

Japan Machinery Center for Trade and Investment

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12th May 2011

Waste Reduction and Management Division
Environment Canada
351 St. Joseph Boulevard, 14th floor
Gatineau, Quebec K1A 0H3, Canada

Dear Sir / Madam,

Japan Machinery Center for Trade and Investment is a nonprofit organization established in 1952 in accordance with the Export and Import Transaction Law. It comprises about 270 major and medium-ranked companies engaged in exporting or investing in a broad range of machinery, including manufacturers of electrical and electronic equipment, trading firms and engineering companies.

Our committee handles environmental issues over products for trade and is strongly concerned with overseas environment-related regulations on product. From this standpoint, we would like to comment on the Proposed Regulations Respecting Products Containing Certain Substances Listed in Schedule 1 to the Canadian Environmental Protection Act, 1999.

We would like to express our thanks for the transparency of rulemaking process of the Proposed Regulations Respecting Products Containing Certain Substances Listed in Schedule 1 to the Canadian Environmental Protection Act, 1999 and are delighted to have this opportunity to submit our comments on this.

If you have any questions, please feel free to contact our secretariat (Mr. Hideaki Fukasawa, E-mail: fukasawa@jmcti.or.jp).

Sincerely yours,

Hideaki Ida
Chairman
Environment Law Committee
Japan Machinery Center for Trade and Investment

**Comments of Japan Machinery Center for Trade and Investment (JMC)
on the proposed *Regulations Respecting Products Containing Certain Substances
Listed in Schedule 1 to the Canadian Environmental Protection Act, 1999***

12 May 2011

JMC strongly supports the Canadian Government's intention to implement safer and more environment-friendly measures to reduce risks on mercury that has been causing health hazards and contamination throughout the world. We also understand that producers should bear part of the social responsibility.

On the proposed *Regulations Respecting Products Containing Certain Substances Listed in Schedule 1 to the Canadian Environmental Protection Act, 1999* (dated February 26, 2011), we would like to comment from our viewpoint as follows:

【General comments】

The EU and the U.S. have already implemented regulations on mercury-containing products. We request that the Canadian Government take full account of existing laws (EU RoHS Directive (2002/95/EC) and the U.S. State laws and regulations) in order to avoid a situation in which only Canadian's rules would be out of alignment.

Particularly about differences in product, exclusion subject to regulation, threshold limit, and labeling etc., the existing regulations should be well considered because they may greatly affect not only our industry but also Canadian industry and cause confusion.

【Itemized comments】

1. Timeline

Article 17 currently proposes that these Regulations would come into force on January 1, 2012. In considering measures to cope with indicating information or to test lamps at a certification body accredited by the Standards Council of Canada, we would like to have at least one year's transition period before coming into force from the date of publication of the final Regulations.

2. Labeling

A) Article 8 "LABELLING" requires to indicate all the 6 mercury-related items on the products both in English and French. Since the space on the product where information can be shown is limited, however, we request that producers should be

allowed to select a position of information indication from product, package, and user manual, including indication on product documentation such as user manual, like in many States in the U.S.

(See: MERCURY EDUCATION AND REDUCTION MODEL ACT.

http://www.newmoa.org/prevention/mercury/final_model_legislation.pdf)

- B) The requirements for indicating the symbol of Hg stipulated in Article 9 are not necessarily the same as those in the regulations of U.S. States or other. This is confusing for producers, and at the same time imposes excessive burdens on producers for excessive separate production. Since this is not preferable socioeconomically, we request that the requirements should be harmonized with those in the U.S. State regulations.

3. Contents of Information

Though the items (b) and (c) of Article 8 require that the amount of mercury contained must be indicated on the product, many products contain mercury only in their limited parts such as lamps. It would be almost useless to indicate the amount of mercury when mercury is sealed as in lamps and hardly exposed to users. For users, it would be enough to provide information appropriately about the following two items:

- (1) the fact that product contains mercury, and
- (2) the instruction for appropriate treatment and disposal.

The EU WEEE Directive (2002/96/EC) and the State laws and regulations in the U.S. basically require to indicate these two points. Therefore, we request that statement concerning the amount of mercury contained in a report to the authorities should be adequate.

4. Exempted products

In considering the global distribution of electric and electronic equipment, we request harmonization (category, threshold, and other) with application-exempted items in existing regulations such as EU RoHS Directive (2002/95/EC) and EU Battery Directive (2006/66/EC).

(See: *COMMISSION DECISION 2010/571/EU and its amendments*;

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:251:0028:0034:EN:PDF>).

(See: *COMMISSION DECISION 2006/66/EC*;

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:266:0001:0014:en:PDF>).

5. Measuring method

Regarding the quantity of mercury contained, Article 12 prescribes measurement by the method of IEC62321:2008. However, the method is not applicable to the measurement of mercury contained in lamps mainly covered in regulation. We request explicit statement that Article 12 would be applied only after international standards are established for the measurement of mercury in lamps and enable objective measurement by a third party.

6. Certification of lamps

Article 13 requires a third party to certify the quantity of mercury contained in lamps. Since there are now no measuring standards for the quantity of mercury contained, the quantity of mercury in lamps should be declared by producers themselves. We request that Article 13 should be deleted from the proposed regulations.