

# Federal Government Publishes Prohibition Of Certain Toxic Substances Regulations, 2025



On December 31, 2025, the Federal Government published the Prohibition of Certain Toxic Substances Regulations, 2025 ([2025 Regulations](#)) under the *Canadian Environmental Protection Act, 1999* (CEPA). When they come into effect on June 30, 2026, the 2025 Regulations will repeal and replace the Prohibition of Certain Toxic Substances Regulations, 2012 ([2012 Regulations](#)). The Federal Government published a [proposed version of the 2025 Regulations](#) in 2022 for public consultation.

Like the 2012 Regulations, the 2025 Regulations will prohibit the manufacture, use, sale and import of certain toxic substances, and products containing them (excluding incidental presence), with limited exemptions. The 2025 Regulations will remove certain exemptions that are available under the 2012 Regulations and will impose new restrictions in an effort to further reduce concentrations of specific toxic substances in the environment.

## What Will Change with the 2025 Regulations?

### PFAS Substances

The 2025 Regulations will further restrict the manufacture,

use, sale and import of three subgroups of PFAS substances (and products containing them), which were restricted as part of the 2012 Regulations: perfluorooctane sulfonate, salts and precursors ([PFOS](#)); perfluorooctanoic acid, its salts and its precursors ([PF0A](#)); and perfluorocarboxylic acids, their salts and their precursors ([LC-PFCAs](#)). These substances are repellent to water, dirt, oil and grease, among other attributes, and have been found in a range of products such as personal care and cleaning products, automobile parts, semiconductors, fire-fighting foams, textiles, paper products and packaging.

### **HBCD and PBDEs**

The 2025 Regulations will further restrict the manufacture, use, sale and import of hexabromocyclododecane (HBCD) and polybrominated diphenyl ethers (PBDEs) (and products containing them), which were restricted in the 2012 Regulations. HBCD and PBDEs are substances used primarily in flame retardants in commercial applications and consumer products, such as automobile parts, insulation, textiles, paints, adhesives, and rubber and plastic products.

The 2025 Regulations will remove exemptions for PF0A, PFOS, LC-PFCAs, HBCD and PBDE that are available under the 2012 Regulations. Limited exemptions will continue to be available to reflect socio-economic factors, the availability of suitable alternatives, a consideration of the regulation of these substances in the international context and risks to the environment.

### **DP and DBDPE**

Dechlorane Plus (DP) and decabromodiphenyl ethane (DBDPE) were added to Schedule 1 of CEPA (substances that meet the toxicity criteria under CEPA) in February 2025. These substances are additive flame retardants that have been used in a wide range of commercial and consumer products, including wire and cable

jacketing, electronics, appliances, roofing materials, automobile parts, and rubber and plastic products. DP and DBDPE have been added to the 2025 Regulations to impose additional restrictions on the manufacture, use, sale and import of these substances (and products containing them), with limited exemptions.

## **Incidental Presence**

Schedule 3 of the 2025 Regulations prescribes specific concentrations of HBCD, PBDEs and PFOS in specific products that will be considered to be incidentally present and therefore fall outside of the prohibitions. Incidental presence thresholds were not prescribed for all prohibited substances, including DP and DBDPE, as there was insufficient data to set a limit. For substances or products where a specific concentration has not been set, incidental presence is generally understood to be a residual, trace contaminant or impurity that was not intentionally added to the formulation.

## **Permits**

Like the 2012 Regulations, the 2025 Regulations will offer time-limited permits that temporarily allow the continued manufacture, import, sale or use of certain prohibited substances where there are no technically or economically feasible alternatives available.

## **Next Steps**

Organizations should take steps to confirm compliance with changing regulatory requirements regarding the manufacture, importation and use of chemical substances in Canada.

We are expecting additional regulatory developments with respect to the regulation of chemical substances in Canada once the [Order adding the class of PFAS \(excluding fluoropolymers\) to Part 2 of Schedule 1](#) is issued, which opens

up the door for further regulatory measures from the Federal Government under CEPA. See our [prior blog on the class of PFAS](#) for more information.

*The content of this article is intended to provide a general guide to the subject matter. Specialist advice should be sought about your specific circumstances.*

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