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Contact: Ralph Suppa, CAE
President & General Manager
r.suppa@ciph.com

Canadian Consumer Product Safety Coalition

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Coalition Remarks – Standing Committee on Health: JUNE 2nd, 2009

Thank you, Madame Chair and members of the Committee. My name is Ralph Suppa, spokesperson for the Canadian Consumer Product Safety Coalition. Consumer safety is a paramount goal for members of the Coalition and we appreciate this opportunity to speak to the Committee on Bill C-6. Joining me is Keith Mussar of the Canadian Association of Importers & Exporters, who will assist me with answering members' questions.

This Coalition is composed of 13 major national business associations representing total annual sales in the \$600 billion range. They are engaged in every aspect of the process that results in products being made available to Canadian consumers. Coalition member companies include domestic manufacturers, importers, distributors, wholesalers and retailers. Therefore, committee members will appreciate that the interests of our coalition members in the provisions of Bill C-6 are acute and all-encompassing.

Member companies are located in all parts of Canada. Their ability to generate positive economic activity at the local level is widespread and a significant percentage of these companies are small and medium-sized enterprises.

Coalition members are responsible corporate citizens and are vitally concerned about product safety. Member companies have increased their investment in product safety throughout the product development and certification process, and actively participate in our national infrastructure system of codes and standards that are health and safety based and governed by the Standards Council of Canada.

The Coalition supports the Government's initiative to update Canada's consumer product safety law. We welcome this continued meaningful opportunity to work with the Government and Health Canada to refine Bill C-6. We firmly believe in an industry/government partnership.

There are five areas in which the Coalition believes Bill C-6 could be improved; they are:

1. Reporting of safety related incidents;
2. Preservation of confidential business information;
3. Mandatory Recall Orders;
4. Orders for Stop Sale, Testing Studies and Information Compilation; and
5. Alignment of international safety standards and procedures.

[1] As to incident reporting obligations, we recognize that genuine safety issues must be reported to the Government in a timely manner. At the same time, our members receive and carefully analyze thousands of reports from consumers each year, the vast majority of which do not raise genuine product safety issues. It is important to ensure that the Government is promptly notified of safety issues without creating impossible deadlines and then causing industry to flood the Government with non-useful reports from consumers around the world. We have discussed this concern with Health Canada and they recognize this need for balance; however, the Coalition believes that C-6 itself should provide clearer guidance to better inform Health Canada's implementation of Bill C-6. Specifically, reports of incidents should not be required until there has been an opportunity to determine their validity and relevance to the existence of a possible defect, unreasonable condition or substantial hazard.

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- [2] As to preserving confidential business information, Health Canada absolutely must have the power to disclose information as necessary to protect consumers from danger. At the same time, publication of unsubstantiated consumer reports that have not been investigated properly may give rise to false alarms. This could compromise the credibility of Health Canada and create unnecessary anxiety or even panic among consumers. It would also seriously damage responsible companies that have spent years building their reputation. We urge that C-6 be amended to make clearer the scope of commercial information the Minister could disclose and to require the Government to notify a company and receive its response if possible before its company-specific and confidential information is released.
- [3] Section 30 gives inspectors broad authority to issue mandatory recall orders. Because of the gravity and serious implications of this remedy, only the Minister should have the authority to issue mandatory recall orders. Moreover, a company should be given every opportunity to voluntarily recall a product, and be notified and given an opportunity to respond before the Minister issues a mandatory recall order. Finally, if a mandatory recall order is issued, there should be an opportunity for review.
- [4] Several sections of the Bill call for inspections, testing and more importantly, stop sale and import orders to be issued without any attempt to notify and receive a response from affected businesses. Certainly, the Coalition and any legitimate businesses believe that, if no responsible party can be identified in a timely manner, then the government should have these powers to act in the case of an imminent danger. But in many cases, there is sufficient time for prior notice, and some type of response from the affected party. Therefore, a measure of reasonableness and an opportunity for legitimate businesses to respond and work with the government is required.
- [5] As to the alignment of international safety standards, Coalition members operate in a global marketplace and the alignment with international safety standards and procedures, which often address the same issues, would benefit regulators, industry and Canadians:
- It would eliminate the need to duplicate testing where the tests are only slightly different;
 - It would facilitate trade and reduce costs to consumers; and
 - It would enable closer cooperation and enforcement by Health Canada and its counterparts around the world.

Indeed, increased alignment of international standards is an explicit goal of Health Canada.

While there are many different, voluntary and mandatory safety standards for consumer products, the Coalition and its members urge Canada to take advantage of the experience reflected in standards already adopted by other countries such as those established by the respected International Organization for Standardization.

Canada, of course, must be free to adopt its own, different standards to the extent necessary to protect all Canadians.

Madame Chair, in summary, the Coalition applauds these efforts and supports the principles in Bill C-6. We want to work with the Government to continue to refine and improve the Bill in three principal areas.

First, we request clarification of reporting obligations. We want to ensure that Health Canada obtains the information it needs to protect consumers while not creating a crippling volume of consumer reports that do not reflect a real, actionable safety issue.





Second, we request that Bill C-6 ensures that confidential business information is released publicly only to the extent necessary to address a genuine validated safety risk and that advance notice be provided to the affected businesses.

Finally, we believe that Canadian consumers and companies, as well as the Government, would benefit greatly by increased alignment of international safety standards and procedures.

The Coalition has submitted a detailed report including recommendations on the specific clauses of the Act that I have referred to in my remarks and I understand that they have been forwarded to those serving on the Committee.

On behalf of our members, I want to thank you Madame Chair and the other members of the Committee for the opportunity to speak here today on a matter that is vitally important to all Canadians, the Canadian Consumer Product Safety Coalition, and its member companies.

I would be pleased to respond to Members' questions.

The Canadian Institute of Plumbing & Heating is a not-for-profit trade association. Founded in 1933, the Institute is a vibrant organization committed to providing members with the tools for success in today's competitive environment. More than 260 companies are members of this influential Canadian industry association. They are the manufacturers, wholesaler distributors, master distributors, manufacturers' agents and allied companies who manufacture and distribute plumbing, hydronic heating, industrial, waterworks and other mechanical products. CIPH wholesalers operate more than 700 warehouses and showrooms across Canada. Total industry sales exceed \$4.6 billion annually.

