

January 13, 2009

**Distribution:** Manufacturers of Electrical Product

**Subject: Ontario, Canada - New Obligations Regarding Electrical Products Sold or Offered for Sale in Ontario**

**Pursuant to Ontario Regulation 438/07 new mandatory obligations came into effect regarding electrical products sold or offered for sale in Ontario.**

Ontario's *Product Safety Regulation 438/07* was introduced in August 2007 to ensure the safety of electrical products and equipment sold and used in Ontario thereby creating a system to ensure that the Electrical Safety Authority (ESA), the Authority Having Jurisdiction in Ontario, is made aware of electrical products posing a danger.

ESA operates as a delegated administrative authority accountable to the Ministry of Small Business and Consumer Services for administering and enforcing Part VIII of the *Electricity Act, 1998 and regulations, including Regulation 438/07*.

Specifically, Regulation 438/07 requires that manufacturers, wholesalers, product importers, distributors, retailers, certification organizations, and field evaluators to:

**Report to ESA** any serious electrical incident, accident or defect with electrical products or devices that affect or are likely to affect the safety of any person or cause damage to property.

**Assist in the investigation** of serious electrical product incidents, accidents or defects in design, construction or functioning of the electrical product or device.

**Undertake notification** of the public or any person or class of persons of a risk or defect in an electrical product or device or occurrence of a serious electrical incident.

Undertake further appropriate **corrective action** if requested to do so by ESA.

ESA defines a "serious electrical incident or accident" to mean an electrical incident or accident that,

- (a) Results in death or serious injury to a person,
- (b) Has the potential to cause death or a risk of serious injury to a person, or
- (c) Causes or has the potential to cause substantial property damage.

*Note: Judgment as to whether an incident has the potential to cause death, risk of injury to a person or substantial property damage should be based on evidence, and/or reasonable assumptions about behavior and foreseeable use of the product.*

Examples of electrical products and devices covered include: consumer electrical products, commercial electrical products, electrical medical devices, industrial electrical products, and wiring products.

If a reportable incident occurs outside of Ontario on a product available for sale in Ontario or sold in Ontario, a report **MUST** be made to ESA.

ESA has introduced on-line forms to accommodate mandatory and voluntary reports regarding electrical products. The “Electrical Product Reporting” forms can be accessed on-line at [www.esasafe.com](http://www.esasafe.com) under the “Electrical Product Safety” section.

ESA has consulted with all affected stakeholders throughout the development of these guidelines to ensure the safety obligations defined in the *Product Safety Regulation* are achieved in an expeditious manner, and with minimal impact to our stakeholders. Stakeholders support the guidelines that have been established to implement the *Product Safety Regulation*.

#### **Registration requirements:**

In addition to the obligations outlined in Regulation 438/07 and the guideline, manufacturers (those responsible for manufacturing electrical products for sale in Ontario, Canada) will be required to **register with Ontario’s ESA beginning April 1<sup>st</sup>, 2009. Manufacturers will have until August 30, 2009 to complete the registration process.** This includes manufacturers of products currently sold in Ontario as well as any manufacturer who intends on manufacturing and selling new electrical product(s) in Ontario. Registration by the Manufacturers authorized representative will be required. Products will not be approved for sale in Ontario until such time as the manufacturer has registered with ESA.

Upon registering with ESA registration information will be held in confidence and protected under provisions for confidentiality defined in the *Electricity Act 1998*, and ESA’s privacy policy.

<sup>1</sup>Manufacturers can visit [www.esasafe.com](http://www.esasafe.com) – “Electrical Product Safety” section for additional information and specific details on how to register. Registration will be available through a secure on-line registration system. Initial registration will cost \$350 and yearly renewal will cost \$300/year. **Your registration will be required in addition to a recognized certification mark or field evaluation label for electrical products to be approved for sale in Ontario.** Products failing to meet these requirements will be considered “unapproved” and subject to investigation, public notification and fines.

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<sup>1</sup> Product Safety Regulation – Communication to Applicants - DRAFT #1, December 5<sup>th</sup>, 2008

(Registration fees support the administration, and operation of the Product Safety Regulation.)

For more information about Ontario's Electrical Safety Authority, *Product Safety Regulation 438/07*, and the stakeholder consultation process and guidelines visit [www.esasafe.com](http://www.esasafe.com) ("Government & Regulations" and "Electrical Product Safety" sections).

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