Health Canada Enforcement of Consumer Products

Jerry Wu
Regional Manager, Consumer Product Safety
Health Canada
OVERVIEW

- Monitoring the Marketplace
- Inspections
- Cooperation at the Border
- Recalls, including Joint Recalls
OUR PROGRAM

• Health Canada's Consumer Product Safety Program gets its regulatory authority from the *Canada Consumer Product Safety Act* (CCPSA) and the *Food and Drugs Act (Cosmetic Regulations)*

• The Program’s objective in administering and enforcing these Acts and their regulations is to reduce adverse health incidents related to consumer products and cosmetics for all Canadians.

Our Mission

To identify, assess, manage and communicate health or safety risks to Canadians, associated with consumer products and cosmetics.

Our Vision

A Canada where Canadians are confident that consumer products and cosmetics are safe or can be used safely.
CONSUMER PRODUCT SAFETY PROGRAM

Risk Assessment
- Incident Monitoring, Triage and Prioritization
- Testing
- Assessment
- Epidemiology

Risk Management
- Compliance and Enforcement Coordination
- Regulatory and Standards Administration, Application and Development

Program Development
- Policy and Legislative Coordination
- Consumer & Industry Outreach
- International Engagement
- Planning and Evaluation

Regions
- Inspections and Enforcement
  - Outreach
- Engagement with Border Agents and Other Law Enforcement
Monitoring the Marketplace

- Health Canada (HC) has established a comprehensive system of marketplace surveillance to identify potential product safety issues.
  - Voluntary reporting by Canadians
  - Mandatory reporting by industry
  - Partnerships with other regulators
  - Ability to require the production of information to verify compliance

- HC conducts targeted, risk-based sampling in the marketplace to identify non-compliance
OUR DECISION MAKING PROCESS

Inputs
- Recalls & Alerts
- Compliance & Enforcement
- Incident Reporting
- Surveillance Data
- Risk Assessment
- Other Jurisdictions
- CPS Account
- Stakeholders

Risk-based approach is used to identify priorities and select tools

Tools
- Legislative & Regulatory Instruments
- Voluntary Actions / Standards
- Outreach
- Compliance & Enforcement

Outcomes
Variety of responses may be applied

RA

RM
Inspections

- Inspections are carried out regularly by inspectors to verify compliance and prevent non-compliance
- Progressive and proportionate approach to enforcement
- Some inspections are initiated when Health Canada becomes aware of a particular incident, while other inspections are planned, targeting a specific group of products or hazard.
- Inspectors visit all levels and size of trade, from manufacturers to retailers
- Also look at products at ports of entry into Canada
COOPERATION AT THE BORDER

• Compliance and enforcement at Canada’s Ports of Entry is a shared responsibility between the Canada Border Services Agency (CBSA) and Government of Canada regulators such as Health Canada.

• CBSA has the authority under the *Customs Act* to detain goods at the border and refuse entry of those that may violate Canadian federal legislation.

• Targets: HC may ask CBSA to detain targeted goods at time of importation until an admissibility recommendation to release the goods is obtained from Health Canada.

• Data collection: CBSA collects information on importers that it can share with HC.
Recalls
Recall Process

1. **Stop**
   - stop manufacturing, stop selling, stop retail sales;

2. **Fix**
   - repair, redesign, replace, refund, dispose, relabel

3. **Communicate**
   - to distribution chain to pull off market; to Canadians to make aware of issue and what they should do.

Recalls happen!
Planning and preparing in advance saves time and money.
KEYS TO AVOIDING PRODUCT RECALLS

- Meet mandatory requirements and voluntary standards
- Rigorously design products
- **Test, Test, Test**
- Monitor product use
- Evaluate complaints, inquiries, injuries, customer and retailer feedback
Plan for a recall before you have an issue

- Ensure labeling of models/batches/lot #s during production to help limit scope of a recall

- Keep distribution lists; Use registration cards, loyalty cards, warranty and part requests

- The most common remedies are:
  - Repair product free of charge
  - Replace product free of charge
  - Full refund of purchase price
  - Disposal for promotional items
CRITERIA FOR JOINT RECALLS

- Product sold in both countries
- Product must also be under the jurisdiction of both agencies
- Corrective measures and customer support extended to customers in both countries
- Timing works for regulator and company
- Company sharing all information with both jurisdictions early in the process
- Joint recall is conducted voluntarily
EXAMPLE
BENEFITS OF JOINT RECALLS

- Reduced burden on industry
- Increase in consumer pick-up
- Leverages other regulator’s resources and authorities
- Information sharing
- Strengthens border protection
- Consistent messaging across the continent
KEY DIFFERENCES

• Port Surveillance
  – HC does not have physical presence at the ports, but works closely with CBSA to identify problems at the border

• Destruction at the Border
  – No automatic destruction of consumer products in Canada. It is either returned or forfeited to the Government of Canada.

• Recalls
  – Timing for posting information is different than CPSC
    Canadian Requirements:
    • 2 days for a serious and imminent danger
    • 14 days for a serious danger
  – Canada: Bilingual (English/French) communications to public
RESOURCES

Consumer Product Recalls web-page
  • http://www.healthycanadians.gc.ca/recall-alert-rappel-avis/index-eng.php

Report an incident involving a consumer product

Subscribe to Consumer Product Safety News
  • http://www.hc-sc.gc.ca/cps-spc/advisories-avis/_subscribe-abonnement/index-eng.php
THANK YOU

Consumer Product Safety Program
cps-spc@hc-sc.gc.ca

http://www.healthycanadians.gc.ca