

HAZARDOUS WASTE

Ministry of Water, Land and Air Protection
Environmental Management Branch
Public Safety and Prevention Initiatives

Hazardous Waste Update # 1 Notification and Legislation Guide Insert between pages 30 and 31 of the Guide

August 2004

The purpose of this update is to amend the reference to the notification procedures that have been changed by new regulations under the *Canadian Environmental Protection Act*, and the *Export and Import of Hazardous Wastes Regulations*. The Notification section on page 30 of the Special Waste Legislation Guide (SWLG) is the section that is affected.

HISTORY:

Since the early 1980's the handling of hazardous materials has been legislated in Canada by the *Transportation of Dangerous Goods Act and Regulations (TDG)*. Canada signed the *Basel Convention* that came into force on May 5, 1992, and supported the March 30, 1992, *Decision of the Council concerning the control of transfrontier movements of wastes destined for recovery operations* of the Organization for Economic Co-operation and Development (OECD). Consequently, Canada developed the *Export and Import of Hazardous Wastes Regulations (EIHW)* under the *Canadian Environmental Protection Act (CEPA)*. The Regulation came into force on November 26, 1992. This replaced the international movement of hazardous waste sections in both the *TDG Regulations* and the *Canada-U.S.A. Agreement on the Transboundary Movement of Hazardous Waste*.

SPECIAL WASTE LEGISLATION GUIDE:

A guide to the provincial *Environmental Management Act*, the *Hazardous Waste Regulation*, the federal *Transportation of Dangerous Goods Act*.

Reference to the notification procedure is located on page 30, 2nd column, top of the page in the Guide. At the time of printing the Hazardous Waste Regulation and the Special Waste Legislation Guide this was correct information, but as noted in the section on history, it now no longer applies. **Readers of the Guide are advised not to refer to this section.**

EXPORT AND IMPORT OF HAZARDOUS WASTES REGULATIONS:

The following questions and answers are provided as a brief overview of EIHW. All possible consideration has been taken to ensure that the information is correct. HOWEVER, for answers to specific concerns, the regulations should always be consulted.

1. What is notification under EIHW?

Notification is a process by which exporters and importers notify the authorities of their intention to ship or receive international shipments of hazardous waste.

2. What does notification involve?

The process involves completing a notice form specifying the details of the intended shipment. The form is then reviewed for completeness and forwarded to the appropriate authority for consent.

3. How can I obtain a notice?

These forms must be obtained from Environment Canada at:

Chief, Transboundary Movement Division
Operations Branch
Environment Canada
Place Vincent Massey, 12th Fl,
351 St. Joseph Blvd.
Hull, Quebec K1A 0H3
Fax:: 819 997-3068
Phone: 819-953-1390
email: <http://www.ec.gc.ca/tmd>

4. Who must complete the notice?

For export the generator/exporter, for imports the recycler/disposer/importer and for transit the person importing or exporting the waste into or from Canada.

5. Where do I send the notice?

Hazardous Waste Update Bulletins are published as required to assist professionals in the field of hazardous wastes.

Updates are intended as information only and are not meant to be the definitive interpretation of any of the Acts or Regulations regulating hazardous waste.

For compliance issues the applicable Acts and Regulations must always be consulted

The notice and all supporting documents must be sent by either courier, registered mail, or facsimile to the Chief, Transboundary Movement Division in Hull, Quebec.

6. **How do I fill out a notice form?**

The notifier must provide the addresses and licence numbers of the exporter, the importer, and the carrier(s). For more information on the notice, please obtain a copy of the *User's Guide to the Export/Import Notice* from Environment Canada.

7. **What attachments are required?**

A copy of the contract between the exporter and importer, proof that the carrier and Canadian exporter or importer have sufficient insurance, a copy of the ocean dumping permit if applicable, possible shipping details as a list of customs offices, names of transit countries, lengths of stay and special handling instructions.

8. **How do I notify for multiple shipments?**

A single notice form may be used subject to the generator and generator site being the same; wastes shipped to same disposer at the same location; waste are the same; shipments pass through the same customs office; and no other information on the notice changes significantly.

9. **How soon before the intended shipment must I notify?**

The time required to obtain confirmation of consent can vary greatly depending on the waste, destination, disposal operation, and transit countries. The notifier should allow at least 60 days for the review process.

10. **Who must be insured?**

EIHW requires that all Canadian importers, exporters and carriers must be covered by liability insurance.

11. **What insurance coverage is required?**

Insurance must be sufficient to cover damage to third parties and costs to clean up the environment. The normal requirement is for \$1,000,000 or \$5,000,000, depending on the section of the Regulations.

12. **What is meant by "authorized carrier"?**

A carrier who has been issued a written authorization to transport hazardous waste by the appropriate governmental jurisdiction.

13. **What are the duties of the carrier?**

The carrier must complete and sign part B of the manifest, give it to the importer, keep the manifest, notice, letter of confirmation or acknowledgement in proper location, deposit copies of forms at customs, and obey all legislation in relation to transportation and carry appropriate liability insurance.

14. **Who must fill out the manifest?**

The manifest is filled out in the same manner as in the TDG Regulation.

15. **Where can I obtain information on EIHW?**

Brochures are available from Environment Canada. Ask for one of the 'User's Guides'.

Web sites to check out:

http://www.ec.gc.ca/tmb/eng/tmbhp_e.html

<http://wlapwww.gov.bc.ca/epd/epdpa/sw/sw.html>