- (a) for use as an animal or human health care product, including a bronchial dilator, inhalable steroid, topical anaesthetic and veterinary wound powder spray; or
- (b) for a laboratory or analytical use.

Prohibition for products containing HCFCs — January 1, 2020

**43.** (1) On or after January 1, 2020, it is prohibited for any person to import a product containing or designed to contain an HCFC set out in Table 3 of Schedule 1.

Exception — personal or household effects

(2) Subsection (1) does not apply to a product that is a personal or household effect for the person's personal use.

## MANUFACTURE, USE AND SALE OF HCFCs

Prohibition — manufacturing of HCFCs without permit

**44.** It is prohibited for any person to manufacture an HCFC set out in Table 3 of Schedule 1 without a permit issued under these Regulations.

Purpose of the manufacture

**45.** The permit may only be issued to manufacture an HCFC if the holder of the permit intends to manufacture the HCFC for a use set out in column 3 of Table 3 of Schedule 1.

Exception — manufacturing allowance

**46.** (1) Section 44 does not apply to a person who is granted a manufacturing allowance for an HCFC that is used as a refrigerant or as a fire-extinguishing agent or that is to be exported.

Ceases to have effect

(2) Subsection (1) ceases to have effect on January 1, 2020 — or on January 1, 2030 in the case of HCFC-123.

Refillable container

**47.** Any HCFC that is manufactured for use as a refrigerant must be stored in a refillable container.

Prohibition — manufacturing- products containing or designed to contain HCFC-22, HCFC-141b or HCFC-142b

**48.** It is prohibited for any person to manufacture a product containing or designed to contain HCFC-22, HCFC-141b or HCFC-142b.

Plastic foam



**49.** It is prohibited for any person to manufacture a plastic foam in which an HCFC set out in Table 3 of Schedule 1 is used as a foaming agent.

Products containing 2 kg or less of HCFCs

**50.** (1) It is prohibited for any person to manufacture a pressurized container that contains 2 kg or less of an HCFC set out in Table 3 of Schedule 1.

Exception — miscellaneous products

(2) Subsection (1) does not apply to the pressurized containers referred to in subsections 42(2) and (3).

Prohibition for products containing HCFCs — January 1, 2020

**51.** On or after January 1, 2020, it is prohibited for any person to manufacture a product containing or designed to contain an HCFC set out in Table 3 of Schedule 1.

Prohibition — using or selling HCFCs

**52.** It is prohibited for any person to use or sell an HCFC set out in Table 3 of Schedule 1, unless

- (a) it is used or sold as a refrigerant or as a fire-extinguishing agent or is to be exported; or
- (b) it was imported or manufactured under a permit issued under these Regulations and is to be used for one of the uses set out in column 3 of that Table.

Products containing 2 kg or less of HCFCs

**53.** (1) It is prohibited for any person to sell a pressurized container that contains 2 kg or less of an HCFC set out in Table 3 of Schedule 1.

Exception — miscellaneous products

(2) Subsection (1) does not apply to the pressurized containers referred to in subsections 42(2) and (3).

## NEW USE OF HCFCs

New use

**54.** It is prohibited for any person to import, manufacture, use or sell an HCFC set out in Table 3 of Schedule 1 or a product containing or designed to contain it if the HCFC or the product is intended for a use for which it has never been used in Canada.

## DESTRUCTION OF HCFCs

HCFC no longer needed

**55.** (1) A person in possession of an HCFC set out in Table 3 of Schedule 1 that was imported or manufactured under a permit issued under these Regulations and that is no longer needed for the use set out in that permit must, within six months after the day on which it is no longer needed,

- (a) ensure that it is sent for destruction to a facility referred to in paragraph 12(c); or
- (b) ensure that it is exported for destruction, for use as a feedstock or for a laboratory or analytical use.

Exception — consumption or manufacturing allowance

(2) Any person who is granted a consumption or manufacturing allowance under section 56 or 62 may either comply with subsection (1) or include the quantity of HCFCs that is no longer needed for the use set out in the permit in their calculated level of consumption or manufacture, only if doing so does not result in the allowance being exceeded.

## CONSUMPTION ALLOWANCES

Calculation of consumption allowance

**56.** (1) The annual consumption allowance for an HCFC set out in Table 3 of Schedule 1 for use as a refrigerant or as a fire-extinguishing agent to which each person who was entitled to the allowance under the *Ozone-Depleting Substances Regulations, 1998* is entitled is determined as follows:

(a) for each calendar year that falls within the period that begins on January 1, 2015 and ends on December 31, 2019, in accordance with the following formula:

$$A \times B$$

where

A is the consumption allowance, expressed in ODP tonnes, that was granted for 2014 for the cooling sector; and

B is 28.57%; and

(b) for each calendar year that falls within the period that begins on January 1, 2020 and ends on December 31, 2029, by multiplying the consumption allowance granted for 2019 by 5%.

Transfer

(2) Any portion of the allowance that is permanently transferred is, for every calendar year following the year of the transfer, subtracted from the transferor's allowance and added to the transferee's consumption allowance. In the case of a temporary transfer, the portion transferred is subtracted from transferor's consumption allowance and added to the transferee's consumption allowance for the calendar year of the transfer.

Written notice

(3) The Minister must inform the person in writing of their consumption allowance.

Consumption allowance not to be exceeded

**57.** (1) A person who is granted an annual consumption allowance must ensure that it is not exceeded by determining their calculated level of consumption for each HCFC for a calendar year, and then adding together all of their calculated levels of consumption.

Calculated level of consumption

(2) The calculated level of consumption for each HCFC — excluding HCFCs that were recovered, recycled or reclaimed when they were imported or exported — that is manufactured, imported or exported during a calendar year must be determined using the following formula:

$$[(M \times \text{ODP}) + (I \times \text{ODP}) - (D_i \times \text{ODP}) - (E \times \text{ODP})]$$

where

M is the quantity manufactured during the calendar year;

ODP is the ozone-depleting potential set out in column 2 of Table 3 of Schedule 1 for the HCFC in question;

I is the quantity imported during the calendar year;

$D_i$  is the quantity imported during the calendar year for destruction under paragraph 55(1)(a); and

E is the quantity exported during the calendar year.

Prohibition to transfer without authorization

**58.** (1) It is prohibited for any person to transfer all or a portion of their annual consumption allowance unless the Minister allows the transfer under subsection (4).

Transfer may be temporary or permanent

(2) A transfer is temporary if it applies to only one calendar year, and it is permanent if it applies to all calendar years up to and including 2029.

Application to Minister

(3) The transferor and transferee must submit an application to the Minister for the transfer containing the information required by Schedule 4 and specifying whether the proposed transfer is temporary or permanent.

Conditions

(4) The Minister must allow the transfer if the transferor has an unused consumption allowance that is not less than the quantity of the proposed transfer.

#### Written notice

(5) The Minister must inform the transferor and transferee in writing of the decision concerning the application for a transfer and of their consumption allowances.

#### Grounds for refusal and cancellation

**59.** (1) The Minister may refuse to allow or may cancel a transfer if the Minister has reasonable grounds to believe that the transferee is not able to manufacture, use, sell, import or export an HCFC in compliance with Canadian law.

#### Effect of cancellation

(2) If the Minister cancels a transfer, the transferee must, without delay, transfer back to the transferor any unused portion of the consumption allowance.

#### Unused portion of consumption allowance

**60.** Any portion of the annual consumption allowance that is unused in a calendar year must not be used in a subsequent calendar year.

#### Retirement of consumption allowances

**61.** (1) A person may retire their consumption allowance by providing the Minister with a notice in writing to that effect containing the information required by Schedule 4.

#### Effect of retirement

(2) A person who has retired their consumption allowance is not entitled to any further consumption allowance.

### MANUFACTURING ALLOWANCE

#### Calculation of manufacturing allowance

**62.** (1) The annual manufacturing allowance for an HCFC set out in Table 3 of Schedule 1 to which each person is entitled is determined as follows:

(a) for each calendar year that falls within the period that begins on January 1, 2015 and ends on December 31, 2019, in accordance with the following formula:

$$A \times B / C$$

where

A is 81.9 ODP tonnes,

B is the quantity manufactured by a person for 2013, expressed in ODP tonnes, and

C is the quantity manufactured in Canada, expressed in ODP tonnes; and

(b) for each calendar year that falls within the period that begins on January 1, 2020 and ends on December 31, 2029, by multiplying the manufacturing allowance granted for 2019 by 5%.

#### Written notice

(2) The Minister must inform the person in writing of their manufacturing allowance.

#### Manufacturing allowance not to be exceeded

**63.** (1) A person who is granted an annual manufacturing allowance must ensure that it is not exceeded by determining their calculated level of manufacture for each HCFC for a calendar year, and then adding together all of their calculated levels of manufacture.

#### Calculated level of manufacture

(2) The calculated level of manufacture for an HCFC must be determined using the following formula:

$$[(M \times \text{ODP}) - (D_m \times \text{ODP}) - (\text{FS} \times \text{ODP})]$$

where

M is the quantity manufactured during the calendar year;

ODP is the ozone-depleting potential set out in column 2 of Table 3 of Schedule 1 for the HCFC in question;

$D_m$  is the quantity manufactured during the calendar year for destruction under paragraph 55(1)(a); and

FS is the quantity manufactured during the calendar year to be used as feedstock.

## PART 4

### HFCs

#### EXPORTING HFCS

Prohibition — exporting HFCs without permit

**64.** It is prohibited for any person to export an HFC set out in Table 4 of Schedule 1 without a permit issued under these Regulations.

#### IMPORTING HFCS

Prohibition — importing HFCs without permit

**65.** (1) It is prohibited for any person to import an HFC set out in Table 4 of Schedule 1 without a permit issued under these Regulations.

Refillable container

(2) Any HFC that is imported for use as a refrigerant must be stored in a refillable container.

#### MANUFACTURE AND USE OF HFCS

Prohibition — manufacturing HFC without permit

**66.** (1) It is prohibited for any person to manufacture an HFC set out in Table 4 of Schedule 1 without a permit issued under these Regulations.

Refillable container

(2) Any HFC that is manufactured for use as a refrigerant must be stored in a refillable container.

#### NEW USE OF HFCS

New use

**67.** It is prohibited for any person to import or manufacture an HFC set out in Table 4 of Schedule 1 if the HFC is intended for a use for which it has never been used in Canada.

## PART 5

### ESSENTIAL PURPOSE

Exceptions — essential purpose

**68.** (1) Despite subsection 13(1), sections 15 and 17, subsection 19(1), sections 40 and 41, subsections 42(1) and 43(1), sections 48 and 49, subsection 50(1), section 51, subsection 53(1) and section 54, a person may import, manufacture, use or sell a substance set out in Table 1 or 3 of Schedule 1 or a product containing or designed to contain that substance if the substance or product will be used for an essential purpose and if a permit is specifically issued under these Regulations for that purpose.

Essential purpose

(2) An essential purpose is a purpose requiring the use of a substance or a product containing or designed to contain a substance, when that use is necessary for the health and safety or the good functioning of society, encompassing its cultural and intellectual aspects, and when there are no technically or economically feasible alternatives to that use that are acceptable from the standpoint of the environment and of health.

## PART 6

## NOTICE AND APPLICATION FOR PERMIT

### NOTICE

#### Notice to Minister

**69.** (1) A person who proposes to ship a substance into or out of Canada for the purpose of transit must provide a notice of shipment in transit to the Minister containing the information required by Schedule 2 at least 15 days prior to the date of entry into Canada or the date of exit from Canada.

#### Acknowledgement

(2) The Minister must acknowledge receipt of the notice in writing.

### APPLICATION FOR PERMIT

#### Required information

**70.** An application for a permit must be submitted to the Minister and contain the information and documents required in the following sections of Schedule 5:

- (a) in the case of exportation, section 1 or 2;
- (b) in the case of importation, section 3;
- (c) in the case of manufacture, section 4;
- (d) in the case of an emergency use or a critical use of methyl bromide, section 5; and
- (e) in the case of use for an essential purpose, section 6.

#### Conditions

**71.** The Minister may issue a permit if

- (a) its issuance is in accordance with the Protocol or a Decision, as amended from time to time;
- (b) all of the information required under section 70 has been provided; and
- (c) the purpose of the permit has been established and is in accordance with these Regulations.

#### Duration

**72.** A permit is effective for the period beginning on the date of its issuance and ending on December 31 of the year in which it is issued.

#### Revocation

**73.** (1) The Minister must revoke a permit if any of the conditions set out in section 71 has not been met or if he or she has reasonable grounds to believe that the permit holder has provided false or misleading information to him or her.

#### Conditions for revocation

(2) The Minister must not revoke a permit unless he or she has provided the permit holder with written reasons for the revocation and an opportunity to be heard, by written representation, in respect of the revocation.

## PART 7

### MISCELLANEOUS PROVISIONS

#### ANNUAL REPORT AND OTHER INFORMATION

##### Annual report

**74.** Every person who, in a given calendar year, has a consumption allowance, a manufacturing allowance or a permit issued under these Regulations must submit to the Minister a report that contains the information specified in Schedule 6, no later than January 31 following that year.

##### Information to be submitted to Minister

**75.** Every person who manufactures, uses, sells, imports or exports a substance must, on written request by the Minister, provide to the Minister any information required by the Minister for the purpose of fulfilling

Canada's obligations under the Protocol.

#### Certification

**76.** (1) Any notice of shipment in transit, any application for a permit or any document containing information required to be submitted to the Minister under these Regulations must bear the signature of the interested person or the person authorized to act on their behalf and be accompanied by a certification dated and signed by the interested person or the authorized person, stating that the information is accurate and complete.

#### Writing or electronic format

(2) The notice of shipment in transit, information, application for a permit and certification may be submitted either in writing or in an electronic format that is compatible with the one that is used by the Minister.

#### Importing and exporting — documents to be submitted to customs office

(3) Every person who imports or exports a substance or a product containing or designed to contain a substance must provide to the customs office where the substance or product is required to be reported under section 12 or 95 of the *Customs Act* a copy of their permit or the Minister's written confirmation of their consumption allowance.

#### Substances in transit — information to be provided

(4) Every person who ships a substance into or out of Canada for the purpose of transit must provide to the customs office where the substance is required to be reported under section 12 or 95 of the *Customs Act* a copy of the acknowledgement of their notice of shipment in transit referred to in subsection 69(2).

### RECORD KEEPING

#### Export, import or manufacture

**77.** (1) Every person who exports, imports or manufactures a substance must

- (a) maintain records containing the information and documents required by Schedule 7; and
- (b) keep the records at their principal place of business in Canada for a period of five years after the records are made.

#### Use or sale

(2) If a substance was manufactured or imported for a use set out in column 3 of Table 1, 2 or 3 of Schedule 1, every person who uses or sells that substance for that use must

- (a) maintain records containing the information and documents required by Schedule 7; and
- (b) keep the records at their principal place of business in Canada for a period of five years after the records are made.

#### Where records may be kept

(3) The records may be kept at any place in Canada other than the principal place of business if the person notifies the Minister in writing of the civic address of the place where the records are kept.

#### Submission of information

(4) The person must, on written request by the Minister, submit to the Minister the information and documents required by Schedule 7.

### TRANSITIONAL PROVISION

#### Permits granted under *Ozone-Depleting Substances Regulations, 1998*

**78. A substance or a product containing or designed to contain a substance, if the substance or product is exported, imported, manufactured or used under a permit or authorization issued under the *Ozone-Depleting Substances Regulations, 1998*, is deemed to be exported, imported, manufactured or used under a permit or authorization issued under these Regulations.**

### REPEAL

Repeal

**79. The Ozone-Depleting Substances Regulations, 1998 are repealed.**

**COMING INTO FORCE**

Registration

**80. These Regulations come into force on the date on which they are registered.**

**SCHEDULE 1**

*(Paragraph 3(a), section 5, paragraph 6(1)(c), section 8, subsection 9(1), section 10, paragraph 11(1)(b), subsection 13(1), sections 14 to 18, subsection 19(1), paragraphs 19(2)(b), 22(c), 24(b) and 32(b), section 33, paragraph 34(1)(c), sections 35 and 36, paragraph 37(1)(b), section 41, subsections 42(1) and 43(1), sections 44, 45, and 49, subsection 50(1), sections 51 and 52, subsection 53(1), section 54, subsections 55(1) and 56(1), section 57, subsection 62(1), sections 63 and 64, subsections 65(1) and 66(1), section 67 and subsections 68(1) and 77(2))*

**LIST OF SUBSTANCES AND DATA FOR THE DETERMINATION OF CALCULATED LEVELS**

**TABLE 1 — PART 1 SUBSTANCES**

Column 1		Column 2	Column 3
Item	Substance	Ozone-depleting Potential	Uses
1.	Tetrachloromethane (carbon tetrachloride)	1.1	(a) Essential use (b) Feedstock (c) Laboratory or analytical use
2.	1,1,1-trichloroethane (methyl chloroform), not including 1,1,2-trichloroethane	0.1	(a) Essential use (b) Feedstock (c) Laboratory or analytical use
3.	Trichlorofluoromethane (CFC-11)	1.0	(a) Essential use (b) Feedstock (c) Laboratory or analytical use
4.	Dichlorodifluoromethane (CFC-12)	1.0	(a) Essential use (b) Feedstock (c) Laboratory or analytical use
5.	Trichlorotrifluoroethane (CFC-113)	0.8	(a) Essential use (b) Feedstock (c) Laboratory or analytical use
6.	Dichlorotetrafluoroethane (CFC-114)	1.0	(a) Essential use (b) Feedstock (c) Laboratory or analytical use
7.	Chloropentafluoroethane (CFC-115)	0.6	(a) Essential use (b) Feedstock (c) Laboratory or analytical use

8.	CFCs other than those set out in items 3 to 7	1.0	(a) Essential use (b) Feedstock (c) Laboratory or analytical use
9.	Bromochlorodifluoromethane (Halon 1211)	3.0	(a) Essential use (b) Laboratory or analytical use
10.	Bromotrifluoromethane (Halon 1301)	10.0	(a) Essential use (b) Laboratory or analytical use
11.	Dibromotetrafluoroethane (Halon 2402)	6.0	(a) Essential use (b) Laboratory or analytical use
12.	Bromofluorocarbons other than those set out in items 9 to 11	N/A	(a) Essential use (b) Laboratory or analytical use
13.	HBFCs	The ozone-depleting potential of each HBFC is the value indicated for it in Annex C of the Protocol or, where a range of values is indicated, the highest value in the range.	(a) Laboratory or analytical use
14.	Bromochloromethane (Halon 1011)	0.12	(a) Essential use (b) Laboratory or analytical use

TABLE 2 — PART 2 SUBSTANCE

Item	Column 1 Substance	Column 2 Ozone-depleting Potential	Column 3 Uses
1.	Methyl bromide	0.6	(a) Quarantine application (b) Pre-shipment application (c) Feedstock (d) Laboratory or analytical use (e) Critical use (f) Emergency use

TABLE 3 — PART 3 SUBSTANCES



Item	Column 1 Substance	Column 2 Ozone-depleting Potential	Column 3 Uses
1.	HCFCs:	0.04 0.055	
	(a) Dichlorofluoromethane (HCFC-21)	0.02 0.04	(a) Feedstock
	(b) Chlorodifluoromethane (HCFC-22)		(b) Laboratory or analytical use
	(c) Chlorofluoromethane (HCFC-31)		
	(d) Tetrachlorofluoroethane (HCFC-121)		
	(e) Trichlorodifluoroethane (HCFC-122)	0.08	
	(f) 2,2-dichloro-1,1,1-trifluoroethane (HCFC-123)	0.02	
	(g) 1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a)	0.06	
	(h) 1,1-dichloro-1,2,2-trifluoroethane (HCFC-123b)	0.06	
	(i) 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124)	0.022	
	(j) 1-chloro-1,1,2,2-tetrafluoroethane (HCFC-124a)	0.04	
	(k) Trichlorofluoroethane (HCFC-131)	0.05	
	(l) Dichlorodifluoroethane (HCFC-132)	0.05	
	(m) Chlorotrifluoroethane (HCFC-133)	0.06	
	(n) Dichlorofluoroethane (HCFC-141), not including HCFC-141b	0.07	
	(o) 1,1-dichloro-1-fluoroethane (HCFC-141b)	0.11	
	(p) Chlorodifluoroethane (HCFC-142), not including HCFC-142b	0.07	
	(q) 1-chloro-1,1-difluoroethane (HCFC-142b)	0.065	
	(r) Chlorofluoroethane (HCFC-151)	0.005	
	(s) Hexachlorofluoropropane (HCFC-221)	0.07	
	(t) Pentachlorodifluoropropane (HCFC-222)	0.09	
	(u) Tetrachlorotrifluoropropane (HCFC-223)	0.08	
	(v) Trichlorotetrafluoropropane (HCFC-224)	0.09	
	(w) Dichloropentafluoropropane (HCFC-225), not including HCFC-225ca and HCFC-225cb	0.07	
	(x) 1,1-dichloro-2,2,3,3,3-pentafluoropropane (HCFC-225ca)	0.025	
	(y) 1,3-dichloro-1,2,2,3,3-pentafluoropropane (HCFC-225cb)	0.033	
	(z) Chlorohexafluoropropane (HCFC-226)	0.10	
	(z.1) Pentachlorofluoropropane (HCFC-231)	0.09	
	(z.2) Tetrachlorodifluoropropane (HCFC-232)	0.10	
	(z.3) Trichlorotrifluoropropane (HCFC-233)	0.23	
	(z.4) Dichlorotetrafluoropropane (HCFC-234)	0.28	
	(z.5) Chloropentafluoropropane (HCFC-235)	0.52	
	(z.6) Tetrachlorofluoropropane (HCFC-241)	0.09	
	(z.7) Trichlorodifluoropropane (HCFC-242)	0.13	
	(z.8) Dichlorotrifluoropropane (HCFC-243)	0.12	
	(z.9) Chlorotetrafluoropropane (HCFC-244)	0.14	
	(z.10) Trichlorofluoropropane (HCFC-251)	0.01	

(z.11) Dichlorodifluoropropane (HCFC-252)	0.04
(z.12) Chlorotrifluoropropane (HCFC-253)	0.03
(z.13) Dichlorofluoropropane (HCFC-261)	0.02
(z.14) Chlorodifluoropropane (HCFC-262)	0.02
(z.15) Chlorofluoropropane (HCFC-271)	0.03

TABLE 4 — PART 4 SUBSTANCES

Column 1	
Item	Substances
1.	HFCs: (a) Trifluoromethane (HFC-23) (b) Difluoromethane (HFC-32) (c) Fluoromethane (HFC-41) (d) 1,1,1,2,2-pentafluoroethane (HFC-125) (e) 1,1,2,2-tetrafluoroethane (HFC-134) (f) 1,1,1,2-tetrafluoroethane (HFC-134a) (g) 1,1,2-trifluoroethane (HFC-143) (h) 1,1,1-trifluoroethane (HFC-143a) (i) 1,2-difluoroethane (HFC-152) (j) 1,1-difluoroethane (HFC-152a) (k) Fluoroethane (HFC-161) (l) 1,1,2,2,3,3,3-heptafluoropropane (HFC-227ca) (m) 1,1,1,2,3,3,3-heptafluoropropane (HFC-227ea) (n) 1,1,1,2,2,3-hexafluoropropane (HFC-236cb) (o) 1,1,1,2,3,3-hexafluoropropane (HFC-236ea) (p) 1,1,1,3,3,3-hexafluoropropane (HFC-236fa) (q) 1,1,2,2,3-pentafluoropropane (HFC-245ca) (r) 1,1,1,3,3-pentafluoropropane (HFC-245fa) (s) 1,1,1,3,3-pentafluorobutane (HFC-365mfc) (t) 1,1,1,2,2,3,4,5,5-decafluoropentane (HFC-43-10mee)
2.	HFCs other than those set out in item 1

**SCHEDULE 2**  
(*Subsection 69(1)*)

**NOTICE OF SHIPMENT IN TRANSIT — INFORMATION REQUIRED**

**1.** Information respecting the person providing the notice:

- (a) their name, civic and postal addresses, telephone number and, if any, email address and fax number; and
- (b) if applicable, the name, title, civic and postal addresses, telephone number and, if any, email address and fax number of the person authorized to act on their behalf.

**2.** Information respecting the substance:

- (a) its name;
- (b) its CAS registry number, if such a number can be assigned;
- (c) the quantity in transit;
- (d) the estimated date of entry into Canada;
- (e) the estimated date of exit from Canada; and
- (f) information as to whether it is recovered, recycled or reclaimed.

**3.** The name, civic and postal addresses, telephone number and, if any, email address and fax number of each carrier of the substance.

**4.** The name, civic and postal addresses, telephone number and, if any, email address and fax number of the customs broker in Canada.

**5.** Information respecting the source of the substance:

- (a) the country of origin;
- (b) the countries through which it has transited;

(c) the port of entry into Canada; and

(d) the name, civic and postal addresses, telephone number and, if any, email address and fax number of the sender.

**6.** Information respecting the destination of the substance:

(a) the port of exit from Canada;

(b) the country of destination; and

(c) the name, civic and postal addresses, telephone number and, if any, email address and fax number of the recipient.

**7.** If known at the time the notice is provided, information respecting the storage in Canada of the substance:

(a) the civic address of the location of the storage;

(b) the name, civic and postal addresses, telephone number and, if any, email address and fax number of the person responsible for the storage; and

(c) the expected duration of the storage.

**SCHEDULE 3**  
(*Subsection 30(2)*)

**APPLICATION FOR A TRANSFER OF A PERMIT TO USE METHYL BROMIDE — INFORMATION REQUIRED**

**1.** Information respecting the transferor and transferee:

(a) their names, civic and postal addresses, telephone numbers and, if any, email addresses and fax numbers; and

(b) if applicable, the name, title, civic and postal addresses, telephone number and, if any, email address and fax number of the person authorized to act on the transferor's or transferee's behalf.

**2.** The quantity of methyl bromide to be transferred.

**SCHEDULE 4**  
(*Subsections 58(3) and 61(1)*)

**APPLICATION FOR A TRANSFER OF A CONSUMPTION ALLOWANCE OF HCFCs AND OF A NOTICE RETIRING AN ALLOWANCE — INFORMATION REQUIRED**

**1.** Application for a transfer of a consumption allowance:

(a) information respecting the transferor and transferee:

(i) their names, civic and postal addresses, telephone numbers and, if any, email addresses and fax numbers, and

(ii) if applicable, the name, title, civic and postal addresses, telephone number and, if any, email address and fax number of the person authorized to act on the transferor's or transferee's behalf; and

(b) information respecting the transfer:

(i) the portion of the transferor's unused consumption allowance to be transferred, and

(ii) the quantity of HCFCs to be transferred.

**2.** Notice of retirement of a consumption allowance:

(a) the name, civic and postal addresses, telephone number and, if any, email address and fax number of the person retiring their allowance; and

(b) if applicable, the name, title, civic and postal addresses, telephone number and, if any, email address and fax number of the person authorized to act on their behalf.

**SCHEDULE 5**  
(*Section 70*)

## APPLICATION FOR A PERMIT — INFORMATION REQUIRED

## EXPORTATION

## PERMIT TO EXPORT A SUBSTANCE

**1. Application for a permit to export a substance:**

## (a) information respecting the applicant:

- (i) their name, civic and postal addresses, telephone number and, if any, email address and fax number,
- (ii) if applicable, the name, title, civic and postal addresses, telephone number and, if any, email address and fax number of the person authorized to act on their behalf, and
- (iii) their business number assigned by the Minister of National Revenue, if applicable;

## (b) information respecting the substance:

- (i) its name,
- (ii) its CAS registry number, if such a number can be assigned, and
- (iii) the quantity to be exported;

## (c) information respecting the source of the substance:

- (i) the name, civic and postal addresses, telephone number and, if any, email address and fax number of the manufacturer, and
- (ii) if the substance is recovered, recycled or reclaimed, the name of any person who participated in any of these steps, as well as their civic and postal addresses, telephone number and, if any, email address and fax number;

## (d) information respecting the destination of the substance:

- (i) the importing country,
- (ii) the name, civic and postal addresses, telephone number and, if any, email address and fax number of the importer of each shipment, and
- (iii) evidence that the exportation complies with the laws of the importing Party;

## (e) information respecting the purpose of the exportation of the substance, if applicable:

- (i) if it is exported for its destruction, the name and civic and postal addresses of the destruction facility as well as the technology used,
- (ii) if it is exported for its dispensation, evidence that it was imported by mistake,
- (iii) if it is exported for one of the uses set out in column 3 of Table 1, 2 or 3 of Schedule 1, the intended use and, if known at the time of the application, the name, civic and postal addresses, telephone number and, if any, email address and fax number of the user and the quantity that will be sold, and
- (iv) if it is a substance that is recovered, recycled or reclaimed and that is exported for the purpose of being reclaimed, the name and civic and postal addresses of the reclamation facility as well as the technology used; and

## (f) an authorization by the applicant for the release of information to the importing Party.

PERMIT TO EXPORT A PRODUCT CONTAINING OR DESIGNED TO CONTAIN CFCS,  
BROMOFLUOROCARBONS, BROMOCHLORODIFLUOROMETHANE, TETRACHLOROMETHANE OR  
1,1,1-TRICHLOROETHANE**2. Application for a permit to export a product containing or designed to contain CFCs,  
bromofluorocarbons, bromochlorodifluoromethane, tetrachloromethane or 1,1,1-trichloroethane:**

## (a) information respecting the applicant:

- (i) their name, civic and postal addresses, telephone number and, if any, email address and fax number,
- (ii) if applicable, the name, title, civic and postal addresses, telephone number and, if any, email address and fax number of the person authorized to act on their behalf, and

- (iii) their business number assigned by the Minister of National Revenue, if applicable;
- (b) information respecting the product:
- (i) its name and the substance that it contains,
  - (ii) the CAS registry number, if such a number can be assigned to the substance that it contains,
  - (iii) the quantity to be exported, and
  - (iv) its total capacity and the quantity of substance that it contains;
- (c) information respecting the source of the substance: the name, civic and postal addresses, telephone number and, if any, email address and fax number of the manufacturer;
- (d) information respecting the destination of the substance:
- (i) the importing country,
  - (ii) the name, civic and postal addresses, telephone number and, if any, email address and fax number of the importer of each shipment, and
- (e) a certification confirming that the exportation complies with the laws of the importing Party; and
- (f) an authorization by the applicant for the release of information to the importing Party.

## IMPORTATION

### PERMIT TO IMPORT A SUBSTANCE

#### 3. Application for a permit to import a substance:

- (a) information respecting the applicant:
- (i) their name, civic and postal addresses, telephone number and, if any, email address and fax number,
  - (ii) if applicable, the name, title, civic and postal addresses, telephone number and, if any, email address and fax number of the person authorized to act on their behalf, and
  - (iii) their business number assigned by the Minister of National Revenue, if applicable;
- (b) information respecting the substance:
- (i) its name,
  - (ii) its CAS registry number, if such a number can be assigned,
  - (iii) the quantity to be imported, and
  - (iv) in the case of methyl bromide, the applicant's quantity in stock for an emergency use or a critical use before importation;
- (c) information respecting the source of the substance:
- (i) the exporting country,
  - (ii) the name, civic and postal addresses, telephone number and, if any, email address and fax number of the exporter of each shipment, and
  - (iii) if the substance is recovered, recycled or reclaimed, the name of any person who participated in any of these steps, as well as their civic and postal addresses, telephone number and, if any, email address and fax number;
- (d) information respecting the purpose of the importation of the substance, if applicable:
- (i) if it is imported for its destruction, the name and civic and postal addresses of the destruction facility as well as the technology used,
  - (ii) if it is imported for one of the uses set out in column 3 of Table 1, 2 or 3 of Schedule 1, the intended use and, if known at the time of the application, the name, civic and postal addresses, telephone number and, if any, email address and fax number of the user and the quantity that will be sold, and
  - (iii) if it is a substance that is recovered, recycled or reclaimed and that is imported for its reclamation, the name and civic and postal addresses of the reclamation facility as well as the technology used;

(e) the applicant's declaration that the substance will be used or sold for the use for which it was imported; and

(f) an authorization by the applicant for the release of information to the exporting Party.

## MANUFACTURE

### 4. Application for a permit to manufacture an HCFC or an HFC:

(a) information respecting the applicant:

(i) their name, civic and postal addresses, telephone number and, if any, email address and fax number,

(ii) if applicable, the name, title, civic and postal addresses, telephone number and, if any, email address and fax number of the person authorized to act on their behalf, and

(iii) their business number assigned by the Minister of National Revenue, if applicable;

(b) information respecting the substance:

(i) its name,

(ii) its CAS registry number, if such a number can be assigned,

(iii) the quantity to be manufactured, and

(iv) the use for which it is manufactured;

(c) information respecting the purchaser of the substance:

(i) their name, civic and postal addresses, telephone number and, if any, email address and fax number in Canada, and

(ii) the quantity sold to each purchaser in Canada; and

(d) if it is an HCFC, the manufacturer's declaration that it will be used or sold for the use for which it was manufactured.

## USE OF METHYL BROMIDE

### 5. Application for a permit to use methyl bromide for an emergency use or a critical use:

(a) information respecting the applicant:

(i) their name, civic and postal addresses, telephone number and, if any, email address and fax number,

(ii) if applicable, the name, title, civic and postal addresses, telephone number and, if any, email address and fax number of the person authorized to act on their behalf, and

(iii) their business number assigned by the Minister of National Revenue, if applicable;

(b) information respecting the methyl bromide:

(i) information on how the lack of its availability for the use would result in a significant market disruption,

(ii) any alternatives to its use and the reasons they are not technically, economically or otherwise feasible,

(iii) the steps taken to minimize its use,

(iv) the steps taken to minimize its emissions,

(v) the quantities that are in stock,

(vi) information that explains the research undertaken to find alternatives or to minimize its use or emissions,

(vii) the quantity necessary for an emergency use or the annual quantity necessary for a critical use, and

(viii) the civic address of the location where it will be used.

## ESSENTIAL PURPOSE

6. Additional information in the case of an application for a permit respecting a substance, or a product containing or designed to contain such a substance, that is to be used for an essential purpose:

(a) information respecting the applicant:

- (i) their name, civic and postal addresses, telephone number and, if any, email address and fax number,
- (ii) if applicable, the name, title, civic and postal addresses, telephone number and, if any, email address and fax number of the person authorized to act on their behalf, and
- (iii) their business number assigned by the Minister of National Revenue, if applicable;

(b) information respecting the substance or the product:

- (i) the name of the substance or the product,
- (ii) the CAS registry number of the substance, if such a number can be assigned,
- (iii) the quantity to be manufactured, used, sold, imported or exported, and
- (iv) the use for which the substance or the product is required and information on how the intended use meets the definition of "essential purpose" in subsection 68(2); and

(c) information respecting the source and the destination of the substance or the product:

- (i) the importing country,
- (ii) the exporting country, and
- (iii) the country in which the substance or the product was manufactured.

**SCHEDULE 6**  
*(Section 74)*

**ANNUAL REPORT — INFORMATION REQUIRED**

**1. Information respecting the person submitting the report:**

- (a) their name, civic and postal addresses, telephone number and, if any, email address and fax number;
- (b) if applicable, the name, title, civic and postal addresses, telephone number and, if any, email address and fax number of the person authorized to act on their behalf; and
- (c) their business number assigned by the Minister of National Revenue, if applicable.

**2. Information respecting the substance or the product containing or designed to contain the substance:**

- (a) the quantity manufactured, destroyed, used as feedstock, imported or exported;
- (b) the quantity in stock;
- (c) the classification and formulation of the substance;
- (d) the CAS registry number of the substance, if such a number can be assigned;
- (e) the use of the substance; and
- (f) information as to whether the substance is recovered, recycled or reclaimed.

**3. The consumption allowance granted for HCFCs.**

**4. The manufacturing allowance granted for HCFCs.**

**5. Information respecting the reclamation or destruction facility:**

- (a) its name, civic and postal addresses; and
- (b) the technology used.

**6. The name and civic and postal addresses of the facility where the substance is used as feedstock.**

**7. Information respecting the exportation or importation of the substance or the product containing or designed to contain the substance:**

- (a) the importing country or the destination of each shipment in Canada;
- (b) the date of importation or exportation and the transaction number of customs documents; and
- (c) the Harmonized Commodity Description and Coding System classification number for the substance, as set out in the *Customs Tariff*.

**8. Information respecting the recipient of the substance or of the product containing or designed to**

contain the substance:

- (a) their name and civic and postal addresses; and
- (b) the quantity that is sold to the recipient.

**9. Information respecting the methyl bromide:**

- (a) the quantity used for an emergency use or a critical use; and
- (b) a declaration by the fumigator specifying the quantity, the civic address of the location of use and the date of each application for the holder of the emergency use or the critical use permit for methyl bromide.

## SCHEDULE 7

(Paragraphs 77(1)(a) and (2)(a) and subsection 77(4))

### INFORMATION AND DOCUMENTS TO BE MAINTAINED

#### EXPORTATION

**1. Dated records of**

- (a) the quantity of each substance exported in each shipment, expressed in kilograms and as a calculated level, and information as to whether it is a recovered, recycled or reclaimed substance;
- (b) if the substance is sent for destruction, the name, civic and postal addresses, telephone number and, if any, email address and fax number of the carrier;
- (c) the CAS registry number of the substance, if such a number can be assigned;
- (d) the port of exit through which the substance was exported;
- (e) the importing Party and the name and civic address of the recipient;
- (f) the business number assigned by the Minister of National Revenue to the person who is exporting, if applicable; and
- (g) the Harmonized Commodity Description and Coding System classification number for the substance, as set out in the *Customs Tariff*.

**2. Copies of the bill of lading, the invoice and all documents submitted to the Canada Border Services Agency for each shipment of the substance.**

#### IMPORTATION

**3. Dated records of**

- (a) the quantity of each substance imported in each shipment, expressed in kilograms and as a calculated level, and information as to whether it is a recovered, recycled or reclaimed substance;
- (b) if the substance is sent for destruction, the name, civic and postal addresses, telephone number and, if any, email address and fax number of the carrier;
- (c) the CAS registry number of the substance, if such a number can be assigned;
- (d) if the substance is shipped to a recipient in Canada, the quantity of each substance shipped, expressed in kilograms and as a calculated level, and the name, civic and postal addresses, telephone number and, if any, email address and fax number of the recipient of each shipment;
- (e) when the substance is recovered, recycled or reclaimed, the country of origin of the substance, and the name and civic address of the recovering, recycling or reclamation facility;
- (f) the port of entry through which the substance was imported;
- (g) the exporting Party and the name and civic address of the sender;
- (h) the business number assigned by the Minister of National Revenue to the person who is importing, if applicable; and
- (i) the Harmonized Commodity Description and Coding System classification number for the substance, as set out in the *Customs Tariff*.

**4. Copies of the bill of lading, the invoice and all documents submitted to the Canada Border Services Agency for each shipment of the substance.**

#### MANUFACTURE

**5. Dated records of**



- (a) the quantity of each substance manufactured at each manufacturing plant, expressed in kilograms and as a calculated level;
- (b) the CAS registry number of the substance, if such a number can be assigned;
- (c) the quantity, expressed in kilograms and as a calculated level, of each substance used as feedstock;
- (d) the quantity, expressed in kilograms and as a calculated level, of each substance shipped from each manufacturing plant, and the name and civic address of the recipient of each shipment;
- (e) the quantity, expressed in kilograms and as a calculated level, of each substance recovered for reclamation at each manufacturing plant, the name and civic address of the individual or business from which the substance is recovered and, if different, the name and civic address of the site from which the substance is recovered; and
- (f) if the substance is sent for destruction, the name, civic and postal addresses, telephone number and, if any, email address and fax number of the carrier.

## USE AND SALE

### 6. Dated records of

- (a) the quantity of each substance that was purchased from Canadian suppliers, expressed in kilograms and as a calculated level, and the names and civic addresses of the Canadian suppliers;
- (b) the CAS registry number of the substance, if such a number can be assigned;
- (c) the quantity, expressed in kilograms and as a calculated level, of each substance that was used, and a description of its use;
- (d) the quantity, expressed in kilograms and as a calculated level, of each substance that was sold for one of the uses set out in column 3 of Table 1, 2 or 3 of Schedule 1 and the names and civic addresses of the purchasers;
- (e) if the substance is sent for destruction, the name, civic and postal addresses, telephone number and, if any, email address and fax number of the carrier.

[12-1-o]

#### [Footnote 1](#)

<http://ozone.unep.org/en>

#### [Footnote 2](#)

United Nations Environment Programme (2011). *HFCs: A Critical Link in Protecting Climate and the Ozone Layer: A UNEP Synthesis Report*. Chapter 3, section 3.2.

#### [Footnote 3](#)

<http://www.gazette.gc.ca/rp-pr/p2/2012/2012-07-04/pdf/g2-14614.pdf>

#### [Footnote a](#)

S.C. 2004, c. 15, s. 31

#### [Footnote b](#)

S.C. 1999, c. 33

Date modified: 2015-03-21