

*Defect Reporting /  
Product Safety  
Recalls*

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*A Canadian Perspective*

*Presented to ICPHSO*

*March, 2004*

# *Legislative Authorities*

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- In Canada, products that pose a risk to health or safety can be prohibited or restricted under the *Hazardous Products Act (HPA)* administered by Health Canada.
- The Consumer Product Safety Program of Health Canada monitors compliance with and enforces the *HPA* and its *Regulations*.

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# *Legislative Authorities*

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- The *Hazardous Products Act (HPA)* prohibits the importation, advertisement or sale of prohibited and non-compliant restricted products as listed in Parts I and II of Schedule I of the Act.
- Section 6 of the *HPA* provides for intervention with unregulated consumer products which pose a risk to health and safety

# *Legislative Authorities – Reporting Requirements*

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- In Canada, there is no requirement under the Act for a manufacturer / establishment to report non-compliance of a regulated product or any identified product hazard to the federal regulatory authorities.

# *Legislative Authorities – Product Recall*

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- The *Hazardous Products Act (HPA)* provides no authority for an inspector to initiate a product recall.
- In Canada, product recalls are conducted in cooperation with the person responsible for the product, typically the importer or manufacturer.

# *Legislative Authorities – Refusal to Recall*

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## Regulated Products:

- If a responsible party fails to effectively conduct a recall of a non-compliant regulated product, the inspector may use enforcement powers under the Act, including seizure and prosecution.
- The program may also issue a public warning advising consumers of the hazards posed by the product.

# *Legislative Authorities – Refusal to Recall*

## Regulated Products (cont'd):

- Section 22 of the Act gives the inspector the authority to enter, examine and make copies of information relevant to enforcement of the Act.
- A letter may be issued to advise accounts that the non-compliant products cannot be legally sold and must be removed from sale. However, the inspector has no authority to inform accounts of the supplier's position on the product recall.

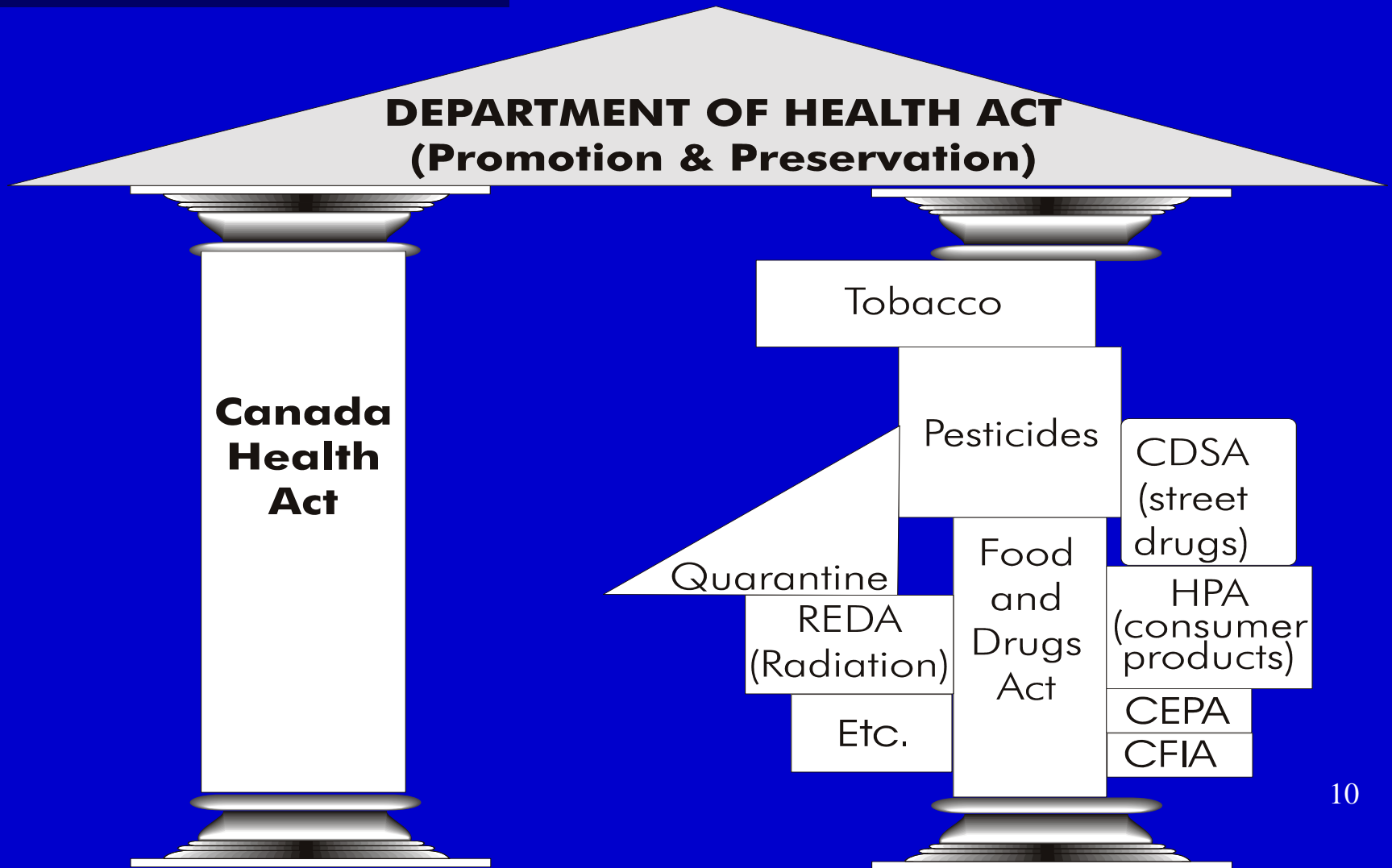
# *Legislative Authorities – Refusal to Recall*

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## Unregulated Products:

- Where the product or hazard is unregulated, no legal tools or authorities are available to the inspector.
- The establishment is informed of the hazard, is given a recommended course of action and informed that a public warning may be issued.

# *Current Legal Framework*



# *Legislative Renewal Initiative*

1. *Modernize and strengthen federal health protection legislation so that it provides the necessary tools to better protect Canadians.*
2. *Provide policy direction in order to reflect a commitment to the highest standards of health protection.*

# *Legislative Renewal*

*Canada Health  
Protection Act*  
**(CHPA)**

*Hazardous Product Act (HPA)*

*Radiation Emitting Devices Act  
(REDA)*

*Food & Drugs Act (FDA)*  
*(incl. Cosmetic Regulations)*

*Quarantine Act*

# *General Safety Requirement (GSR)*

- **Obligations** on manufacturers and importers
- Applies to the **entire life cycle** of product, from manufacturing to disposal
- **Illegal to manufacture, promote or market** a product which may present an undue risk to health, under reasonably foreseeable conditions of use
- Health Canada **continues to establish specific standards** and requirements by way of regulations
- GSR a **safety net** to complement specific standards and requirements

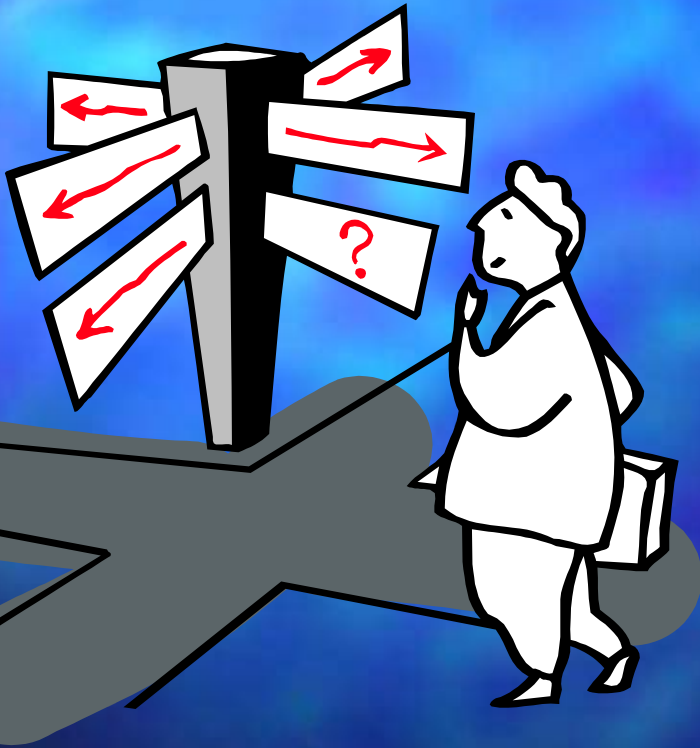
# *Consultations*

- 1st round of Consultations 1998-1999  
(to identify issues and values)
- 2<sup>nd</sup> round of consultations on  
legislative proposal to be completed  
by March 31<sup>st</sup>, 2004

# *Next Steps*

- Completion of the consultations
- Policy analysis and development
- Preparation of Memorandum to Cabinet (MC)
- Drafting of the Bill
- Parliamentary process
- Regulations
- Implementation

# Thank you....



Looking for more information ?

Director

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