New Federal Hazardous Waste Shipping Rules Take Effect in October



The 9 things you need to know about the new environmental requirements.

Once upon a time, generators of hazardous waste could circumvent onerous disposal regulations by shipping it to other countries for disposal. But Canada has joined with other countries around the world to put a stop to this and impose more stringent requirements for moving hazardous waste, both within and across national boundaries. A major development will take place on October 31, 2021, when the new federal *Cross-Border Movement of Hazardous Waste and Hazardous Recyclable Material Regulations* (the 'Regulations') officially take effect. Here's a quick overview of the key parts of the new Regulations.

1. Permitting Process

The Regulations make a number of significant changes to the processing of permits for transportation of hazardous waste and recyclable material, including:

- Extension of a permit's maximum duration from 12 months to 3 years for the transport of waste and materials to 'pre-consented' facilities in OECD countries;
- Specification of the conditions that can lead to a

permit’s being refused, revoked or suspended;
- New procedures for updating or changing the information listed in a permit;
- New notification and information requirements for different kinds of permits, including:
    - Permits for Import;
    - Permits for Export;
    - Permits for Export from an Import to Canada Following Transit Through a Foreign Country;
    - Permits for Transit Through Canada;
    - Permits for Return to Canada; and
    - Permits for Return to Foreign Country of Origin;

2. Electronic Movement Tracking System

One of the key objectives of the Regulations is to transition the current paper to a more efficient electronic system for tracking shipments of regulated hazardous waste and hazardous recyclables by eliminating the prescribed form and specifying the information that must be included in the movement tracking process.

3. Export of Plastic Wastes

The Regulations streamline the current provisions regarding the export of materials containing polychlorinated byphenyls (PCBs) and coordinate them with the rules governing export of hazardous waste and hazardous recyclable material. Under the Regulations, exports of wastes containing PCBs for disposal in the U.S., China or other countries will be allowed only under certain specified conditions and if a permit is granted. However, the Regulations also eliminate the current ban on exporting waste with a PCB concentration of 50 mg/kg.

4. Batteries

To promote domestic battery recycling, the new rules specify that all types of batteries are considered hazardous waste or

hazardous recyclable material subject to the Regulations, with one exception: batteries destined for recycling after moving interprovincially and that don’t meet the criteria for dangerous goods under *Transportation of Dangerous Goods Regulations*.

5. Electrical and Electronic Equipment (EEE)

The definition of hazardous waste or hazardous recyclable material also includes ‘circuit boards and display devices and any equipment that contains them.’ As before, there’s a ban on moving these items interprovincially and within OECD countries.

6. Mercury

The Regulations eliminate the current small quantity exemption allowing for movement of material containing less than 50mL of mercury per shipment, except for interprovincial shipments of end-of-life products. As a result, any waste or material containing mercury that meets the definition of hazardous waste or hazardous recyclable material will be subject to the Regulations, regardless of quantity.

7. Residual Quantities

Rather than defining residual waste as a hazardous waste or hazardous recyclable material, the Regulations include a new exclusion for material transported in a container after the container’s original contents are removed and before its subsequently cleaned.

8. Toxicity Characteristic Leaching Procedure (TCLP)

Under the Regulations, all waste shipped interprovincially or

internationally must be subjected to a TCLP to assess the potential risk of release of the contaminants it contains. In addition, material undergoing testing will now have to be shredded, as opposed to current rules which require only that the size of particles be reduced to fit into the testing equipment.

9. Waste and Recyclable Material Generated on Ships

The Regulations clarify that waste or recyclable material generated from the regular operation of a ship is not considered hazardous waste or hazardous waste recyclable material. However, transport and disposal of this waste must still meet the requirements of the *Canada Shipping Act*.