

## **CANADA CONSUMER PRODUCT SAFETY ACT: BULLETIN #1**

### **A SPECIAL REPORT FOR SUPPLIER MEMBERS WESTERN RETAIL LUMBER ASSOCIATION**

#### **Background**

The Canada Consumer Product Safety Act (CCPSA) comes into effect on June 20 this year. Administered by Health Canada, the stated purpose of the CCPSA is “to protect the public by addressing or preventing dangers to human health or safety that are posed by consumer products in Canada.” When safety incidents occur with consumer products, consumers are likely to raise them with the retailer from whom the product was purchased. Health Canada has made it clear, therefore, that it regards the suppliers to these retailers as an essential part of the process of public protection.

This Bulletin is intended to prepare WRLA supplier members to understand the important responsibilities they will face on June 20. These are (1) incident reporting and (2) record keeping. As other aspects of the CCPSA begin to impact the business community, further bulletins will be issued by WRLA.

#### **What is a Consumer Product?**

The CCPSA defines a consumer product as “a product that may reasonably be expected to be obtained by an individual to be used for non-commercial purposes. Non-commercial purposes would include a broad range of purposes such as domestic, recreational and sports purposes.” The definition includes the product itself, the product’s components, parts or accessories and packaging.

#### **What are not Consumer Products?**

Certain products are expressly excluded from the application of the CCPSA. Some of them are products that would be found in the stores of at least some WRLA retailers. They include:

- Pest control products within the meaning of the Pest Control Products Act.
- Feeds within the meaning of the Feeds Act.
- Fertilizers within the meaning of the Fertilizers Act.

#### **“Responsible Person” Is the Key**

The trigger for the incident reporting system is the *Responsible Person* - a person who has or should have knowledge of the obligations as set forth in the CCPSA and is responsible for reporting an incident deemed to be serious in nature.

**WRLA SUPPLIER MEMBERS SHOULD EACH DESIGNATE A *RESPONSIBLE PERSON* WITHIN THEIR COMPANY ON A PRIORITY BASIS.**

### **INCIDENT REPORTING**

#### **What is a Reportable Incident?**

The initial determination as to whether or not an incident is reportable rests with industry, including retailers and their suppliers. If the product in question was supplied to that retailer by your company, you can expect to be quickly contacted by the retailer’s Responsible Person. Alternatively, your company may be contacted directly by the end-use consumer with safety concerns.

While you and your retail customer can jointly determine whether the incident should be reported to Health Canada, the onus rests clearly with your company since it is the entity that can be expected to have the detailed product knowledge that may be required to make that determination.

Health Canada does not believe that every complaint will be classified as a reportable incident. For example, if a consumer complains that her child suffered a concussion as a result of being hit by a

baseball purchased from your retailer, the two of you could justifiably conclude this was not a reportable incident.

If a consumer product is being used for something other than its intended purpose and causes an injury, this may not be a reportable incident. The example Health Canada has given in this regard is using a power lawnmower to try to trim a hedge.

Deciding whether or not an incident should be reported should not be taken as an excuse for not reporting a true incident. In such cases, there will likely have been other reports on the same product forwarded to Health Canada. The Department will probably not be impressed that you and the retailer to whom a complaint had been made did not determine that this was a reportable incident and act accordingly.

This is what Health Canada has to say about mandatory incident reporting.

"Anyone who manufactures, imports or sells a consumer product for non-commercial purposes must provide Health Canada with all information in their control regarding an 'incident.' It is expected that suppliers will undertake an evaluation to determine if the suspected incident meets the criteria to be reported to Health Canada. This determination may be undertaken prior to timelines commencing for the mandatory incident reports."

To determine whether an event is a reportable incident, your company must determine, among other things, whether it is your product that is related to the suspected incident and that it meets one or more of the following criteria for an incident:

- an occurrence in Canada or elsewhere that resulted in, or may reasonably have been expected to result in, an individual's death or in serious adverse effects on their health, including a serious injury;
- a defect or characteristic that may reasonably be expected to result in an individual's death or in serious adverse effects on their health, including a serious injury;
- incorrect or insufficient information on a label or in instructions – or the lack of a label or instructions - that may reasonably be expected to result in an individual's death or in serious adverse effects on their health, including a serious injury; or
- a recall or measure that is initiated for human health or safety reasons by any of these entities:
  1. a foreign entity,
  2. a provincial government,
  3. a public body established under provincial legislation,
  4. an aboriginal government,
  5. an institution of any of the above entities.

### **Time Frames**

Within two days of your Responsible Person becoming aware of a serious incident, an initial report must be filed with Health Canada. This initial report must provide all the information the Responsible Person's company has within its control.

If you are the manufacturer or importer of a product that is involved in a reportable incident in Canada, you are also required to submit to Health Canada a more detailed written report within ten days after the day on which you became aware of an incident, unless Health Canada specifies a different timeframe.

The report must contain information:

- about the incident;
- about the product involved in the incident;
- about any other product that your company manufactures or imports into Canada that to your knowledge could be involved in a similar incident; and
- any measures you propose be taken with respect to the product.

The CCPSA stipulates that the Minister of Health is not necessarily bound by the 10-day requirement and can specify the length of the reporting period. Since the CCPSA does not stipulate that this

discretionary period means an extension of the 10 days, WRLA supplier members should be aware that they might be required to respond in less than 10 days.

### **How to Report**

The on-line reporting form will be in place by June 20.

To report an incident in English, the address is as follows:

<http://hc-sc.gc.ca/cps-spc/advisories-avis/incient/index-eng.php>

To report an incident in French, the address is as follows:

<http://hc-sc.gc.ca/cps-spc/advisories-avis/incient/index-fra.php>

While there are two reports required once a reportable incident has been verified: - the first within two days and the second within ten days - the same on-line form will be used for both reports.

### **RECORD KEEPING**

Under the CCPSA, anyone who manufactures, imports, advertises, sells or tests consumer products must prepare and maintain certain reports. Health Canada explains that "the intent of these requirements is to ensure that consumer products are able to be traced through the supply chain at all times for the purposes of reporting and recalls."

For non-retailers, Health Canada, describes this requirement as follows:

"Anyone else who manufactures, imports, advertises, sells or tests a consumer product for commercial purposes must prepare and maintain documents that indicate the name and address of the person from whom they obtained the product or the person to whom they sold the product, or both. This requirement would be in addition to any other document retention requirements under the regulations."

All required documents must be kept for at least six years and at a person's place of business in Canada. Again, the intent of these requirements is to ensure that consumer products are able to be traced through the supply chain at all times for the purposes of timely mandatory incident reporting, effective product recalls and inspections.

Health Canada may exempt a person from the requirement to keep the documents in Canada if it is considered unnecessary or impractical for the person to do so. In those cases, Health Canada may impose terms and conditions in relation to that exemption.

It is recommended that the Responsible Person in each company be responsible for ensuring proper record keeping. If the Responsible Person is from an importing company, he or she should also be responsible for alerting the company's supplier of a product that may require incident reporting. If it is decided that an incident report is necessary, the Responsible Person should ensure that the exporter of the product being reported receives a copy of both the two-day and ten-day reports

### **Help is Available**

Health Canada has made it clear that it is in the best interests of WRLA supplier members to develop a good working relationship with officials in any of its four Regional Product Safety Offices in Western Canada. They are located in Winnipeg, Saskatoon, Edmonton and Calgary as follows:

#### **Manitoba**

Regional Product Safety Office

510 Lagimodiere Boulevard.

Winnipeg, Manitoba

R2J 3Y1

Phone: 204-983-5490

Fax: 204-984-0461

E-mail: [Mb.Prodsafe@hc-sc.gc.ca](mailto:Mb.Prodsafe@hc-sc.gc.ca)

#### Saskatchewan

Regional Product Safety Office  
101 – 22<sup>nd</sup> Street East, Room 412  
Saskatoon, Saskatchewan  
S7K 0E1

Phone: 306-975-4502  
Fax: 306-975-6040  
E-mail [Sk.Prodsafe@hc-sc.gc.ca](mailto:Sk.Prodsafe@hc-sc.gc.ca)

#### Alberta, Nunavut, Northwest Territories and Yukon

Regional Product Safety Office  
c/o Suite 730, Canada Place  
9700 Jasper Avenue  
Edmonton, Alberta  
T5J 4C3

Phone: 780-495-2626  
Fax: 780-495-2624  
E-mail [Alberta.Prodsafe@hc-sc.gc.ca](mailto:Alberta.Prodsafe@hc-sc.gc.ca)

Regional Product Safety Office  
Room 282, Harry Hayes Building  
220 - 4 Avenue, S.E.  
Calgary, Alberta  
T2G 4X3

Phone: 403-292-4677  
Fax: 403-221-3422  
E-mail [Alberta.Prodsafe@hc-sc.gc.ca](mailto:Alberta.Prodsafe@hc-sc.gc.ca)

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There are several important web links the Responsible Person should note, as follows:

To see the text of the CCPSA and the regulations made under it:

English: <http://laws-lois.justice.gc.ca/eng/acts/C-1.68/index/html>

French: <http://laws-lois.justice.gc.ca/fra/lois/C-1.68/index/html>

To find out more about Consumer Product Safety at Health Canada:

English: [www.healthcanada.gc.ca/cps](http://www.healthcanada.gc.ca/cps)

French: <http://www.hc-sc.gc.ca/cps-spc/index-fra.php>

To find out more about the CCPSA:

English [www.healthcanada.gc.ca/ProductSafety](http://www.healthcanada.gc.ca/ProductSafety), or  
<http://www.hc-sc.gc.ca/cps-spc/legislation/acts-lois/ccpsa-lcspc/index-eng.php>

French [www.santecanada.gc.ca/securitedesproduits](http://www.santecanada.gc.ca/securitedesproduits), or  
<http://www.hc-sc.gc.ca/cps-spc/legislation/acts-lois/ccpsa-lcspc/index-fra.php>

To subscribe for e-mail updates about the CCPSA:

English [http://hc-sc.gc.ca/cps-spc/legislation/acts-lois/ccpsa-lcspc/\\_subscribe-abonnement/index-eng.php](http://hc-sc.gc.ca/cps-spc/legislation/acts-lois/ccpsa-lcspc/_subscribe-abonnement/index-eng.php)

French [http://hc-sc.gc.ca/cps-spc/legislation/acts-lois/ccpsa-lcspc/\\_subscribe-abonnement/index-fra.php](http://hc-sc.gc.ca/cps-spc/legislation/acts-lois/ccpsa-lcspc/_subscribe-abonnement/index-fra.php)

To find out more about mandatory reporting under the CCPSA:

English <http://hc-sc.gc.ca/cps-spc/legislation/acts-lois/ccpsa-lcspc/indust/reporting-declaration/index-eng.php>

French <http://hc-sc.gc.ca/cps-spc/legislation/acts-lois/ccpsa-lcspc/indust/reporting-declaration/index-fra.php>