



Gatineau (Quebec)

December 14, 2017

Notice: Exports of waste materials and recyclables to China and scrap materials captured under the *Export and Import of Hazardous Waste and Hazardous Recyclable Material Regulations*

Madam, Sir,

On October 21, 2016, amendments to the *Export and Import of Hazardous Waste and Hazardous Recyclable Material Regulations* (EIHWHRM) came into force that expand what is captured as “hazardous waste” and “hazardous recyclable material” under the *Canadian Environmental Protection Act, 1999* and the EIHWHRM.

Specifically, waste and recyclable material being exported for disposal or recycling are now considered hazardous waste or hazardous recyclable material if:

- they are defined as, or considered to be, “hazardous” under the legislation of the importing country or that of a transit country;
- their importation is prohibited under the legislation of the importing country; or
- they are one of the “hazardous wastes” or “other wastes”¹ in the Basel Convention, and the importing country is a party to the Basel Convention.

As a result, some shipments of waste and material such as metals, plastics, paper, and other household-generated wastes may now be considered hazardous waste or hazardous recyclable material under the *Canadian Environmental Protection Act, 1999* and the EIHWHRM when exported overseas for recycling or disposal purposes. Therefore, in the case of a captured waste or material by the EIHWHRM, **a permit issued by the Waste Reduction and Management Division at Environment and Climate Change Canada would be required before the shipment leaves Canada.**

In July 2017, China notified the World Trade Organization of plans to update China’s *Catalogue of Solid Wastes Forbidden to Import into China by the end of 2017*. This proposal broadens the import prohibition to include used materials, including paper and mixed plastics. The Government of Canada has requested some clarification on the full range of the proposed measure and awaits a response from the Chinese Ministry of Environmental Protection. Text of China’s submission to the World Trade Organization can be found at the following link: <https://goo.gl/3pu6yv>.

Note that once the proposed import prohibitions are fully implemented by China, it would mean that waste or material subject to these prohibitions will not be allowed to be imported into China.

¹ “Other wastes” under the *Basel Convention* includes “waste collected from households” and “residues arising from the incineration of household waste”. Hazardous waste is defined under Article 1, paragraph 1 of the Basel Convention. Text of the *Basel Convention* can be found at: <http://www.basel.int/TheConvention/Overview/TextoftheConvention/tabid/1275/Default.aspx>

Under Canadian law, such waste or material will also be considered hazardous under the EIHWRMR and will require an export permit under the *Canadian Environmental Protection Act, 1999* if China is the intended destination for that shipment. However, given that China has already announced its intention to ban the import of these wastes, it is likely that Canada would not be able to obtain the required consent from China to authorize such an export. In such a situation, shipments that proceed without proper permits will be considered unlawful exports. This means that, the exporter will be required to make all necessary arrangements to return the shipment to Canada or to an alternative destination and could be prosecuted under the *Canadian Environmental Protection Acts, 1999* for violation of the provisions of the Act and the EIHWRMR.

A consolidated version of the EIHWRMR is available on Justice Canada's website at <http://laws-lois.justice.gc.ca/eng/regulations/SOR-2005-149/>. More information on how to comply with the EIHWRMR is available at <https://goo.gl/3xzPq2>.

Environment and Climate Change Canada will issue updates as new information on China's prohibition becomes available. Additional information on managing and reducing waste is available at

<https://www.canada.ca/en/environment-climate-change/services/managing-reducing-waste.html>.

Environment and Climate Change Canada welcomes the further distribution of this notice.

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