

Export and Import of Hazardous Wastes Regulations ( C-15.31 -- SOR/92-637 )

Disclaimer: These documents are not the official versions (more).

Source: <http://laws.justice.gc.ca/en/C-15.31/SOR-92-637/text.html>

Updated to April 30, 2004

---

## **Export and Import of Hazardous Wastes Regulations**

SOR/92-637

Registration 12 November, 1992

CANADIAN ENVIRONMENTAL PROTECTION ACT, 1999

## **Export and Import of Hazardous Wastes Regulations**

P.C. 1992-2284 12 November, 1992

His Excellency the Governor General in Council, on the recommendation of the Minister of the Environment, pursuant to subsection 45(3)\* of the Canadian Environmental Protection Act\*\*, is pleased hereby to make the annexed Regulations respecting the export and import of hazardous wastes, effective November 26, 1992.

\* S.C. 1992, c. 1, s. 37(2)

\*\* R.S., c. 16 (4th Supp.)

### REGULATIONS RESPECTING THE EXPORT AND IMPORT OF HAZARDOUS WASTES

#### SHORT TITLE

1. These Regulations may be cited as the *Export and Import of Hazardous Wastes Regulations*.

#### INTERPRETATION

2. (1) In these Regulations,

"Act" means the *Canadian Environmental Protection Act, 1999*; (*Loi*)

"authorized carrier" means

(a) in the case of a carrier that is required under applicable laws to be the holder of a licence, permit, certificate or other written authorization to carry the type of hazardous waste that is being exported or imported, a carrier in respect of which a licence, permit, certificate or other written authorization has been issued by the competent governmental and international authorities to transport that type of hazardous waste, and

(b) in any other case, a carrier that is authorized under applicable laws to carry the type of hazardous waste that is being exported or imported; (*transporteur agréé*)

"authorized facility" means a facility in respect of which a licence, permit, certificate or other written authorization has been issued by the competent governmental authority to dispose of or to recycle, as the case may be, in the manner set out in the notice, the type of hazardous waste that is being exported or imported; (*installation agréée*)

"Chief" means the Chief of the Transboundary Movement Division, Operations Branch, the Department of

the Environment; (*chef*)

"competent authority" means the authority, body or person in a country who is legally competent to consent to the export from or import into that country of a hazardous waste; (*autorité compétente*)

"Convention" means the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, signed on March 22, 1989; (*Convention*)

"countries concerned" means the country of import and any country of transit in which a hazardous waste is stranded; (*pays concernés*)

"country of export" means a country, other than a country of transit, from which a hazardous waste is being or is proposed to be exported for disposal or recycling; (*pays d'exportation*)

"country of import" means a country, including any land, marine area or airspace within which the country exercises administrative and regulatory responsibility respecting the protection of the environment or human health, into which a hazardous waste is being or is proposed to be imported for disposal or recycling in that country or for loading prior to disposal or recycling in an area outside the jurisdiction of any country; (*pays d'importation*)

"country of transit" means a country, excluding any airspace and marine area outside the limits of its territorial sea, into which a hazardous waste is being or is proposed to be imported and from which the hazardous waste is being or is proposed to be subsequently exported without being disposed of or recycled; (*pays de transit*)

"disposal" means any operation set out in column I of an item of Part I of Schedule I and includes storage pending that operation; (*élimination*)

"disposer" means any person to whom a hazardous waste is shipped and who carries out the disposal of that waste; (*éliminateur*)

"exporter" means any person who proposes to export or who exports a hazardous waste from Canada; (*exportateur*)

"hazardous waste" means a product, substance or organism that is intended for disposal or recycling, including storage prior to disposal or recycling, and that is

(a) listed in Schedule III; or

(b) included in any of classes 2 to 6 and 8 and 9 of the *Transportation of Dangerous Goods Regulations*, except a product, substance or organism that is

(i) household in origin, or

(ii) returned directly to its manufacturer or supplier for reprocessing, repackaging or resale, including a product, substance or organism that is

(A) defective or otherwise not usable for its original purpose, or

(B) in surplus quantities but still usable for its original purpose. (*déchets dangereux*)

"importer" means any person who proposes to import or who imports a hazardous waste into Canada; (*importateur*)

"manifest" means the manifest set out in Form 3 of Schedule II. (*manifeste*)

"notice" means the notice of a proposed export or import of a hazardous waste for the purpose of notifying the Minister under subsection 185(1) of the Act; (*préavis*)

"OECD Decision" means the Decision of the Council of the Organisation for Economic Co-operation and Development concerning the control of transfrontier movements of wastes destined for recovery operations that was adopted March 30, 1992; (*décision de l'OCDE*)

"recycler" means a person to whom a hazardous waste is shipped and who carries out the recycling of that waste; (*recycleur*)

"recycling" means any operation set out in column I of an item of Part II of Schedule I. (*recyclage*)

(2) For the purposes of these Regulations, where only part of a hazardous waste is destined for recycling, the hazardous waste shall be considered to be destined for recycling.

(2.1) For the purposes of these Regulations, in order to determine if a hazardous waste is a class 9 substance under the *Transportation of Dangerous Goods Regulations*, the expression "disposal" in subparagraphs 2.43(b)(iv) and (v) of those Regulations shall be read as "disposal or recycling".

(3) No provision of these Regulations shall be interpreted as precluding an agent from acting on behalf of an exporter or importer, but no agent may sign any document that, by these Regulations, requires the signature of an exporter or importer. SOR/2000-103, s. 1; SOR/2002-300, s. 1.

## PART I NOTICE

### *Manner of Delivery*

**3.** (1) Subject to subsection (2), a notice shall be given by hand delivery, registered mail or facsimile.

(2) In the case of an import, a notice may be given by electronic data interchange by means of a system compatible with that used by the Chief. SOR/94-459, s. 1.

### *Contents*

**3.1** (1) Subject to subsection (2), a notice shall be  
(a) where Canada is not a country of transit, in Form 1 of Schedule II; and  
(b) where Canada is a country of transit, in Form 2 of Schedule II.

(2) Where a notice is given by electronic data interchange, the notice shall contain the information required by Form 1 of Schedule II and the name of the individual giving the notice.

(3) Each notice shall contain a reference number provided by the Chief that is unique to that notice.

(4) In the case of an export where the French or English language is not acceptable to the competent authority in the country of import, the information in the notice shall be provided in the French or English language and in a language used by that authority. SOR/94-459, s. 1.

### *Period within Which a Notice Must Be Given*

**3.2** An exporter or importer, as the case may be, shall give a notice within one year before the export or import of the hazardous waste in respect of which the notice is required. SOR/94-459, s. 1.

### *Electronic Data Interchange*

**3.3** Every importer who gives a notice by electronic data interchange shall, in the notice, by means of an electronic signature provided by the Chief, certify that the information contained in the notice is correct. SOR/94-459, s. 1.

### *Conditions for a Single Notice*

[SOR/94-459, s. 1]

**4.** Where more than one export or import is proposed, exporters and importers shall use a separate notice with respect to each proposed export or import unless all of the hazardous wastes in respect of which a notice is given

- (a) have essentially the same physical and chemical characteristics;
- (b) are to be shipped to the same disposer or recycler at the same location for disposal or recycling at the same facility;
- (c) are to be shipped only through those customs offices that are specified in the notice; and
- (d) in the case of imports into Canada, originate from the same person.

## PART II

### EXPORT AND IMPORT OF HAZARDOUS WASTES FOR DISPOSAL

#### *Application*

5. This Part applies in respect of the export and import of hazardous wastes for disposal.

#### *Conditions on Exports for Disposal*

6. For the purposes of subsection 185(1) of the Act, where Canada is not a country of transit, an exporter may export a hazardous waste only if

- (a) the export of that hazardous waste is not prohibited under the laws of Canada;
- (b) at the time the notice is given, the country of import has not notified the Chief that the importation of that hazardous waste into that country is prohibited;
- (c) the country of import is a party to the Convention or the *Canada-U.S.A. Agreement on the Transboundary Movement of Hazardous Waste* that came into effect on November 8, 1986;
- (d) the hazardous waste is not to be disposed of south of 60° south latitude;
- (e) the exporter is a person
  - (i) whose activity generated the hazardous waste,
  - (ii) who is removing the hazardous waste, from a site that the person owns or operates, for disposal,
  - (iii) who is acting on behalf of a government, or
  - (iv) who collects or receives the hazardous waste and then processes or bulks it for disposal;
- (f) there is a signed, written contract or a series of such contracts between the exporter and the person who imports the hazardous waste into the country of import or, where the exporter and the person who imports the hazardous waste are the same legal entity doing business in both Canada and the country of import, there is a signed, written arrangement between representatives of the entity in both countries;
- (g) the contract or arrangement
  - (i) states the code set out in column II of an item of Part I of Schedule I that corresponds to the operation by which it is proposed that the hazardous waste will be disposed of,
  - (ii) includes a term that requires the person who imports the hazardous waste into the country of import to submit to the Chief
    - (A) within three days after the person accepts delivery of the hazardous waste, a copy of the completed and signed manifest, and
    - (B) within 30 days after the hazardous waste is disposed of, written confirmation that the hazardous waste has been disposed of, and
  - (iii) includes a term that requires the person who imports the hazardous waste into the country of import, where delivery has been accepted by that person and the hazardous waste cannot be disposed of in accordance with the terms of the contract or arrangement, to take all practicable measures to help the exporter fulfil the terms of the undertaking given in the notice;
- (h) the exporter submits to the Chief, forthwith after giving the notice,
  - (i) a copy of the contract or arrangement, excluding any confidential financial information,
  - (ii) a copy of the policy or certificate of insurance with respect to the insurance of the exporter and the carrier referred to in section 9, and
  - (iii) where applicable, a copy of the permit referred to in paragraph (t);
- (i) the exporter and any agent acting on behalf of the exporter are residents of Canada or, in the case of a corporation, have a place of business in Canada;
- (j) the exporter and the carrier of the hazardous waste, if other than Her Majesty in right of Canada or a province or Her agent, are insured in accordance with section 9;

(k) the exporter receives written confirmation from the Chief that the Chief has been advised in writing by the competent authority in the country of import that the competent authority consents, in accordance with the laws of that country with respect to giving that consent, to the proposed import into that country;

(l) to (n) [Repealed, SOR/2002-300, s. 2]

(o) the manifest, with copies of the notice and the written confirmation referred to in paragraph (k) attached thereto, accompanies the hazardous waste and, where the hazardous waste is of a type set out in column I of an item of Part I or IV of Schedule III, is located in the places in which Part IV of the *Transportation of Dangerous Goods Regulations* requires that a shipping document be placed, and copies of the manifest and attachments are deposited at the customs office where the hazardous waste is required to be reported under section 95 of the *Customs Act*;

(p) the exporter has not breached the undertaking that was given in a notice required in respect of a previous export of a hazardous waste;

(q) each carrier named in the notice is an authorized carrier;

(r) each facility named in the notice is an authorized facility;

(s) the exporter takes all practicable measures to ensure that the hazardous waste will be transported and disposed of in a manner that protects the environment and human health from the adverse effects that may result from transporting and disposing of the hazardous waste;

(t) where the hazardous waste is to be disposed of by an operation set out in column I of item 7 or 11 of Part I of Schedule I and it would be a contravention of section 124 or 125 of the Act to carry out that operation unless a permit referred to in subsection 127(1) or 128(2) of the Act has been granted in respect of that operation, a permit referred to in subsection 127(1) or subsection 128(2) of the Act is granted in respect of that operation;

(u) where the hazardous waste is of a type set out in column I of an item of Division I(A) or Part IV of Schedule III, the hazardous waste is

(i) packaged in accordance with the requirements set out in chapter 9 of the *Recommendations on the Transport of Dangerous Goods*, 7th Revised Edition, published by the United Nations, with respect to goods in Packing Group III, and

(ii) labelled and placarded in accordance with the requirements set out in chapter 13 of that publication with respect to goods in Class 9; and

(v) where the hazardous waste is to be exported through a country of transit,

(i) at the time the notice is given, the country of transit has not notified the Chief that the transit of that hazardous waste through that country is prohibited, and

(ii) the exporter receives written confirmation from the Chief that

(A) the Chief has been advised in writing by the competent authority in the country of transit that the competent authority consents, in accordance with the laws of that country with respect to giving that consent, to the proposed transit, or

(B) where the Convention provides that export of the hazardous waste may be allowed to proceed if the country of transit has not responded within 60 days after receiving notification of the proposed transit of the hazardous waste through that country, the Chief has not been advised in writing by the competent authority in the country of transit that the competent authority refuses to consent, in accordance with the laws of that country with respect to refusing that consent, to the proposed transit. SOR/94-459, s. 2; SOR/2000-103, ss. 2, 7; SOR/2002-300, s. 2.

### *Conditions on Imports for Disposal*

7. For the purposes of subsection 185(1) of the Act, where Canada is not a country of transit, an importer may import a hazardous waste only if

(a) the import of that hazardous waste is not prohibited under the laws of Canada;

(b) the country of export is a party to the Convention or the *Canada-U.S.A. Agreement on the Transboundary Movement of Hazardous Waste* that came into effect on November 8, 1986;

(c) the importer is the disposer of the hazardous waste in Canada;

(d) there is a signed, written contract or a series of such contracts between the importer and the person who exports the hazardous waste from the country of export or, where the importer and the person who

exports the hazardous waste are the same legal entity doing business in both Canada and the country of export, there is a signed, written arrangement between representatives of the entity in both countries;

(e) the contract or arrangement

(i) states the code set out in column II of an item of Part I of Schedule I that corresponds to the operation by which it is proposed that the hazardous waste will be disposed of,

(ii) includes a term that requires the importer to submit to the Chief

(A) within 3 days after the importer accepts delivery of the hazardous waste, a copy of the completed and signed manifest, and

(B) within 30 days after the hazardous waste is disposed of, confirmation in writing that the hazardous waste has been disposed of, and

(iii) includes a term that requires the importer, where delivery has been accepted by the importer and the hazardous waste cannot be disposed of in accordance with the terms of the contract or arrangement, to take all practicable measures to help the country of export comply with article 8 of the Convention;

(f) the importer submits to the Chief, forthwith after giving the notice,

(i) a copy of the contract or arrangement, excluding any confidential financial information,

(ii) a copy of the policy or certificate of insurance with respect to the insurance of the importer and the carrier referred to in section 9, and

(iii) where applicable, a copy of the permit referred to in paragraph (r);

(g) the importer and any agent acting on behalf of the importer are residents of Canada or, in the case of a corporation, have a place of business in Canada;

(h) the importer and the carrier of the hazardous waste, if other than Her Majesty in right of Canada or a province or Her agent, are insured in accordance with section 9;

(i) the importer receives confirmation in writing or by electronic data interchange from the Chief that the Chief has been advised in writing or by electronic data interchange by the government of the province in which the importer proposes to dispose of the hazardous waste that the proposed disposal of that hazardous waste in that province is allowed under the laws of that province;

(j) to (l) [Repealed, SOR/2002-300, s. 3]

(m) the manifest, with copies of the notice and the confirmation referred to in paragraph (i) attached thereto, accompanies the hazardous waste and, where the hazardous waste is of a type set out in column I of an item of Part I or IV of Schedule III, is located in the places in which Part IV of the *Transportation of Dangerous Goods Regulations* requires that a shipping document be placed, and copies of the manifest and attachments are deposited at the customs office where the hazardous waste is required to be reported under section 12 of the *Customs Act*;

(n) the importer has not breached the undertaking that was given in a notice required in respect of any export of a hazardous waste;

(o) each carrier named in the notice is an authorized carrier;

(p) each facility named in the notice is an authorized facility;

(q) the importer takes all practicable measures to ensure that the hazardous waste will be transported and disposed of in a manner that protects the environment and human health from the adverse effects that may result from transporting and disposing of the hazardous waste;

(r) where the hazardous waste is to be disposed of by an operation set out in column I of item 7 or 11 of Part I of Schedule I and it would be a contravention of section 124 or 125 of the Act to carry out that operation unless a permit referred to in subsection 127(1) or 128(2) of the Act has been granted in respect of that operation, a permit referred to in subsection 127(1) or subsection 128(2) of the Act is granted in respect of that operation;

(s) where the hazardous waste is of a type set out in column I of an item of Division I(A) or Part IV of Schedule III, the hazardous waste is

(i) packaged in accordance with the requirements set out in chapter 9 of the *Recommendations on the Transport of Dangerous Goods*, 7th Revised Edition, published by the United Nations, with respect to goods in Packing Group III, and

(ii) labelled and placarded in accordance with the requirements set out in chapter 13 of that publication with respect to goods in Class 9; and

(t) where the hazardous waste is to be imported through a country of transit,

- (i) at the time the notice is given, the country of transit has not notified the Chief that the transit of that hazardous waste through that country is prohibited, and
- (ii) the importer receives written confirmation from the Chief that
  - (A) the Chief has been advised in writing by the competent authority in the country of transit that the competent authority consents, in accordance with the laws of that country with respect to giving that consent, to the proposed transit, or
  - (B) where the Convention provides that export of the hazardous waste may be allowed to proceed if the country of transit has not responded within 60 days after receiving notification of the proposed transit of the hazardous waste through that country, the Chief has not been advised in writing by the competent authority in the country of transit that the competent authority refuses to consent, in accordance with the laws of that country with respect to refusing that consent, to the proposed transit. SOR/94-459, s. 3; SOR/94-684, s. 4(E); SOR/2000-103, ss. 3, 7; SOR/2002-300, s. 3.

### *Transit through Canada*

**8.** For the purposes of subsection 185(1) of the Act, where Canada is only a country of transit, a person may import and subsequently export a hazardous waste only if

- (a) the import or export of that hazardous waste is not prohibited under the laws of Canada;
- (b) the carrier of the hazardous waste, if other than Her Majesty in right of Canada or a province or Her agent, is insured in accordance with section 9;
- (c) where the country of export and the country of import are not the same country, the competent authority in the country of export has provided to the Chief written confirmation that the competent authority in the country of import, and in each country of transit through which the hazardous waste is destined to pass before entering the country of import, consents, in accordance with the laws of the country of that authority with respect to giving that consent, to the proposed import into and, where applicable, export from that country;
- (d) where the country of export and the country of import are the same country, the carrier of the hazardous waste receives written confirmation from the Chief that the authority, body or person specified on the *List of Hazardous Waste Authorities* in respect of Canada has received the notice in respect of the proposed import of the hazardous waste; and
- (e) the conditions set out in paragraph 7(m) are met, the manifest having been completed in accordance with section 29. SOR/2000-103, s. 7; SOR/2002-300, s. 4.

### *Liability Insurance*

**9.** (1) The insurance that exporters, importers or carriers of a hazardous waste are required to have under paragraph 6(j), 7(h) or 8(b) shall be in respect of

- (a) any damages to third parties for which the exporter, importer or carrier is responsible; and
- (b) any costs imposed by law on the exporter, importer or carrier to clean up the environment in respect of any hazardous waste that is released into the environment.

(2) In the case of exporters and importers, the amount of insurance in respect of each export or import shall be at least \$5,000,000.

(3) In the case of carriers, the amount of insurance in respect of each shipment shall be the amount required by the law of the country in which the hazardous waste is carried.

(4) The insurance shall cover liability arising

(a) in the case of an export, from the time the hazardous waste leaves the shipping site of the exporter to the time an authorized facility, including a facility in Canada if the hazardous waste is returned to Canada in accordance with the undertaking given in the notice, accepts delivery of the hazardous waste for disposal;

(b) in the case of an import, from the time the hazardous waste enters Canada to the time an authorized facility in Canada accepts delivery of the hazardous waste, or to the time the hazardous waste leaves

Canada if it leaves Canada in compliance with article 8 of the Convention; and  
(c) where Canada is a country of transit, from the time the hazardous waste enters Canada to the time it leaves Canada.

### PART III EXPORT AND IMPORT OF HAZARDOUS WASTES FOR RECYCLING

DIVISION A  
HAZARDOUS WASTES OTHER THAN HAZARDOUS WASTES OF A TYPE SET OUT IN DIVISION I(C) OR PART III OR IV OF SCHEDULE III THAT ARE EXPORTED TO OR IMPORTED FROM COUNTRIES THAT ARE PARTIES TO THE OECD DECISION OR THE CANADA-U.S.A. AGREEMENT ON THE TRANSBOUNDARY MOVEMENT OF HAZARDOUS WASTE THAT CAME INTO EFFECT ON NOVEMBER 8, 1986

#### Application

10. This Division applies in respect of the export and import of hazardous wastes for recycling except where

- (a) the hazardous wastes are of a type set out in column I of an item of Division I(C) or Part III or IV of Schedule III; and
- (b) the country of export or the country of import, as the case may be, is a party to the OECD Decision or the *Canada-U.S.A. Agreement on the Transboundary Movement of Hazardous Waste* that came into effect on November 8, 1986.

#### Conditions on Exports for Recycling

11. For the purposes of subsection 185(1) of the Act, where Canada is not a country of transit, an exporter may export a hazardous waste only if

- (a) the export of that hazardous waste is not prohibited under the laws of Canada;
- (b) at the time the notice is given, the country of import has not notified the Chief that the importation of that hazardous waste into that country is prohibited;
- (c) the country of import is a party to the Convention, the OECD Decision or the *Canada-U.S.A. Agreement on the Transboundary Movement of Hazardous Waste* that came into effect on November 8, 1986;
- (d) the hazardous waste is not to be recycled south of 60° south latitude;
- (e) the exporter is a person
  - (i) whose activity generated the hazardous waste,
  - (ii) who is removing the hazardous waste, from a site that the person owns or operates, for recycling,
  - (iii) who is acting on behalf of a government, or
  - (iv) who collects or receives the hazardous waste and then processes or bulks it for recycling;
- (f) there is a signed, written contract or a series of such contracts between the exporter and the person who imports the hazardous waste into the country of import or, where the exporter and the person who imports the hazardous waste are the same legal entity doing business in both Canada and the country of import, there is a signed, written arrangement between representatives of the entity in both countries;
- (g) the contract or arrangement
  - (i) states the code set out in column II of an item of Part II of Schedule I that corresponds to the operation by which it is proposed that the hazardous waste will be recycled,
  - (ii) includes a term that requires the person who imports the hazardous waste into the country of import to submit to the Chief
    - (A) within three days after the person accepts delivery of the hazardous waste, a copy of the completed and signed manifest, and
    - (B) within 30 days after the hazardous waste is recycled, written confirmation that the hazardous waste has been recycled, and

- (iii) includes a term that requires the person who imports the hazardous waste into the country of import, where delivery has been accepted by that person and the hazardous waste cannot be recycled in accordance with the terms of the contract or arrangement, to take all practicable measures to help the exporter fulfil the terms of the undertaking given in the notice;
- (h) the exporter submits to the Chief, forthwith after giving the notice,
  - (i) a copy of the contract or arrangement, excluding any confidential financial information, and
  - (ii) a copy of the policy or certificate of insurance with respect to the insurance of the exporter and the carrier referred to in section 14;
- (i) the exporter and any agent acting on behalf of the exporter are residents of Canada or, in the case of a corporation, have a place of business in Canada;
- (j) the exporter and the carrier of the hazardous waste, if other than Her Majesty in right of Canada or a province or Her agent, are insured in accordance with section 14;
- (k) the exporter receives written confirmation from the Chief that the Chief has been advised in writing by the competent authority in the country of import that the competent authority consents, in accordance with the laws of that country with respect to giving that consent, to the proposed import into that country;
- (l) to (n) [Repealed, SOR/2002-300, s. 5]
- (o) the manifest, with copies of the notice and the written confirmation referred to in paragraph (k) attached thereto, accompanies the hazardous waste and, where the hazardous waste is of a type set out in column I of an item of Part I or IV of Schedule III, is located in the places in which Part IV of the *Transportation of Dangerous Goods Regulations* requires that a shipping document be placed, and copies of the manifest and attachments are deposited at the customs office where the hazardous waste is required to be reported under section 95 of the *Customs Act*;
- (p) the exporter has not breached the undertaking that was given in a notice required in respect of a previous export of a hazardous waste;
- (q) each carrier named in the notice is an authorized carrier;
- (r) each facility named in the notice is an authorized facility;
- (s) the exporter takes all practicable measures to ensure that the hazardous waste will be transported and recycled in a manner that protects the environment and human health from the adverse effects that may result from transporting and recycling the hazardous waste;
- (t) where the hazardous waste is of a type set out in column I of an item of Division I(A) or Part IV of Schedule III, the hazardous waste is
  - (i) packaged in accordance with the requirements set out in chapter 9 of the *Recommendations on the Transport of Dangerous Goods*, 7th Revised Edition, published by the United Nations, with respect to goods in Packing Group III, and
  - (ii) labelled and placarded in accordance with the requirements set out in chapter 13 of that publication with respect to goods in Class 9; and
- (u) where the hazardous waste is to be exported through a country of transit,
  - (i) at the time the notice is given, the country of transit has not notified the Chief that the transit of that hazardous waste through that country is prohibited, and
  - (ii) the exporter receives written confirmation from the Chief that
    - (A) the Chief has been advised in writing by the competent authority in the country of transit that the competent authority consents, in accordance with the laws of that country with respect to giving that consent, to the proposed transit, or
    - (B) where the Convention provides that export of the hazardous waste may be allowed to proceed if the country of transit has not responded within 60 days after receiving notification of the proposed transit of the hazardous waste through that country, the Chief has not been advised in writing by the competent authority in the country of transit that the competent authority refuses to consent, in accordance with the laws of that country with respect to refusing that consent, to the proposed transit. SOR/94-459, s. 4; SOR/2000-103, s. 7; SOR/2002-300, s. 5.

#### Conditions on Imports for Recycling

**12.** For the purposes of subsection 185(1) of the Act, where Canada is not a country of transit, an importer may import a hazardous waste only if

- (a) the import of that hazardous waste is not prohibited under the laws of Canada;
- (b) the country of export is a party to the Convention, the OECD Decision or the *Canada-U.S.A. Agreement on the Transboundary Movement of Hazardous Waste* that came into effect on November 8, 1986;
- (c) the importer is the recycler of the hazardous waste in Canada;
- (d) there is a signed, written contract or a series of such contracts between the importer and the person who exports the hazardous waste from the country of export or, where the importer and the person who exports the hazardous waste are the same legal entity doing business in both Canada and the country of export, there is a signed, written arrangement between representatives of the entity in both countries;
- (e) the contract or arrangement
  - (i) states the code set out in column II of an item of Part II of Schedule I that corresponds to the operation by which it is proposed that the hazardous waste will be recycled,
  - (ii) includes a term that requires the importer to submit to the Chief
    - (A) within 3 days after the importer accepts delivery of the hazardous waste, a copy of the completed and signed manifest, and
    - (B) within 30 days after the hazardous waste is recycled, written confirmation that the hazardous waste has been recycled, and
  - (iii) includes a term that requires the importer, where delivery has been accepted by the importer and the hazardous waste cannot be recycled in accordance with the terms of the contract or arrangement, to take all practicable measures to help the country of export comply with article 8 of the Convention;
- (f) the importer submits to the Chief, forthwith after giving the notice,
  - (i) a copy of the contract or arrangement, excluding any confidential financial information, and
  - (ii) a copy of the policy or certificate of insurance with respect to the insurance of the importer and the carrier referred to in section 14;
- (g) the importer and any agent acting on behalf of the importer are residents of Canada or, in the case of a corporation, have a place of business in Canada;
- (h) the importer and the carrier of the hazardous waste, if other than Her Majesty in right of Canada or a province or Her agent, are insured in accordance with section 14;
- (i) the importer receives confirmation in writing or by electronic data interchange from the Chief that the Chief has been advised in writing or by electronic data interchange by the government of the province in which the importer proposes to recycle the hazardous waste that the proposed recycling of that hazardous waste in that province is allowed under the laws of that province;
- (j) to (l) [Repealed, SOR/2002-300, s. 6]
- (m) the manifest, with copies of the notice and the confirmation referred to in paragraph (i) attached thereto, accompanies the hazardous waste and, where the hazardous waste is of a type set out in column I of an item of Part I or IV of Schedule III, is located in the places in which Part IV of the *Transportation of Dangerous Goods Regulations* requires that a shipping document be placed, and copies of the manifest and attachments are deposited at the customs office where the hazardous waste is required to be reported under section 12 of the *Customs Act*;
- (n) the importer has not breached the undertaking that was given in a notice required in respect of any export of a hazardous waste;
- (o) each carrier named in the notice is an authorized carrier;
- (p) each facility named in the notice is an authorized facility;
- (q) the importer takes all practicable measures to ensure that the hazardous waste will be transported and recycled in a manner that protects the environment and human health from the adverse effects that may result from transporting and recycling the hazardous waste;
- (r) where the hazardous waste is of a type set out in column I of an item of Division I(A) or Part IV of Schedule III, the hazardous waste is
  - (i) packaged in accordance with the requirements set out in chapter 9 of the *Recommendations on the Transport of Dangerous Goods*, 7th Revised Edition, published by the United Nations, with respect to goods in Packing Group III, and
  - (ii) labelled and placarded in accordance with the requirements set out in chapter 13 of that publication with respect to goods in Class 9; and

- (s) where the hazardous waste is to be imported through a country of transit,
  - (i) at the time the notice is given, the country of transit has not notified the Chief that the transit of that hazardous waste through that country is prohibited, and
  - (ii) the importer receives written confirmation from the Chief that
    - (A) the Chief has been advised in writing by the competent authority in the country of transit that the competent authority consents, in accordance with the laws of that country with respect to giving that consent, to the proposed transit, or
    - (B) where the Convention provides that export of the hazardous waste may be allowed to proceed if the country of transit has not responded within 60 days after receiving notification of the proposed transit of the hazardous waste through that country, the Chief has not been advised in writing by the competent authority in the country of transit that the competent authority refuses to consent, in accordance with the laws of that country with respect to refusing that consent, to the proposed transit. SOR/94-459, s. 5; SOR/2000-103, s. 7; SOR/2002-300, s. 6.

#### Transit through Canada

**13.** For the purposes of subsection 185(1) of the Act, where Canada is only a country of transit, a person may import and subsequently export a hazardous waste only if

- (a) the import or export of that hazardous waste is not prohibited under the laws of Canada;
- (b) the carrier of the hazardous waste, if other than Her Majesty in right of Canada or a province or Her agent, is insured in accordance with section 14;
- (c) where the country of export and the country of import are not the same country, the competent authority in the country of export has provided to the Chief written confirmation that the competent authority in the country of import, and in each country of transit through which the hazardous waste is destined to pass before entering the country of import, consents, in accordance with the laws of the country of that authority with respect to giving that consent, to the proposed import into and, where applicable, export from that country;
- (d) where the country of export and the country of import are the same country, the carrier of the hazardous waste receives written confirmation from the Chief that the authority, body or person specified on the *List of Hazardous Waste Authorities* in respect of Canada has received the notice in respect of the proposed import of the hazardous waste; and
- (e) the conditions set out in paragraph 12(m) are met, the manifest having been completed in accordance with section 29. SOR/2000-103, s. 7; SOR/2002-300, s. 7.

#### Liability Insurance

**14.** (1) The insurance that exporters, importers or carriers of a hazardous waste are required to have under paragraphs 11(j), 12(h) or 13(b) shall be in respect of

- (a) any damages to third parties for which the exporter, importer or carrier is responsible; and
- (b) any costs imposed by law on the exporter, importer or carrier to clean up the environment in respect of any hazardous waste that is released into the environment.

(2) In the case of exporters and importers, the amount of insurance in respect of each export or import shall be at least \$5,000,000.

(3) In the case of carriers, the amount of insurance in respect of each shipment shall be the amount required by the law of the country in which the hazardous waste is carried.

(4) The insurance shall cover liability arising

- (a) in the case of an export, from the time the hazardous waste leaves the shipping site of the exporter to the time an authorized facility, including a facility in Canada if the hazardous waste is returned to Canada in accordance with the undertaking given in the notice, accepts delivery of the hazardous waste for recycling;
- (b) in the case of an import, from the time the hazardous waste enters Canada to the time an authorized facility in Canada accepts delivery of the hazardous waste, or to the time the hazardous waste leaves Canada if it leaves Canada in compliance with article 8 of the Convention; and

(c) where Canada is a country of transit, from the time the hazardous waste enters Canada to the time it leaves Canada.

## DIVISION B

HAZARDOUS WASTES OF A TYPE SET OUT IN DIVISION I(C) OR PART III OR IV OF SCHEDULE III EXPORTED TO OR IMPORTED FROM COUNTRIES THAT ARE PARTIES TO THE OECD DECISION OR THE CANADA-U.S.A. AGREEMENT ON THE TRANSBOUNDARY MOVEMENT OF HAZARDOUS WASTE THAT CAME INTO EFFECT ON NOVEMBER 8, 1986

### Application

**15.** This Division applies in respect of the export and import of hazardous wastes for recycling where

- (a) the hazardous wastes are of a type set out in column I of an item of Division I(C) or Part III or IV of Schedule III; and
- (b) the country of export or the country of import, as the case may be, is a party to the OECD Decision or the *Canada-U.S.A. Agreement on the Transboundary Movement of Hazardous Waste* that came into effect on November 8, 1986.

### Conditions on Exports for Recycling

**16.** (1) For the purposes of subsection 185(1) of the Act, where Canada is not a country of transit, an exporter may export a hazardous waste only if

(a) the conditions set out in paragraphs 11(a), (b), (d), (f) to (j), (p) to (s) and (u) and are met;

(b) the exporter is a person

(i) whose activity generated the hazardous waste,

(ii) who is removing the hazardous waste, from a site that the person owns or operates, for recycling,

(iii) who is acting on behalf of a government,

(iv) who collects or receives the hazardous waste and then processes or bulks it for recycling, or

(v) who is in the business of buying hazardous waste for the purpose of selling it for recycling;

(c) the exporter

(i) receives written confirmation from the Chief that the Chief has been advised in writing by the competent authority in the country of import that the competent authority consents, in accordance with the laws of that country with respect to giving that consent, to the proposed import into that country, or

(ii) is not advised in writing by the Chief, within 30 days after the exporter receives acknowledgement of receipt of the notice from the Chief, that the Chief has been advised in writing by the competent authority in the country of import that the competent authority refuses to consent, in accordance with the laws of that country with respect to refusing that consent, to the proposed import into that country;

(d) [Repealed, SOR/2002-300, s. 8]

(e) the manifest, with copies of the notice and, where applicable, the written confirmation referred to in subparagraph (c)(i) attached thereto, accompanies the hazardous waste and, where the hazardous waste is of a type set out in column I of an item of Division I(C) or Part IV of Schedule III, is located in the places in which Part IV of the *Transportation of Dangerous Goods Regulations* requires that a shipping document be placed, and copies of the manifest and attachments are deposited at the customs office where the hazardous waste is required to be reported under section 95 of the *Customs Act*;

(f) where the hazardous waste is of a type set out in column I of an item of Part IV of Schedule III, the hazardous waste is

(i) packaged in accordance with the requirements set out in chapter 9 of the *Recommendations on the Transport of Dangerous Goods*, 7th Revised Edition, published by the United Nations, with respect to goods in Packing Group III, and

(ii) labelled and placarded in accordance with the requirements set out in chapter 13 of that publication with respect to goods in Class 9;

(g) where the hazardous waste is to be recycled by an operation set out in column I of item 12 or 13 of

Part II of Schedule I in the country of import, the contract or arrangement referred to in paragraph 11(f) includes a term that prohibits the person who imports the hazardous waste from subsequently exporting the hazardous waste unless the person

- (i) first notifies the Chief of the proposed subsequent export and certifies that all practicable measures have been taken to ensure that the hazardous waste will be transported and recycled in a manner that protects the environment and human health from the adverse effects that may result from transporting and recycling the hazardous waste, and
  - (ii) after receiving a written acknowledgement of receipt of the notification, does not receive a written objection from the Chief in respect of the export within 30 days after the date of that acknowledgement; and
- (h) where the hazardous waste had been previously imported into Canada and was subjected in Canada to an operation set out in column I of item 12 or 13 of Part II of Schedule I and the notice in respect of the import did not indicate that the hazardous waste would be exported or subjected to another operation set out in that Part, the exporter sends to the competent authority in the country of origin, at least 30 days before the exportation, written notification of the proposed export and a certification that the exporter has taken all practicable measures to ensure that the hazardous waste will be transported and recycled in a manner that protects the environment and human health from the adverse effects that may result from transporting and recycling the hazardous waste.

(2) Notwithstanding subsection 14(2), the amount of insurance in respect of each export shall be at least \$1,000,000.

(3) The 30 day period referred to in subparagraph (1)(c)(ii) is reduced to a 7 day period where the hazardous waste is to be recycled at a facility that is named on the list compiled under Case 2, item b of section IV(2) of the OECD Decision of recycling facilities that are authorized to receive pre-approved shipments of hazardous waste. SOR/2000-103, s. 7; SOR/2002-300, s. 8.

#### Conditions on Imports for Recycling

**17.** (1) For the purposes of subsection 185(1) of the Act, where Canada is not a country of transit, an importer may import a hazardous waste only if

- (a) the conditions set out in paragraphs 12(a), (d) to (h), (n) to (q) and (s) are met;
- (b) the importer is
  - (i) the recycler of the hazardous waste in Canada, or
  - (ii) a person in the business of buying hazardous waste for the purpose of selling it for recycling;
- (c) the importer
  - (i) receives confirmation in writing or by electronic data interchange from the Chief that the Chief has been advised in writing or by electronic data interchange by the government of the province in which the importer proposes to recycle the hazardous waste that the proposed recycling of that hazardous waste in that province is allowed under the laws of that province, or
  - (ii) is not advised by the Chief in writing or by electronic data interchange, within 30 days after the importer receives acknowledgement of receipt of the notice from the Chief, that the Chief has been advised in writing or by electronic data interchange by the government of the province in which the importer proposes to recycle the hazardous waste that the proposed recycling of that hazardous waste in that province is not allowed under the laws of that province;
- (d) [Repealed, SOR/2002-300, s. 9]
- (e) the manifest, with copies of the notice and, where applicable, the confirmation referred to in subparagraph (c)(i) attached thereto, accompanies the hazardous waste and, where the hazardous waste is of a type set out in column I of an item of Division I(C) or Part IV of Schedule III, is located in the places in which Part IV of the *Transportation of Dangerous Goods Regulations* requires that a shipping document be placed, and copies of the manifest and attachments are deposited at the customs office where the hazardous waste is required to be reported under section 12 of the *Customs Act*;
- (f) where the hazardous waste is of a type set out in column I of an item of Part IV of Schedule III, the hazardous waste is
  - (i) packaged in accordance with the requirements set out in chapter 9 of the *Recommendations on*

- the Transport of Dangerous Goods*, 7th Revised Edition, published by the United Nations, with respect to goods in Packing Group III, and
- (ii) labelled and placarded in accordance with the requirements set out in chapter 13 of that publication with respect to goods in Class 9; and
- (g) where the hazardous waste is to be recycled by an operation set out in column I of item 12 or 13 of Part II of Schedule I in Canada and is to be subsequently recycled by an operation set out in column I of any of items 1 to 11 of that Part at a facility outside Canada, the importer receives written confirmation from the Chief that the Chief has been advised in writing by the competent authority in the country of export that the competent authority consents, in accordance with the laws of that country with respect to giving that consent, to the proposed export from that country.

(2) Notwithstanding subsection 14(2), the amount of insurance in respect of each import shall be at least \$1,000,000.

- (3) The 30 day period referred to in subparagraph (1)(c)(ii) is reduced to a 7 day period where
- (a) the owner or operator of the facility at which the hazardous waste is to be initially recycled submits to the Chief an application for advance approval in the form set out in Schedule IV together with a copy of any policy of liability insurance with respect to the recycling of the type of hazardous waste in respect of which the application is made;
- (b) the owner or operator of the facility receives written confirmation from the Chief that the facility has been approved in advance by competent provincial governmental authorities to receive, within a specified period, a specified quantity of that type of hazardous waste;
- (c) less than the quantity referred to in paragraph (b) has been received by the facility;
- (d) the period referred to in paragraph (b) has not lapsed; and
- (e) the Chief has not notified the importer and the owner or operator of the facility that the authorities referred to in paragraph (b) have withdrawn their advance approval. SOR/94-459, s. 6; SOR/2000-103, s. 7; SOR/2002-300, s. 9.

#### Transit through Canada

**18.** For the purposes of subsection 185(1) of the Act, where Canada is only a country of transit, a person may import and subsequently export a hazardous waste only if the conditions set out in section 13 are met. SOR/2000-103, s. 7.

#### PART IV GENERAL PROVISIONS

##### *Conditions Respecting Other Arrangements or Return of the Hazardous Waste*

**19.** (1) The undertaking given in the notice obligates the exporter, where Canada is not a country of transit and the hazardous waste was exported but for any reason cannot be disposed of or recycled in accordance with the contract or arrangement referred to in paragraph 6(f) or 11(f), to notify the Chief and the competent authorities in the countries concerned and

- (a) to make such other arrangements as may be approved by the Chief and the competent authorities in the countries concerned for its disposal or recycling, within the period specified in subsection (2); or
- (b) if the arrangements referred to in paragraph (a) are not made, to return the hazardous waste, within the period specified in subsection (2), to such place in Canada as the Chief may approve.

(2) The period referred to in subsection (1) is

- (a) where the hazardous waste is delivered to the disposal or recycling facility, 90 days after the day of delivery;
- (b) where the hazardous waste is not delivered to the disposal or recycling facility, 10 days after the day on which the exporter becomes aware that the hazardous waste cannot be delivered to or will not be accepted by the facility; or
- (c) such other period as the exporter, the Chief and the competent authorities in the countries concerned

may agree on.

**20.** (1) Where a hazardous waste is being imported in accordance with the undertaking given in the notice, the conditions set out in sections 7, 12 and 17 do not apply to the import.

(2) Where a hazardous waste is being exported in compliance with article 8 of the Convention, the conditions set out in sections 6, 11 and 16 do not apply to the export.

*Exemption from Conditions on Imports -- Department of National Defence*

**21.** The conditions on imports set out in sections 7, 9, 12, 14 and 17 do not apply to the Department of National Defence where a hazardous waste is

(a) generated by that Department in the course of an operation conducted by it outside of Canada;

(b) transported from the site of operation to a defence establishment as defined in section 2 of the *National Defence Act*; and

(c) transported under the sole direction or control of the Minister of National Defence, or in circumstances prescribed in section 2.2 of the *Transportation of Dangerous Goods Regulations* to be under that Minister's sole direction or control, as though the hazardous waste is a dangerous good under those Regulations. SOR/94-459, s. 7.

PART V

MANIFEST REQUIREMENTS

*Export Manifest*

**22.** A manifest shall have a unique manifest reference number for each shipment of hazardous waste, provided by the Minister or the province of export. SOR/2002-300, s. 10.

**23.** (1) The exporter shall, before transporting hazardous waste, complete and sign Part A of the manifest, indicating the notice reference number referred to in subsection 3.1(3) and the applicable shipping name for the hazardous waste set out in the *Transportation of Dangerous Goods Regulations*.

(2) The exporter shall add the word "waste" or "recyclable", as applicable, to the shipping name, unless that word is already part of, or implied in, the shipping name.

(3) In the case of hazardous waste referred to Column I in Division (B) of Part I of Schedule III, the exporter shall add the words "biomedical waste" to the shipping name and shall give the identification number set out in Column II as the product identification number.

(4) In the case of hazardous waste referred to in Column I of Division (C) of Part I of Schedule III, the exporter shall give "household wastes" as the shipping name and shall give the identification number set out in Column II as the product identification number.

(5) In the case of hazardous waste referred to in Column I of item 2 of Division (A) of Part I of Schedule III or in Part IV of that Schedule, the exporter shall give

(a) if the waste is a solid, "Environmentally hazardous substances, solid, N.O.S.", followed by the name "polychlorinated dibenzofurans", "polychlorinated dibenzo-p-dioxins" or "polychlorinated naphthalenes", as the case may be, as the shipping name, "UN3077" as the product identification number, "9" as the classification and "III" as the packing group; and

(b) if the waste is a liquid, "Environmentally hazardous substances, liquid, N.O.S." followed by the name "polychlorinated dibenzofurans", "polychlorinated dibenzo-p-dioxins" or "polychlorinated naphthalenes", as the case may be, as the shipping name, "UN3082" as the product identification number, "9" as the classification and "III" as the packing group. SOR/2002-300, s. 10.

**24.** The exporter shall send a copy of the manifest, with Part A completed by the exporter and B completed by the first authorized carrier, within three days after providing the manifest to the first authorized carrier, to

- (a) the Minister; and
- (b) the authorities of the province of export. SOR/2002-300, s. 10.

**25.** Every carrier that transports hazardous waste shall complete, sign and date Part B of the manifest and provide it, on delivery, to the next carrier, if any. SOR/2002-300, s. 10.

**26.** The exporter shall obtain a copy of the manifest, with all Parts completed, and ensure that copies of the completed manifest are sent, within three days after the hazardous waste is delivered to the authorized facility, to

- (a) the Minister;
- (b) the authorities of the province of export; and
- (c) every carrier of the hazardous waste. SOR/2002-300, s. 10.

**27.** The carrier and the exporter shall keep, at their principal place of business in Canada, a copy of the manifest for a period of two years following the date of export. SOR/2002-300, s. 10.

### *Import Manifest*

**28.** A manifest shall have a unique manifest reference number for each shipment of hazardous waste, provided by the Minister or the province of import. SOR/2002-300, s. 10.

**29.** (1) Part A of the manifest, indicating the notice reference number referred to in subsection 3.1(3) and the applicable shipping name for the hazardous waste as set out in the *Transportation of Dangerous Goods Regulations*, shall be completed and signed, before the transport of the hazardous waste, by the person who exports the hazardous waste from the country of export.

(2) The word "waste" or "recyclable", as applicable, shall be added to the shipping name, unless that word is already part of, or implied in, the shipping name.

(3) In the case of hazardous waste referred to in Column I of Division (B) of Part I of Schedule III, the words "biomedical waste" shall be added to the shipping name, and the applicable identification number set out in that Division shall be given as the product identification number.

(4) In the case of hazardous waste referred to in Column I of Division (C) of Part I of Schedule III, "household wastes" shall be given as the shipping name, and the applicable identification number set out in Column II of that Division shall be given as the product identification number.

(5) In the case of hazardous waste referred to in Column I of item 2 of Division (A) of Part I of Schedule III or in item 1 of Part IV of that Schedule,

- (a) if the waste is a solid, "Environmentally hazardous substances, solid, N.O.S.", followed by the name "polychlorinated dibenzofurans", "polychlorinated dibenzo-p-dioxins" or "polychlorinated naphthalenes", as the case may be, shall be given as the shipping name, "UN3077" as the product identification number, "9" as the classification and "III" as the packing group; and
- (b) if the waste is a liquid, "Environmentally hazardous substances, liquid, N.O.S." followed by the name "polychlorinated dibenzofurans", "polychlorinated dibenzo-p-dioxins" or "polychlorinated naphthalenes", as the case may be, shall be given as the shipping name, "UN3082" as the product identification number, "9" as the classification and "III" as the packing group. SOR/2002-300, s. 10.

**30.** The importer shall ensure that a copy of the manifest, with Part A completed by the person who exports hazardous waste from the country of export and Part B completed by the first authorized carrier, is sent, within three days after the manifest is provided to the first authorized carrier, to

- (a) the Minister; and
- (b) the authorities of the province of import. SOR/2002-300, s. 10.

**31.** Every carrier that transports hazardous waste shall complete, sign and date Part B of the manifest and provide it, on delivery, to the next carrier, if any. SOR/2002-300, s. 10.

**32.** The importer, within three days after receiving the hazardous waste at the authorized facility, shall

complete and sign Part C of the manifest and send copies of the completed manifest to

- (a) the Minister;
- (b) the authorities of the province of import;
- (c) the person who exports the hazardous waste from the country of export; and
- (d) every carrier of the hazardous waste. SOR/2002-300, s. 10.

33. The carrier and the importer shall keep at their principal place of business in Canada a copy of the manifest for a period of two years following the date of import. SOR/2002-300, s. 10.

#### SCHEDULE I

*(Subsection 2(1) and paragraphs 6(g) and (t), 7(e) and (r), 11(g), 12(e), 16(1)(g) and (h) and 17(1)(g))*

#### PART I

#### DISPOSAL

---

Column I	Column II
Item	Operation Code
-----	
-	
1. Release into or onto land, other than by any operation set out in items 3 to 5 and 12	D1
2. Land treatment, such as biodegradation of liquids or sludges in soil	D2
3. Deep injection, such as the injection of pumpable discards into wells, salt domes or naturally occurring repositories	D3
4. Surface impoundment, such as placing liquids or sludges into pits, ponds or lagoons	D4
5. Specially engineered landfilling, such as placement into separate lined cells that are capped and isolated from each other and the environment	D5
6. Release into water, other than a sea or ocean, other than by the operation set out in item 4	D6
7. Release into a sea or ocean, including sea-bed insertion, other than by the operation set out in item 4	D7
8. Biological treatment, not otherwise set out in this Schedule	D8
9. Physical or chemical treatment, not otherwise referred to in this Schedule, such as evaporation, drying, calcination, neutralisation or precipitation	D9
10. Incineration on land	D10
11. Incineration at sea	D11
12. Permanent storage, such as emplacement of containers in a mine	D12
13. Blending or mixing prior to disposal by any operation set out in items 1 to 12	D13
14. Repackaging prior to disposal by any operation set out in items 1 to 13	D14
15. Release or treatment, other than by any operation set out in items 1 to 12	D15
16. Testing of a new technology to dispose of a hazardous waste	D16

---

-

PART II  
RECYCLING

---

Column I	Column II
Item Operation Code	
-----	
1. Use as a fuel in an energy recovery system	R1
2. Recovery or regeneration of substances that have been used as solvents	R2
3. Recovery of organic substances that have not been used as solvents	R3
4. Recovery of metals and metal compounds	R4
5. Recovery of inorganic materials other than metals or metal compounds	R5
6. Regeneration of acids or bases	R6
7. Recovery of components used for pollution abatement	R7
8. Recovery of components from catalysts	R8
9. Re-refining or re-use, other than the operation set out in item 1, of used oil	R9
10. Land treatment that results in agricultural or ecological improvement	R10
11. Use of residual materials obtained by any operation set out in items 1 to 10 and 14	R11
12. Exchange of a hazardous waste for another waste prior to recycling of the hazardous waste by any operation set out in items 1 to 11 and 14	R12
13. Accumulation prior to recycling by any operation set out in items 1 to 11 and 14	R13
14. Recovery or regeneration of a substance or use or re-use of a hazardous waste, other than by any operation set out in items 1 to 10	R14
15. Testing of a new technology to recycle a hazardous waste	R15

---

SCHEDULE II  
(Subsections 2(1) and 3.1(1) and (2))

FORM 1  
NOTICE

For proposed export or import of hazardous wastes, where Canada is not a country of transit, pursuant to subsection 185(1) and section 191 of the *Canadian Environmental Protection Act, 1999*  
GRAPHIC IS NOT DISPLAYED, SEE SOR/94-459, S. 8; SOR/2000-103, S. 4

FORM 2

TRANSIT NOTICE

For transit of hazardous wastes through Canada pursuant to subsection 185(1) and section 191 of the *Canadian Environmental Protection Act, 1999*

GRAPHIC IS NOT DISPLAYED, SEE SOR/94-459, S. 8; SOR/2000-103, S. 5

FORM 3  
MANIFEST

GRAPHIC IS NOT DISPLAYED, SEE SOR/2002-300, S. 12  
SOR/94-459, s. 8; SOR/2000-103, ss. 4, 5; SOR/2002-300, ss. 11, 12.

SCHEDULE III

*(Subsection 2(1), Paragraphs 6(o) and (u) and 7(m) and (s), section 10, paragraphs 11(o) and (t) and 12(m) and (r), section 15, paragraphs 16(1)(e) and (f) and 17(1)(e) and (f) and sections 23 and 29)*

LIST OF HAZARDOUS WASTES REQUIRING EXPORT OR IMPORT NOTIFICATION

1. In this Schedule, "TDGR" means the *Transportation of Dangerous Goods Regulations*.

PART I

---

Column I	Column II
Item Type of Hazardous Waste Number	Identification
-----	
-	
<i>Division (A)</i>	
1. Wastes that contain more than 2 mg/kg of polychlorinated terphenyls or polybrominated biphenyls described in Schedule I of the Act	CD0001
2. Wastes that contain more than 100 ng/kg of 2,3,7,8-tetrachlorodibenzo-p-dioxin equivalent, as calculated in accordance with the International Toxicity Equivalency Factors, of	CD0002
(a) total polychlorinated dibenzofurans that have a molecular formula $C_{12}H_{8-n}Cl_nO$ in which "n" is greater than 1; or	
(b) total polychlorinated dibenzo-p-dioxins that have a molecular formula $C_{12}H_{8-n}Cl_nO_2$ in which "n" is greater than 1	
<i>Division (B)</i>	
1. Biomedical wastes as defined in section 2.2 of the <i>Guidelines for the Management of Biomedical Waste in Canada</i> (CCME-EPC-WM-42E) published by the Canadian Council of Ministers of the Environment in February 1992, except that the definition shall be read without reference to the expression "a trained person has certified that"	CD0003
<i>Division (C)</i>	
1. Household wastes that are leachable toxic wastes as determined in accordance with the	CD0004

-

PART II

---

Column I	Column II
Item Type of Hazardous Waste	Identification
Number	
1. Wastes that contain or consist of polychlorinated biphenyls (PCBs) at a concentration of 50 mg/kg or more	CR0101
2. Asbestos dust or fibres that come within class 9 of TDGR and are wastes	CR0102
3. Sludge that contains leaded anti-knock compounds and comes within class 6.1 or 9 of TDGR	CR0103
4. Tarry residues, excluding asphalt cement, from refining, distillation or any pyrolytic treatment that come within class 6.1 or 9 of TDGR and are wastes	CR0104
5. Peroxides, other than hydrogen peroxide, that come within class 5 of TDGR and are wastes	CR0105
6. Pyrophoric thorium metal that is a waste	CR0106
7. Catalysts that come within class 6.1 of TDGR and are wastes	CR0107
8. Corrosive liquids that are flammable, come within classes 3 and 8 of TDGR, are wastes and are not described in another item of this Schedule	CR0108
9. Corrosive liquids that are poisonous, come within classes 6.1 and 8 of TDGR, are wastes and are not described in another item of this Schedule	CR0109
10. Corrosive solids that are flammable, come within classes 4 and 8 of TDGR, are wastes and are not described in another item of this Schedule	CR0110
11. Corrosive solids that are poisonous, come within classes 6.1 and 8 of TDGR, are wastes and are not described in another item of this Schedule	CR0111
12. Flammable liquids that are corrosive, come within classes 3 and 8 of TDGR, are wastes and are not described in another item of this Schedule	CR0112
13. Flammable liquids that are poisonous, come within classes 3 and 6.1 of TDGR, are wastes and are not described in another item of this Schedule	CR0113
14. Liquids that come within class 3 of TDGR, are wastes and are not described in another item of this Schedule	CR0114

15. Flammable solids that are corrosive, come within classes 4 and 8 of TDGR, are wastes and are not described in another item of this Schedule CR0115
16. Flammable solids that are poisonous, come within classes 4 and 6.1 of TDGR, are wastes and are not described in another item of this Schedule CR0116
17. Gases that come within class 2.1 or 2.2 of TDGR, are wastes and are not described in another item of this Schedule CR0117
18. Gases that come within class 2.3 or 2.4 of TDGR, are wastes and are not described in another item of this Schedule CR0118
19. Powders, sludge, dust, solids that encase liquids or liquids that are leachable toxics that come within class 9 of TDGR, are wastes and are not described in another item of this Schedule CR0119
20. Oxidizing solids or liquids that are corrosive, come within classes 5 and 8 of TDGR, are wastes and are not described in another item of this Schedule CR0120
21. Oxidizing solids or liquids that are poisonous, come within classes 5 and 6.1 of TDGR, are wastes and are not described in another item of this Schedule CR0121
22. Poisonous solids or liquids that are corrosive, come within classes 6.1 and 8 of TDGR, are wastes and are not described in another item of this Schedule CR0122
23. Poisonous solids or liquids that are flammable, come within classes 3 and 6.1 or classes 4 and 6.1 of TDGR, are wastes and are not described in another item of this Schedule CR0123
24. Solids or liquids that come within class 4.2 or 4.3 of TDGR, are wastes and are not described in another item of this Schedule CR0124
25. Solids or liquids that come within class 5 of TDGR, are wastes and are not described in another item of this Schedule CR0125
26. Solids or liquids that come within class 6.1 of TDGR, are wastes and are not described in another item of this Schedule CR0126
27. Solids or liquids that come within class 8 of TDGR, are wastes and are not described in another item of this Schedule CR0127
28. Solids that come within class 4.1 of TDGR, are wastes and are not described in another item of this Schedule CR0128

-

### PART III

---

Column I	Column II
Item Type of Hazardous Waste	Identification
Number	

---

-

1. Ashes, residues, slag, dross, skimmings, scalings, dust, sludge or cake that comes from the manufacture of iron or steel, comes within class 4, 6.1, 8 or 9 of TDGR and is not described CR1001

in another item of this Schedule

2. Zinc ashes, residues, slag, dross, skimmings, scalings, dust, sludge or cake that comes within class 4, 5.1, 6.1, 8 or 9 of TDGR and is not described in another item of this Schedule CR1002
3. Lead ashes, residues, slag, dross, skimmings, scalings, dust, sludge or cake that comes within class 6.1, 8 or 9 of TDGR and is not described in another item of this Schedule CR1003
4. Copper ashes, residues, slag, dross, skimmings, scalings, dust, sludge or cake that comes within class 4, 6.1, 8 or 9 of TDGR and is not described in another item of this Schedule CR1004
5. Aluminum ashes, residues, slag, dross, skimmings, scalings, dust, sludge or cake that comes within class 4, 8 or 9 of TDGR and is not described in another item of this Schedule CR1005
6. Vanadium ashes, residues, slag, dross, skimmings, scalings, dust, sludge or cake that comes within class 6.1, 8 or 9 of TDGR and is not described in another item of this Schedule CR1006
7. Ashes, residues, slag, dross, skimmings, scalings, dust, sludge or cake that contains metals or metal compounds, comes within class 4, 5, 6.1, 8 or 9 of TDGR and is not described in another item of this Schedule CR1007
8. Residues that come from alumina production, except neutralized red mud, and come within class 6.1 or 9 of TDGR CR1008
9. Ashes or slag that comes within class 4, 5, 6.1, 8 or 9 of TDGR and is not described in another item of this Schedule CR1009
10. Residues that come from the combustion of municipal waste and come within class 9 of TDGR CR1010
11. Wastes that come from the production or processing of petroleum coke or bitumen, excluding anode butts, and come within class 4 or 6.1 of TDGR CR1011
12. Lead-acid batteries, whole or crushed, that come within class 8 or 9 of TDGR and are wastes CR1012
13. Oils that come within class 3 or 9 of TDGR and are wastes CR1013
14. Mixtures or emulsions of oil and water or of hydrocarbons and water that come within class 3 or 9 of TDGR and are wastes CR1014
15. Wastes that come from the production, formulation or use of inks, dyes, pigments, paints, lacquers or varnish and come within any of classes 3 to 6.1, 8 and 9 of TDGR CR1015
16. Wastes that come from the production, formulation or use of resins, latex, plasticizers, glues or adhesives and come within any of classes 3 to 6.1, 8 and 9 of TDGR CR1016
17. Wastes that come from the production, formulation or use of reprographic or photographic chemicals or processing materials, except photographic film base or photographic film waste that does not contain silver, and come within class 6.1, 8 or 9 of TDGR CR1017
18. Single-use cameras that have batteries, come within class 9 of TDGR and are wastes CR1018
19. Wastes that result from surface treatment of metals or plastics using non-cyanide-based processes and that come within class 6.1, 8 or 9 of TDGR CR1019
20. Asphalt cement that comes within class 4, 6.1 or 9 of TDGR and is a waste CR1020
21. Phenols or phenol compounds, including chlorophenol, in the form of liquids or sludges, that come within class 6.1 or 9 of TDGR and are wastes CR1021

22. Treated cork or wood that comes within class 4, 6.1 or 9 of TDGR and is a waste CR1022
23. Batteries or accumulators, whole or crushed, other than lead-acid batteries, that come within class 6.1, 8 or 9 of TDGR and are wastes, or waste or scrap from the production of batteries or accumulators that comes within class 6.1, 8 or 9 of TDGR CR1023
24. Nitrocellulose that comes within class 3 or 4.1 of TDGR and is a waste CR1024
25. Glass from cathode-ray tubes or other activated glasses that come within class 9 of TDGR and are wastes CR1025
26. Dust, ashes, sludge or flours from the tanning of leather that come within class 3, 4, 6.1 or 9 of TDGR CR1026
27. Calcium fluoride sludges that come within class 8 or 9 of TDGR CR1027
28. Inorganic fluoride compounds, excluding calcium fluoride, that are in the form of liquid or sludge, come within class 5.1, 6.1, 8 or 9 of TDGR and are wastes CR1028
29. Zinc slag that contains not more than 18% zinc by weight and comes within class 9 of TDGR CR1029
30. Galvanic sludges that come within class 6.1, 8 or 9 of TDGR CR1030
31. Liquors that come from the pickling of metals, come within class 6.1, 8 or 9 of TDGR and are wastes CR1031
32. Sands that come from foundry operations, come within class 6.1 or 9 of TDGR and are wastes CR1032
33. Thallium compounds that come within class 5.1, 6.1 or 9 of TDGR and are wastes CR1033
34. Ethers that come within class 2, 3 or 6.1 of TDGR and are wastes CR1034
35. Residues in solid form that contain precious metals and traces of inorganic cyanides and come within class 6.1 or 9 of TDGR CR1035
36. Hydrogen peroxide solutions that come within class 5.1 of TDGR and are wastes CR1036
37. Triethylamine catalysts for setting foundry sands that come within class 4, 6.1 or 9 of TDGR and are wastes CR1037
38. Arsenic wastes that come within class 6.1 or 9 of TDGR CR1038
39. Waste that contains or consists of mercury and comes within class 6.1, 8 or 9 of TDGR CR1039
40. Ashes, sludge, dust or other residues that contain precious metals and come within class 4, 6.1 or 9 of TDGR CR1040
41. Catalysts that come within class 4 or 8 of TDGR and are wastes CR1041
42. Dust, sludge or leaching residues from zinc processing that come within class 9 of TDGR CR1042
43. Hydrates of aluminum that come within class 6.1 of TDGR and are wastes CR1043
44. Alumina that comes within class 6.1 of TDGR and is a waste CR1044
45. Wastes that contain or consist of inorganic cyanides, except those cyanides contained in residues described in item 35, or organic cyanides and come within class 4, 6.1 or 9 of TDGR CR1045
46. Wastes of an explosive nature that do not come within class 1 of TDGR and are not described in another item of this Schedule CR1046

47. Wastes that come from the manufacture, formulation or use of wood-preserving chemicals and come within class 6.1 of TDGR	CR1047
48. Leaded gasoline sludge that comes within class 6.1 or 9 of TDGR	CR1048
49. Used blasting grit that comes within class 6.1 or 9 of TDGR	CR1049
50. Wastes that contain or consist of chlorofluorocarbons and come within class 2 or 6.1 of TDGR	CR1050
51. Halons that come within class 2 of TDGR and are wastes	CR1051
52. Fluff that comes from metal shredding, comes within class 9 of TDGR and is a waste	CR1052
53. Heat-transfer fluids that come within class 6.1 or 9 of TDGR and are wastes	CR1053
54. Hydraulic fluids that come within class 3, 6.1 or 9 of TDGR and are wastes	CR1054
55. Brake fluids that come within class 3, 6.1 or 9 of TDGR and are wastes	CR1055
56. Antifreeze fluids that come within class 3 or 6.1 of TDGR and are wastes	CR1056
57. Ion-exchange resins that come within class 6.1, 8 or 9 of TDGR and are wastes	CR1057
58. Organic phosphorus compounds that come within class 3, 6.1 or 9 of TDGR and are wastes	CR1058
59. Non-halogenated solvents that come within class 3, 6.1 or 9 of TDGR and are wastes	CR1059
60. Halogenated solvents that come within class 3, 6.1, 8 or 9 of TDGR and are wastes	CR1060
61. Halogenated or non-halogenated non-aqueous distillation residues from organic solvent recovery operations that come within class 3, 4, 6.1, 8 or 9 of TDGR	CR1061
62. Wastes that come from the production, formulation or use of biocides or phytopharmaceuticals and come within any of classes 3 to 6.1, 8 and 9 of TDGR	CR1062
63. Wastes that come from the production or preparation of pharmaceutical products and come within any of classes 3 to 6.1, 8 and 9 of TDGR	CR1063
64. Acidic solutions that come within class 8 or 9 of TDGR and are wastes	CR1064
65. Basic solutions that come within class 8 or 9 of TDGR and are wastes	CR1065
66. Surface-active agents that come within class 6.1 or 9 of TDGR and are wastes	CR1066
67. Inorganic halide compounds, other than sodium, calcium and potassium chlorides, that come within class 5.1, 6.1, 8 or 9 of TDGR and are wastes	CR1067
68. Wastes that come from industrial pollution-control devices used to clean industrial off-gases, come within class 6.1, 8 or 9 of TDGR and are not described in another item of this Schedule	CR1068
69. Gypsum that comes from chemical industry processes, comes within class 6.1, 8 or 9 of TDGR and is a waste	CR1069
70. Magnesium that comes within class 4 of TDGR and is a waste	CR1070
71. Zirconium that comes within class 4 of TDGR and is a waste	CR1071
72. Gallium that comes within class 8 of TDGR and is a waste	CR1072
73. Drosses that contain zinc, come within class 9 of TDGR and are wastes	CR1073

- 74. Polymers of styrene, in the form of expandable beads, that come within class 9 of TDGR and are wastes CR1074
- 75. Unsaturated-oil-treated paper, including carbon paper, that is incompletely dry, comes within class 4 of TDGR and is a waste CR1075
- 76. Oily cotton or wet cotton that comes within class 4 of TDGR and is a waste CR1076
- 77. Fish meal or scraps of fish that contain less than 12% moisture by mass, come within class 4 or 9 of TDGR and are wastes CR1077
- 78. Basic slag that comes from the manufacture of iron or steel and comes within class 8 of TDGR CR1078

-

PART IV

---

Column I	Column II
Item Type of Hazardous Waste	Identification

---

- 
1. Polychlorinated naphthalenes that are wastes CR1901
- 

-

SOR/2000-103, s. 6; SOR/2002-300, ss. 13 to 16.

SCHEDULE IV  
*(Paragraph 17(3)(a))*  
 APPLICATION FOR ADVANCE APPROVAL IN RESPECT OF A FACILITY

1. Name, address, telephone number and facsimile number of the owner of the facility:
  
2. Name, address, telephone number and facsimile number of the operator of the facility:
  
3. Address, telephone number and facsimile number of the facility:
  
4. The provincial identification number of the facility (if any):

5. Technical description of the recycling operation and description of how that operation is monitored:
6. The type of hazardous waste in respect of which the application is made and the quantity of hazardous waste that the owner or operator of the facility proposes to receive during the period set out in item 8:
7. Approximate date that the owner or operator of the facility expects to receive the first imported shipment of the type of hazardous waste set out in item 6:
8. Period in respect of which the application is made:  
beginning    ending     
D M Y    D M Y
9. Countries of export (if known):

---

(Signature of Owner or Operator of the Facility)

SOR/94-684, s. 4(E).