Vol. 143, No. 25 — December 9, 2009

Registration

SOR/2009-304 November 19, 2009

HAZARDOUS PRODUCTS ACT

Regulations Amending the Lighters Regulations (Miscellaneous Program)

P.C. 2009-1871 November 19, 2009

Her Excellency the Governor General in Council, on the recommendation of the Minister of Health, pursuant to section 5 (see footnote a) of the *Hazardous Products Act* (see footnote b), hereby makes the annexed *Regulations Amending the Lighters Regulations (Miscellaneous Program)*.

REGULATIONS AMENDING THE LIGHTERS REGULATIONS (MISCELLANEOUS PROGRAM)

AMENDMENTS

1. (1) Subsection 7(1) of the French version of the *Lighters Regulations* (see footnote 1) is replaced by the following:

Briquet rechargeable — avertissement

7. (1) Le briquet rechargeable est accompagné d'un avertissement indiquant de manière claire et lisible, en français et en anglais, qu'il faut garder briquets et combustibles hors de la portée des enfants.

(2) The portion of subsection 7(2) of the English version of the Regulations before paragraph (*a*) is replaced by the following:

Refillable lighters — instructions

(2) Every refillable lighter must be accompanied by clear and legible instructions that set out, in English and in French, the safe method of refuelling the lighter, including

2. Section 17 of the Regulations is replaced by the following:

Structural integrity

17. A wick lighter, when tested in accordance with section 12 of the schedule, must not exhibit rupture of its fuel reservoir or any other damage that could affect its safe operation.

COMING INTO FORCE

3. These Regulations come into force on the day on which they are registered.

REGULATORY IMPACT ANALYSIS STATEMENT

(*This statement is not part of the Regulations.*)

Issue and objectives

The purpose of this Miscellaneous Regulatory Amendment is to respond to recommendations made by the Standing Joint Committee for the Scrutiny of Regulations (SJCSR) concerning the *Lighters Regulations*. The purpose of the Miscellaneous Amendment Regulations Program is to simplify the regulatory process and to minimize regulatory costs.

Health Canada is responsible for the administration and enforcement of the *Hazardous Products Act* (HPA) and its regulations. The purpose of the HPA is to protect the health and safety of Canadians by prohibiting or regulating the sale, advertisement and importation of products that are, or are likely to pose, a danger to the health and safety of the public. Lighters are regulated under the HPA.

The SJCSR has reviewed the *Lighters Regulations* and has determined that there are inconsistencies between the French and the English versions.

Description and rationale

The *Lighters Regulations* are being amended to provide greater consistency between the French and the English versions of the Regulations.

Subsection 7(1): Refillable lighters — warning

The French version of subsection 7(1) will be modified to correspond with the English version, to indicate that refillable lighters must be accompanied by a “clear and legible” warning. The French version currently indicates that the warning should only be “clearly” marked, which could be considered as vague for consumers and industry. It is important to ensure that the lighter warnings are both clearly visible on or with the product, and are easily read and understood.

Currently, subsection 7(1) of the *Lighters Regulations* reads as:

> English version: *Every refillable lighter must be accompanied by a clear and legible warning, in English and in French, to keep lighters and their fuels out of the reach of children.*
>
> French version: *Le briquet rechargeable est accompagné d’un avertissement indiquant clairement, en français et en anglais, qu’il faut garder briquets et combustibles hors de la portée des enfants.*

The new text in French reads as:

Le briquet rechargeable est accompagné d’un avertissement indiquant de manière claire et lisible, en français et en anglais, qu’il faut garder briquets et combustibles hors de la portée des enfants.

Subsection 7(2): Refillable lighters — instructions

Similarly, subsection 7(2) of the English version will be modified to indicate that refillable lighters must be accompanied by “clear and legible” instructions to correspond with the current French text of the same subsection. The English version indicates that the instructions should be “clearly set out” which could again be considered vague for consumers and industry. It is important to ensure that the instructions for the lighter are clearly visible as well as easily read and understood, to prevent any refuelling incidents from occurring.

Currently, subsection 7(2) of the *Lighters Regulations* reads as:

> English version: *Every refillable lighter must be accompanied by instructions that clearly set out, in English and in French, the safe method of refuelling the lighter, including*
>
> French version: *Le briquet rechargeable est accompagné d’instructions qui indiquent de manière claire et lisible, en français et en anglais, la façon de le remplir en toute sécurité, notamment :*

The new text in English reads as:

Every refillable lighter must be accompanied by clear and legible instructions that set out, in English and in French, the safe method of refuelling the lighter, including

Section 17: Wick lighters — structural integrity

Section 17 in the English version indicates that when dropped according to the specified test method, a wick lighter must not exhibit rupture of its fuel reservoir or exhibit any other damage to the lighter that would affect its safe operation. Section 17 in the French version may be somewhat confusing to both consumers and industry as it appears to refer only to damage to the fuel reservoir. As such, the French version will be reworded to mirror the requirements of the English version to ensure that any damage to the fuel reservoir or the entire lighter body that could affect its safe operation is not acceptable.

Currently, section 17 of the *Lighters Regulations* reads as:

> English version: *A wick lighter, when tested in accordance with section 12 of the schedule, must not exhibit rupture of its fuel reservoir or any other damage that would affect its safe operation.*
>
> French version: *Le briquet à essence, lorsqu'il est mis à l'essai conformément à l'article 12 de l'annexe, ne présente, dans son réservoir de combustible, aucune fissure et aucun autre dommage susceptible d'en rendre l'utilisation dangereuse.*

The new text reads as:

> English version: *A wick lighter, when tested in accordance with section 12 of the schedule, must not exhibit rupture of its fuel reservoir or any other damage that could affect its safe operation.*
>
> French version: *Le briquet à essence, lorsqu'il est mis à l'essai conformément à l'article 12 de l'annexe, ne présente aucune fissure dans son réservoir de combustible ni aucun autre dommage qui pourrait en rendre l'utilisation dangereuse.*

The aforementioned requirements currently exist in the *Lighters Regulations* and are already being followed by industry. The proposed changes serve only to clarify any confusion surrounding the labelling of all lighters and the test requirements for wick lighters. There will be no impact on industry. These changes will

- provide more consistent and clear messaging for all lighters to ensure their safe use by consumers; and
- eliminate testing uncertainty that may exist with wick lighters, which will enhance the overall safety of this type of lighter.

Consultation

These amendments do not involve any change in safety standards, and will have no impact on industry or the Canadian population; as a result, no consultation was necessary and no consultation was conducted.

Implementation, enforcement and service standards

These amendments will not affect the existing compliance and enforcement mechanisms for the *Lighters Regulations*. As such, no new funds will be requested as the Department will continue to utilize its current sampling and testing program for lighters along with its complaint procedures to address consumer and industry concerns.

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Footnote a
S.C. 2004, c. 9, s. 2

Footnote b
R.S., c. H-3

Footnote 1
SOR/2008-231

NOTICE:
The format of the electronic version of this issue of the *Canada Gazette* was modified in order to be compatible with extensible hypertext markup language (XHTML 1.0 Strict).

Date Modified: 2009-12-09