

D19-7-3

Ottawa, November 15, 1994

In Brief

SUBJECT

IMPORTATION AND EXPORTATION OF HAZARDOUS WASTE

This Memorandum outlines procedures for the importation and exportation of hazardous waste.

The main purpose of these regulations is to set out the conditions for export and import of hazardous wastes shipped across the Canadian border. This will help to ensure that shipments of hazardous wastes entering into, leaving or passing through Canada can be tracked and controlled by Environment Canada with the assistance of Canada Customs and various other governmental agencies.

Carriers of hazardous waste are responsible for depositing at Customs photocopies of the Canadian waste manifest, *Notice of Transit* and Written Confirmation Letter or Letter to Proceed. These documents are presented to customs at the time goods are reported.

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Ottawa, November 15, 1994

SUBJECT

**IMPORTATION AND EXPORTATION
OF HAZARDOUS WASTE**

This Department assists Environment Canada with the administration of the *Canadian Environmental Protection Act*, the *Export and Import of Hazardous Wastes Regulations*, and portions of the *Transportation of Dangerous Goods Regulations*, which are incorporated in the *Export and Import of Hazardous Wastes Regulations*. This Memorandum outlines the responsibilities of the concerned parties, and provides procedures for the control and inspection of shipments of hazardous waste.

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Legislation

1. Section 43(3) of the *Canadian Environmental Protection Act* states:

"A person who proposes to export or import a hazardous waste shall give notice of the proposed export or import in accordance with the regulations to the authority, body or person specified on the List of Hazardous Waste Authorities in respect of the country to or from which the export or import is proposed."

2. Section 44(2) of the *Canadian Environmental Protection Act* states:

"Except in accordance with the prescribed conditions, no person shall export or import a hazardous waste in respect of the export or import of which a notice is required to be given under section 43."

3. Subject to permits of equivalent level of safety under Part XI of the *Transportation of Dangerous Goods Regulations*, section 4.15 of these Regulations states in part that:

"Before dangerous goods that are

(a) solid wastes in quantities of 5 kg or more,

(b) liquid wastes in quantities of 5 L or more,

are transported, the consignor of the dangerous goods

(c) shall complete and sign for each consignment of waste dangerous goods offered by him for transport, Part A of a waste manifest that has a manifest reference number unique to each consignment and that is in the form set out as Form 1 in Schedule IV;"

GUIDELINES AND GENERAL INFORMATION

Definitions

1. The following definitions are to be used in the application of this Memorandum:

(a) "dangerous goods" as defined under the *Transportation of Dangerous Goods Act 1992*, means any product, substance or organism included by its nature or by the regulations in any of the classes listed in the schedule. The classes of dangerous goods are listed in paragraph 4.

(b) "hazardous waste" as defined under section 43(4) of the *Canadian Environmental Protection Act*, means

(i) any dangerous goods, within the meaning of the *Transportation of Dangerous Goods Act*, that are a waste, within the meaning of the Regulations made under that Act; or

(ii) any substance specified on the List of Hazardous Wastes Requiring Export or Import Notification in Part III of Schedule II. (A list of hazardous wastes as indicated in Schedule III of the *Export and Import of Hazardous Wastes Regulations* can be found in Appendix G.)

(c) "Permits for Equivalent Level of Safety" may be issued by the Minister of Transport, authorizing the handling, offering for transport or transporting of dangerous goods/hazardous waste in a manner that does not comply with the *Transportation of Dangerous Goods Act* and the *Transportation of Dangerous Goods Regulations*, where the Minister is satisfied that such manner of handling, offering for transport or transporting provides a level of safety at least equivalent to that provided by compliance with the *Transportation of Dangerous Goods Act* and *Transportation of Dangerous Goods Regulations*.

Classes of Hazardous Waste

2. The *Transportation of Dangerous Goods Act 1992*, and its associated Regulations, control nine classes of dangerous goods and their wastes.

3. Class 1 (Explosives) and Class 7 (Radioactive) dangerous goods are never wastes by definition under the *Transportation of Dangerous Goods Regulations* and are therefore not controlled under the *Canadian Environmental Protection Act*. Information on customs control of explosives and radioactive goods can be found in Memoranda D19-6-1, *Explosives Act and Regulations* and D19-2-1, *Atomic Energy Control Act and Regulations*.

4. The seven classes of waste which are controlled under the *Transportation of Dangerous Goods Act* and Regulations are:

Class 2 Gases

Class 3 Flammable liquids

Class 4 Flammable solids; Substances liable to spontaneous combustion;
Substances that on contact with water emit flammable gases

Class 5 Oxidizing substances and organic peroxides

Class 6 Poisonous (toxic) and infectious substances

Class 8 Corrosives

Class 9 Miscellaneous products or substances

Safety Marks

5. Where required under the *Transportation of Dangerous Goods Regulations* and the *Export and Import of Hazardous Wastes Regulations*, all imports/exports of hazardous waste must bear

the safety marks in the form of placards and labels as shown in Appendix A. Placards are normally applied to each side and each end of any transport unit used to transport hazardous waste. Labels are applied to every individual package or container. Any questions with respect to the application of placards and labels may be addressed to one of the regional Environment Canada offices identified in Appendix B.

6. For purposes of placarding, the following definition applies:

"transport unit" means a freight container, a road vehicle, a railway vehicle, a portable tank, a freight container carried on a road vehicle, a freight container carried on a railway vehicle, a portable tank carried on a road vehicle or a portable tank carried on a railway vehicle.

Documentation Requirements

7. The *Export and Import of Hazardous Wastes Regulations* require that all persons wishing to move hazardous waste across the Canadian border must notify Environment Canada in advance of the intended shipment. There are two possible notice forms for this purpose. They are:

(a) *Notice Form* — The *Notice* form is used to provide detailed information about intended exports or imports of hazardous waste destined for a recycling or disposal operation over a specific time frame (see Appendix D for an example). For exports of hazardous waste, the Canadian generator/exporter is responsible for completing the notice for exports. The Canadian recycler/disposer/importer is responsible for completing the notice for imports.

(b) *Transit Notice Form* — The *Transit Notice* is used to accompany a shipment of hazardous waste which originates in a foreign country and whose final destination is in a foreign country, but the shipment passes through Canadian territory during its journey (see Appendix E for an example). In the case of a shipment that will transit through Canada, the notice is completed by the person who is importing or exporting the waste in Canada. This person is normally the carrier. Shipments which enter and exit Canadian territorial waters and are not required to report to customs, are documented by Environment Canada, under the *Export and Import of Hazardous Wastes Regulations*.

Attachment Letters

8. An attachment letter is issued by Environment Canada for each notice approved. The attachment letter specifies the types and volumes of hazardous wastes approved and specifies that the waste can only be shipped within the valid dates indicated. An attachment letter may refer to more than one notice form from the same waste generator. Each waste on the notice may be consented to at a different time; therefore, there may be up to three letters (one per waste) issued for one notice. The attachment letter is valid for a number of shipments within the valid dates listed on the letter. There are two possible Environment Canada attachment letters which can accompany a hazardous waste shipment. They are:

(a) *Letter to Proceed* — The *Letter to Proceed* is used to show that the application review period by Environment Canada and the appropriate provincial or foreign country authorities has expired and consent granted to export or import certain types of hazardous waste for recycling. This letter is issued for hazardous wastes that are designated as requiring Modified Controls; otherwise these wastes pose moderate hazards to the environment and are covered in Division B of Part III of the regulations when destined for recycling.

(b) Written Confirmation Letter — The Written Confirmation Letter is issued for hazardous wastes that are designated as requiring Full Controls by Environment Canada and are covered in Part II and Division A of Part III of the regulations. These wastes may pose a serious hazard to the environment if mismanaged.

Canadian Waste Manifest

9. A Canadian Waste Manifest either in its original form, facsimile or photocopy must accompany all hazardous waste imports into, exports from, and transits through Canada. The Canadian Waste Manifest provides detailed information on the types and amounts of hazardous wastes being shipped, a record of the various firms or individuals involved in the shipment, and information on the treatment, storage, and/or disposal of hazardous wastes when they reach their final destination. An example of a Canadian Waste Manifest can be found in Appendix C.

Reporting to Customs

10. For shipments of hazardous waste that are imported, exported or which transit through Canada, the carrier must deposit at customs at the time the goods are reported, photocopies of the *Notice Form* or *Transit Notice Form*, Canadian Waste Manifest, and Letter to Proceed or Written Confirmation Letter.

11. Carriers must retain copies of the documents throughout the shipment; therefore only photocopies are left at customs.

12. Any shipment suspected to be hazardous waste and not accompanied by the proper documentation should be detained, and the nearest Environment Canada Regional or District Office contacted at the addresses listed in Appendix B.

13. Shipments of hazardous waste imported, exported or in transit through Canada will not be allowed to proceed until the following documents have been presented to customs:

(a) a photocopy or facsimile of the Canadian Waste Manifest, indicating the receiving site address, the quantity shipped and the signature of the consignor in Part A subject to Permits of Equivalent Level of Safety and the signature of the carrier in Part B. See Appendix F for listing of companies;

(b) a photocopy of the *Notice Form* for imports and exports or a photocopy of the *Transit Notice* for transit shipments;

(c) a photocopy of the appropriate attachment letter. The appropriate attachment letter for transit shipments is the Written Confirmation Letter. The appropriate attachment letter for imports and exports is identified according to the box which has been checked off in the "Option" field (No. 1) of the *Notice Form*:

(i) if either the **Disposal, Part II** box or **Recycling, Part III, Division A** box in Section 1 (Option) of the *Notice Form* is selected, a Written Confirmation Letter must accompany the hazardous waste shipment, or;

(ii) if either the **Recycling, Part III, Division B** box or **Recycling, Part III, Division B, subsection 16(3) or 17(3) Pre-approved Facility** box in Section 1 (Option) of the *Notice Form* is selected, then either a Written Confirmation Letter, or a Letter to Proceed can accompany the shipment.

14. The reference number indicated on the *Notice or Transit Notice* Form must match the reference number indicated on the Letter to Proceed or Written Confirmation Letter and the Canadian Waste Manifest.

15. The *Transportation of Dangerous Goods Regulations* Product Identification Number (TDGR PIN) on the Canadian Waste Manifest must match the TDGR PIN on the *Notice or Transit Notice* Form and Letter to Proceed or Written Confirmation Letter. Importers, exporters and carriers obtain the TDGR PIN from the *Transportation of Dangerous Goods Regulations*.

16. The date the shipment is reported to customs, is within the valid dates indicated in the Letter to Proceed or Written Confirmation Letter.

17. Customs inspectors **will not** handle shipments of hazardous waste. If a shipment of hazardous waste requires examination or the documentation is incomplete or missing, customs will detain the shipment and contact the nearest Environment Canada regional or district office.

18. Copies of documentation collected by customs are to be date stamped and forwarded by regular mail to the following Environment Canada office on a weekly basis:

Chief, Hazardous Waste Management Division
Conservation and Protection
Environment Canada
12th floor
Place Vincent Massey
351 St-Joseph Boulevard
Hull QC K1A 0H3

Exemptions

19. The requirement to notify Environment Canada of an intended import of hazardous waste, completion of a Canadian Waste Manifest and receipt of written confirmation from Environment Canada does not apply when:

- (a) the Department of National Defence generates the waste;
- (b) the waste is transported from the site of operation to a defence establishment; and
- (c) the waste is transported under the sole direction or control of the Minister of National Defence.

Return of Hazardous Waste

20. For shipments of hazardous waste that are not accepted by the disposal/recycling facility in the country of import, the exporter is to notify the Chief of the Hazardous Waste Management Division at the address indicated in paragraph 18 to make such arrangements for its disposal or recycling.

21. In order to ensure that shipments which have not been accepted by the recycling/disposal facility are documented by Environment Canada, carriers will deposit at customs, either when entering or exiting Canada, photocopies of:

- (a) Canadian Waste Manifest;

(b) Notice or Transit Notice Form; and

(c) Letter to Proceed or Written Confirmation Letter.

22. Customs will date stamp and forward these copies to Environment Canada at the address indicated in paragraph 18. Normally, the receiver at the disposal/recycling facility will make a notation to indicate on the waste document(s) that the shipment was not accepted at the disposal/recycling facility.

Detention

23. Should a customs inspector suspect a violation of this legislation, the shipment is to be detained and the nearest Environment Canada regional or district office contacted immediately. A *Canadian Environmental Protection Act* inspector will advise customs of the appropriate action to be taken, with any verbal instructions being followed immediately by a written confirmation.

24. Where a *Canadian Environmental Protection Act* inspector authorizes release of a detained shipment by telephone, customs will record the name, title and telephone number of that *Canadian Environmental Protection Act* inspector on the customs office copy of the release package/accounting document or cargo report and will request written confirmation by mail or facsimile from Environment Canada.

25. Environment Canada will advise customs of the action to be taken on detained shipments within **two hours** of being notified of a specific detention. If a *Canadian Environmental Protection Act* inspector fails to advise customs of the appropriate action to be taken, the matter should be referred to Interdepartmental Programs, Inspection and Control Division, in Ottawa at 613 954-7152.

26. When detention of a suspect shipment beyond the two-hour time limit is deemed necessary by the *Canadian Environmental Protection Act* inspector, Environment Canada will take the necessary action so that the detained shipment will be removed from customs' premises as soon as possible within twenty four hours, or such other period of time as agreed to by customs and Environment Canada.

27. Environment Canada will be responsible for advising customs and the importer/owner, or their customs broker, as to the further disposition of the shipment.

Disposal

28. The disposal of shipments of hazardous waste detained by customs on behalf of Environment Canada will be the responsibility of Environment Canada.

Emergencies

29. Customs can obtain information on dealing with emergencies involving hazardous waste by contacting CANUTEC at 613 992-4624. CANUTEC, the Canadian Transport Emergency Centre, is a national advisory service provided by Transport Canada to assist in handling dangerous goods emergencies.

30. Incidents involving leaks or spills of hazardous waste should be dealt with according to the emergency response plan in place at the customs office affected.

31. Emergencies involving hazardous waste should also be reported to the nearest Environment

Canada regional or district office and Interdepartmental Programs, Inspection and Control Division, in Ottawa at 613 954-7152.

Penalties

32. As set out under section 113 of the *Canadian Environmental Protection Act*, any person who contravenes or fails to comply with section 43 of that Act is guilty of an offence and is liable:

(a) on summary conviction, to a fine not exceeding \$300,000 or to imprisonment for a term not exceeding six months, or to both; or

(b) on indictment, to a fine not exceeding \$1,000,000 or to imprisonment for a term not exceeding three years, or to both.

Additional Information

33. Questions on the admissibility of any shipment of waste or for additional information regarding the requirements of the *Canadian Environmental Protection Act* and Regulations as they pertain to hazardous waste, carriers, importers and exporters should contact:

Chief, Hazardous Waste Management Division
Conservation and Protection
Environment Canada
12th floor
Place Vincent Massey
351 St-Joseph Boulevard
Hull QC K1A 0H3

Telephone: 819 997-3377
Facsimile: 819 997-3068

34. Questions concerning the customs administration of this program should be directed to:

Revenue Canada
Inspection and Control Division
Interdepartmental Programs
5th floor
Connaught Building
555 MacKenzie Avenue
Ottawa ON K1A 0L5

Telephone: 613 954-7152
Facsimile: 613 952-1698

**APPENDIX A
APPENDIX A
PLACARDS
LABELS**

**APPENDIX B
APPENDIX B**

**ENVIRONMENTAL PROTECTION SERVICE (EPS)
REGIONAL AND DISTRICT OFFICES
ATLANTIC REGION**

Regional Office

15th floor
Queen Square
45 Alderney Drive
Dartmouth NS B2Y 2N6

Telephone: 902 426-3593
Facsimile: 902 426-2690

Weekends and Off-hours:

Telephone: 902 426-6200

District Offices

5th floor
5151 Terminal Road
Halifax NS B3R 2B9

Telephone: 902 426-5601
Facsimile: 902 425-5602
P.O. Box 400
527 Queen Street
Fredericton NB E3B 4Z9

Telephone: 506 452-3826
Facsimile: 506 452-3003
P.O. Box 5037
St. John's NF A1C 5V3

Telephone: 709 772-5488
Facsimile: 709 772-5097
P.O. Box 426
Dominion Building
97 Queen Street
Charlottetown PE C1A 7K7

Telephone: 902 566-7042
Facsimile: 902 566-7531

QUÉBEC REGION

Regional Office

2nd floor
1179 De Bleury Street
Montréal QC H3B 3H9

Telephone: 514 283-0178

Facsimile: 514 283-4423

Weekends and Off-hours:

Telephone: 514 283-2333

District Office

P.O. Box 10100
1141 Route de l'Église
Sainte-Foy QC G1V 4H5

Telephone: 418 648-4077

Facsimile: 418 648-4613

ONTARIO REGION

Regional Office

6th floor
25 St. Clair Avenue East
Toronto ON M4T 1M2

Telephone: 416 973-1055

Facsimile: 416 973-8342

Weekends and Off-hours:

Telephone: 416 346-1971

District Office

49 Camelot Drive
Nepean ON K1A 0H3

Telephone: 613 952-8674

Facsimile: 613 952-8995

PRAIRIE AND NORTHERN REGION

Regional Office

Twin Atria No. 2
210 - 4999 98th Street
Edmonton AB T6B 2X3

Telephone: 403 468-8041

Facsimile: 403 495-2615

Weekends and Off-hours:

Telephone: 403 468-8020

District Offices

5th floor
269 Main Street
Winnipeg MB R3C 1B2

Telephone: 204 983-2961
204 981-7111 (24-hour service)
Facsimile: 204 983-0960
Room 300
Park Plaza
2365 Albert Street
Regina SK S4P 4K1

Telephone: 306 780-6464
Facsimile: 306 780-6466
Box 370
9th floor
Bellanca Building
Yellowknife NT X1A 2N3

Telephone: 403 873-3456
Facsimile: 403 873-8185
P.O. Box 1086
211 Federal Building
Inuvik NT X0E 0T0

Telephone: 403 979-2313
Facsimile: 403 979-4330
Box 384
No. 2, Dublanco Building
Iqaluit NT

Telephone: 403 979-6349
Facsimile: 403 979-4539

PACIFIC AND YUKON REGION

Regional Office

224 West Esplanade
North Vancouver BC V7T 1A2

Telephone: 604 666-6100
Facsimile: 604 666-9059

Weekends and Off-hours:

Telephone: 604 666-6100

District Office

Room 225
Federal Building
308 Main Street
Whitehorse YT Y1A 2B5

Telephone: 403 667-3401

Facsimile: 403 667-7962

APPENDIX C

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CANADIAN WASTE MANIFEST

APPENDIX D

APPENDIX D

NOTICE FORM

APPENDIX E

APPENDIX E

TRANSIT NOTICE / PRÉAVIS DE TRANSIT

APPENDIX F

APPENDIX F

Companies Issued Permits of Equivalent Level of Safety

Company	Expiry Date	Description of variance
Nova Pb Inc.	February 1996	Manifest may be completed on behalf of generator by receiver
Tonolli Canada	February 1996	Manifest may be completed on behalf of generator by receiver

APPENDIX G

APPENDIX G

LIST OF HAZARDOUS WASTES PURSUANT TO THE EXPORT AND IMPORT OF HAZARDOUS WASTES REGULATIONS