



INDUSTRY CHECKLIST

MAY 2007

CANADIAN REQUIREMENTS FOR LIGHTERS

To: Manufacturers, Importers, Distributors and Retailers of Lighters

The Issue

Lighters that are advertised, sold or imported in Canada must meet the requirements of the *Hazardous Products Act* (HPA) and the *Hazardous Products (Lighters) Regulations*. It is the responsibility of every manufacturer, importer, distributor and retailer in Canada to ensure that lighters they sell meet these requirements.

A checklist, entitled *Canadian Requirements for Lighters Checklist*, has been included at the end of this document. It provides a summary of Canadian lighter legislation and is targeted to industry. The summary conveys basic information on the child-resistance, performance and labelling requirements.

Utility lighters have been included on the checklist for information only, as they are currently not regulated. However, the *Hazardous Products (Lighters) Regulations* are currently being amended and it has been proposed that utility lighters be included in the revised legislation.

The checklist is not intended to substitute for, supersede or limit the requirements under the applicable legislation. In case of any discrepancy between this summary and the legislation, the legislation prevails. A complete version of the *Hazardous Products (Lighters) Regulations* can be found at <http://canada.justice.gc.ca/en/index.html>.

It is essential that the legislation mentioned above is completely reviewed in order to understand what is included in these requirements. The types of lighters listed in this document should be studied to learn more about the terminology used by the Canadian lighter industry and to ensure that the type of lighter in which there is an interest is clearly identifiable.

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The Product

There are many types of lighters available in Canada and the following definitions outline the key differences.

- **Child-Resistant Lighter** - a lighter is deemed to be child-resistant when its surrogate lighter has been tested in accordance with the test protocol described in section 1210.4, without regard to sections 1210.4(a)(3) and (b)(1), of Title 16 of the *Code of Federal Regulations* (United States), as amended from time to time and at least 85 per cent of children who participated in the test were unable to cause the surrogate lighter to emit an audible or visual signal.
- **Gas Lighter** - a product utilizing as fuel liquified hydrocarbons, such as n-butane and isobutane, with a vapour pressure at 24°C that exceeds a gauge pressure of 100kPa.
- **Luxury Lighter** - a product that is designed to be refilled with fuel and that has
 - (a) where the product is manufactured in Canada, a value of greater than C\$2.50 on sale by the manufacturer and,
 - (b) where the product is imported into Canada, a value for duty of greater than C\$2.50 as determined in accordance with section 46 of the *Customs Act*.These lighters are commonly referred to as refillable lighters.
- **Non-Luxury Lighter** - a lighter that cannot be refilled or that may be designed to be refilled and that has
 - (a) if it is manufactured in Canada, a value less than or equal to C\$2.50 on sale by the manufacturer; or
 - (b) if it is imported into Canada, a value for duty of less than or equal to C\$2.50 as determined in accordance with section 46 of the *Customs Act*.These lighters are commonly referred to as disposable lighters; but there are some refillable lighters with a value on sale by the manufacturer or a value of duty that is less than or equal to C\$2.50, which therefore makes them non-luxury lighters.
- **Surrogate Lighter** - a device used for testing purposes that
 - (a) approximates the appearance, size and weight of the product that it represents,
 - (b) is, within reasonable manufacturing tolerances, identical to the product that it represents in all factors that affect child-resistance, including the operation and force or forces required for operation,
 - (c) has no fuel, and
 - (d) produces a clearly discernible audible or visual signal instead of a flame.
- **Utility Lighter** - a lighter that is greater than 100 mm in length when it is in the fully extended position.
- **Wick Lighter** - a product utilizing as fuel liquid hydrocarbons, such as hexane, with a vapour pressure at 24°C that does not exceed a gauge pressure of 34 kPa.

The Law

As mentioned, lighters advertised, sold or imported into Canada are subject to the HPA requirements for child-resistance, performance and labelling. These requirements are specifically set out in the *Hazardous Products (Lighters) Regulations*. Lighters are defined in Item 34 of Part II of Schedule I to the HPA as intended for use for cigarettes, cigars and pipes. Non-luxury, luxury, gas and wick lighters are all subject to the HPA.

Enforcement actions taken by Product Safety Officers on noncompliant products may vary and may include any or all of the following: commitment to product correction by industry, negotiation with industry for the voluntary removal of these products from the market, and seizure and/or criminal prosecution under the HPA. Any person that advertises, sells or imports noncompliant products that result in property damage, injury or death may also be subject to civil liability.

What You Can Do

Lighter Manufacturers/Importers

- Ensure that your products meet the requirements of Canadian legislation including the *Hazardous Products (Lighters) Regulations*.
- Have lighters tested prior to sale in Canada. Products may be detained at the border if a complying test report cannot be provided.
- Test your products regularly to ensure ongoing compliance with the *Hazardous Products (Lighters) Regulations*.
- Before importing your products, get proof of compliance including child-resistance. Importing a known child-resistant lighter into Canada does not exempt you from obtaining proof of compliance.
- Co-operate in any removal, disposal or recall from the marketplace of your products should they be found to be noncompliant.
- Contact a Health Canada Product Safety Office and work with a Product Safety Officer if you are considering entering the lighter business.

Lighter Distributors/Retailers

- Confirm with your supplier that the lighters meet the requirements of the *Hazardous Products (Lighters) Regulations*.
- Look for a label indicating the Canadian name and address of the Canadian company responsible for the lighters along with the bilingual warning stating “KEEP OUT OF REACH OF CHILDREN / TENIR HORS DE LA PORTÉE DES ENFANTS”. If this label is not present, do not purchase or sell the lighters.

- When notified of a removal, disposal or recall of a noncompliant product, immediately remove the affected product from sale and undertake any other necessary corrective actions.

For Further Information

If you require further information, visit the Consumer Product Safety section of Health Canada's Web site at www.healthcanada.gc.ca/cps or contact your nearest Consumer Product Safety regional office (see listings that follow).

Burnaby	(604) 666-5003	Bby_Prodsafe@hc-sc.gc.ca
Calgary	(403) 292-4677	Cal_Prodsafe@hc-sc.gc.ca
Edmonton	(780) 495-2626	Edm_Prodsafe@hc-sc.gc.ca
Saskatoon	(306) 975-4502	Sk_Prodsafe@hc-sc.gc.ca
Winnipeg	(204) 983-5490	Mb_Prodsafe@hc-sc.gc.ca
Hamilton	(905) 572-2845	Tor_Prodsafe@hc-sc.gc.ca
Toronto	(416) 973-4705	Tor_Prodsafe@hc-sc.gc.ca
Montreal	(514) 283-5488	Quebec_Prod@hc-sc.gc.ca
Longueuil	(450) 646-1353	Quebec_Prod@hc-sc.gc.ca
Quebec	(418) 648-4327	Quebec_Prod@hc-sc.gc.ca
Moncton	(506) 851-6638	Atlantic_ProdSafe@hc-sc.gc.ca
Halifax	(902) 426-8300	Atlantic_ProdSafe@hc-sc.gc.ca
St. John's	(709) 772-4050	Atlantic_ProdSafe@hc-sc.gc.ca

We appreciate your attention to the child-resistance, performance and labelling issues associated with lighters, and urge you to take appropriate steps to help ensure the safety and safe use of lighters by Canadians.

Canadian Requirements for Lighters Checklist

Lighter Type	Child-Resistance (C-R) Requirements		Performance Requirements							Labelling Requirements			
	Compliance Certificate (In English or French)	C-R Test Protocol Data								Permanently marked on the lighter	Label must be affixed and/or information sheet must be attached to the lighter at point of sale Note: information may be marked on the package if the product is enclosed in a sealed package		
	Surrogate meets C-R requirements Name/address of certificate issuer and lighter manufacturer Name and model of lighter Keep for 3 years	Provide to an inspector within 15 days of a request	Flame Height Test	Inversion Test* *Test method differs for utility lighters	Drop Test* *Test method differs for wick lighters	Temp Test	Pressure Test	Extended Operation Test* *Test method differs for utility lighters	Burn Test	Registered Trade-mark in Canada Production Lot (if more than one offered for sale) Symbol for Flame Height Adjustment (if there is a device)	Business Name and Address in Canada	Warning "KEEP OUT OF REACH OF CHILDREN / TENIR HORS DE LA PORTÉE DES ENFANTS"	Refuel Instructions in English and French
Non-Luxury Gas	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	Refillable ≤C\$2.50
Luxury Gas			✓	✓	✓	✓	✓	✓		✓	✓	✓	✓
Non-Luxury Wick	✓	✓			✓				✓	✓	✓	✓	✓
Luxury Wick					✓				✓	✓	✓	✓	✓
Utility	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	Refillable