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Lighters Regulations

*Statutory authority**Hazardous Products Act**Sponsoring department*

Department of Health

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REGULATORY IMPACT ANALYSIS STATEMENT

For the Regulatory Impact Analysis Statement, see the [Order Amending Part II of Schedule I to the Hazardous Products Act \(Lighters\)](#).

PROPOSED REGULATORY TEXT

Notice is hereby given that the Governor in Council proposes, pursuant to section 5 ([see footnote a](#)) of the *Hazardous Products Act*, to make the annexed *Lighters Regulations*.

Interested persons may make representations concerning the proposed Regulations within 75 days after the date of publication of this notice. All such representations must cite the *Canada Gazette*, Part I, and the date of publication of this notice and be addressed to Douglas Jacques, Project Officer, Consumer Product Safety Bureau, Product Safety Programme, Healthy Environments and Consumer Safety Branch, Department of Health, MacDonald Building, Postal Locator: 3504D, 123 Slater Street, Ottawa, Ontario K1A 0K9 (fax: 613-946-9477; e-mail: douglas_jacques@hc-sc.gc.ca).

Persons making representations should identify any of the representations the disclosure of which should be refused under the *Access to Information Act*, in particular under sections 19 and 20 of that Act, and should indicate the reasons why and the period during

which the representations should not be disclosed. They should also identify any representations for which there is consent to disclosure for the purposes of that Act.

Ottawa, July 30, 2007

MARY O'NEILL

Assistant Clerk of the Privy Council

LIGHTERS REGULATIONS

INTERPRETATION

Definitions

1. The following definitions apply in these Regulations.

"gas lighter"
« *briquet à gaz* »

"gas lighter" means a lighter that uses as fuel liquefied hydrocarbons, such as n-butane and isobutane, that have a gauge vapour pressure at 24°C greater than 100 kPa.

"lighter"
« *briquet* »

"lighter" means a device that has a fuel reservoir, whether detachable or not, and an integral means of ignition and that is used for domestic purposes or to ignite tobacco products.

"luxury lighter"
« *briquet de luxe* »

"luxury lighter" means a lighter, other than a utility lighter, that is refillable and that has
(a) if it is manufactured in Canada, a value of more than \$2.50 on sale by the manufacturer; or
(b) if it is imported into Canada, a value for duty of more than \$2.50 as determined in accordance with section 46 of the *Customs Act*.

"production lot"
« *lot de production* »

"production lot" means a group of substantially identical lighters that are manufactured by the same manufacturer under substantially identical conditions.

"shield"
« *écran de protection* »

"shield" means a structure that totally or partially surrounds the fuel orifice of a lighter and projects beyond it.

"spitting"
« *crachotement* »

"spitting" means an escape of liquid fuel that produces a shower of burning droplets that separate from the main flame.

"surrogate lighter"
« *briquet de substitution* »

"surrogate lighter" means a device used for testing purposes that
(a) approximates the appearance, size and weight of the lighter that it represents;
(b) is, within reasonable manufacturing tolerances, identical to the lighter that it represents in all factors that affect child-resistance, including the operation and force required for operation;
(c) has no fuel; and
(d) produces a clearly discernible audible or visual signal instead of a flame.

"utility lighter"
« *briquet à usages multiples* »

"utility lighter" means a lighter that is 100 mm or greater in length when it is in the fully extended position.

"wick lighter"
« *briquet à essence* »

"wick lighter" means a lighter that uses as fuel liquid hydrocarbons, such as hexane, that have a gauge vapour pressure at 24°C not greater than 34 kPa.

GENERAL

Advertise, sell or import

2. A lighter may be advertised, sold or imported if it meets the requirements of these Regulations.

RECORDS RETENTION

Luxury lighters

3. A person who manufactures and sells or who imports a luxury lighter must, for six years after the date of sale or the date of importation, maintain records that identify the lighter and that show
(a) in the case of a lighter manufactured in Canada, the value on sale by the manufacturer; and
(b) in the case of an imported lighter, the value for duty as determined in accordance with section 46 of the *Customs Act*.

COMPLIANCE CERTIFICATE

Contents and retention

4. A person who manufactures and sells or who imports a lighter, other than a luxury lighter, must
(a) possess a certificate that states in English or French that its surrogate lighter has been tested and complies with the child-resistance requirements of subsection 10(2) and that specifies
(i) the name and address of the person who issued the certificate,
(ii) the name and address of the manufacturer of the lighter, and
(iii) the name and model of the lighter;
(b) keep a copy of the certificate for three years after the date of manufacture or importation; and
(c) within 15 days after a request by an inspector, make available in English or French the test data on which the statement referred to in paragraph (a) is based, including the information set out in sections 1210.4(g)(1) to (10) or 1212.4(g)(1) to (10), as applicable, of Title 16 of the *Code of Federal Regulations* of the United States, revised as of January 1, 2004, and the name and model of the lighter to which the test data relates.

LABELLING

Name of manufacturer or trade-mark

5. (1) Every lighter must have permanently marked on it, in such a manner that the mark remains clear and visible throughout its useful life,
(a) the name of the manufacturer, in Roman letters and Arabic numerals; or
(b) a trade-mark registered in Canada or for which an application for registration in Canada is pending.

Production lots	(2) When more than one production lot is offered for sale, every lighter must have marked on it, in a clear and visible manner, a means of identifying its production lot.
Principal place of business	(3) Subject to subsection (5), every lighter must have marked on it, in a clear and visible manner, (a) if the lighter is manufactured in Canada, the manufacturer's principal place of business or the distributor's name and principal place of business; and (b) if the lighter is not manufactured in Canada, the importer's or distributor's name and principal place of business in Canada.
Warning	(4) Subject to subsection (5), every lighter must have marked on it, in a clear and visible manner, the warning "KEEP OUT OF REACH OF CHILDREN/TENIR HORS DE LA PORTÉE DES ENFANTS" or any other warning that conveys the same meaning.
Placement of markings	(5) The information required by subsections (3) and (4) may be marked (a) on the package, when the lighter is enclosed in a sealed package; or (b) on the package or on the instructions within the package, when the lighter is individually enclosed in an unsealed package.
Flame height symbol	6. Every lighter that has a device to adjust the flame height must have permanently marked on it, in such a manner that the mark remains clear and visible throughout its useful life, an easily understood symbol that indicates the direction in which force is to be applied to increase and decrease the flame height.
Refillable lighters — warning	7. (1) 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.
Refillable lighters — instructions	(2) 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 (a) information about the type of fuel to be used and a warning to use only that type of fuel; (b) in the case of a gas lighter, a warning to ensure proper mating between the refill container and the fuel reservoir of the lighter; and (c) in the case of a wick lighter, a warning to fill the lighter slowly, to avoid overfilling and to wipe dry the lighter and the user's hands before activating the lighter.
DESIGN AND PERFORMANCE REQUIREMENTS	
APPLICATION OF FORCE	
Luxury lighters	8. At least one of the following manual operations must be required to achieve ignition of a luxury lighter: (a) a deliberate action to produce and maintain a flame; (b) at least two separate and distinct actions; or (c) the application of a force equal to or greater than 15 N.

Flame height adjustment **9.** If a lighter has a device to adjust the flame height, the device must require the deliberate application by the user of a reasonable force.

CHILD-RESISTANCE

Requirement **10.** (1) All lighters, other than luxury lighters, must be child-resistant.

Standard (2) For the purpose of subsection (1), a lighter is child-resistant when its surrogate lighter has been tested in accordance with one of the following test protocols and at least 85% of the children who participated in the test were unable to cause the surrogate lighter to emit an audible or a visual signal:

(a) the test protocol described in section 1210.4, without regard to sections 1210.4(a)(3) and (b)(1), of Title 16 of the *Code of Federal Regulations* of the United States, revised as of January 1, 2004; or

(b) in the case of a utility lighter, the test protocol described in section 1212.4, without regard to sections 1212.4(a)(3) and (b)(1), of Title 16 of the *Code of Federal Regulations* of the United States, revised as of January 1, 2004.

Mechanism **11.** The mechanism or system that makes a lighter child-resistant must

(a) reset itself automatically after each operation of the lighter's ignition mechanism;

(b) in the case of a gas lighter, continue to function effectively after each test set out in sections 5 to 9 of the schedule; and

(c) in the case of a wick lighter, continue to function effectively after each test set out in sections 11 and 12 of the schedule.

GAS LIGHTERS

Flame height **12.** (1) A gas lighter, when tested as required by subsection (2), must

(a) if the lighter has neither a shield nor a device to adjust the flame height, have a vertical flame height of not more than 50 mm;

(b) if the lighter has a shield but no device to adjust the flame height, have a vertical flame height of not more than 100 mm;

(c) if the lighter has a device to adjust the flame height, have a vertical flame height of not more than

(i) 120 mm, when the device is adjusted to produce maximum flame height, and

(ii) 50 mm, when the device is adjusted to produce minimum flame height; and

(d) not exhibit a flame above the fuel orifice for more than two seconds after the normal action to extinguish the flame has been taken.

Test procedures	(2) A gas lighter must be tested in accordance with (a) sections 5, 6 and 8 of the schedule, followed by a repetition of the procedures described in sections 5 and 6 of the schedule; or (b) sections 5, 6 and 9 of the schedule, followed by a repetition of the procedures described in sections 5 and 6 of the schedule.
Abnormal burning	13. A gas lighter, when tested in accordance with at least one of sections 5, 6 and 8 to 10 of the schedule, must not exhibit (a) a sudden increase in flame height of 50 mm or more; (b) a vertical flame height in excess of the maximum values specified in subsection 12(1); (c) an explosion; (d) combustion at any place other than at the fuel orifice of the lighter or in the main flame; (e) spitting; or (f) any other abnormal or unsafe burning characteristics.
Structural integrity	14. A gas lighter, when tested in accordance with (a) the schedule, must not exhibit damage that would make its operation unsafe; (b) section 8 of the schedule, must not exhibit an escape of fuel of more than 15 mg/min; (c) section 9 of the schedule, must not exhibit leakage that results in total exhaustion of fuel after the cooling period described in paragraph 9(2)(c) of the schedule; and (d) section 10 of the schedule, must not exhibit a drop in internal pressure of more than 250 kPa/min.
Extended operation	15. A gas lighter, when tested in accordance with section 7 of the schedule, must not exhibit, during a continuous burning time of two minutes, (a) ignition of its component parts; (b) expulsion of the valve mechanism; or (c) rupture of the fuel reservoir, with or without flame.

WICK LIGHTERS

Abnormal burning	16. A wick lighter, when tested in accordance with section 11 of the schedule, and in accordance with section 12 of the schedule followed by a repetition of the procedures described in section 11 of the schedule, must not exhibit (a) a sudden increase in flame height of 50 mm or more; (b) an explosion; (c) combustion at any place other than at the wick; or (d) any other abnormal or unsafe burning characteristics.
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 would affect its safe operation.

REPEAL

Repeal of *Hazardous Products (Lighters) Regulations*

18. The *Hazardous Products (Lighters) Regulations* ([see footnote 1](#)) are repealed.

COMING INTO FORCE

Coming into force

19. These Regulations come into force 90 days after the day on which they are registered.

SCHEDULE

(Sections 11 to 17)

TEST PROCEDURES FOR LIGHTERS

GENERAL

Fuelling before testing

1. When a lighter is not fuelled at the point of sale, it must be fuelled in accordance with the manufacturer's instructions before testing in accordance with sections 5 to 9 and 11 and 12, using the fuel recommended by the manufacturer.

Temperature before testing

2. (1) The lighter must be maintained at a temperature of $23 \pm 2^{\circ}\text{C}$ for at least 10 hours immediately before testing in accordance with sections 5 to 7 and 9 to 12.

Test area

(2) The area in which tests are conducted must be maintained at a temperature of $23 \pm 2^{\circ}\text{C}$ during testing.

Flame height measurements

3. (1) Flame height measurements must be taken (a) inside a draft-free chamber that is constructed from a suitable non-flammable material; and (b) with the lighter positioned to produce a vertically upward flame.

Measurement margin

(2) The flame height must be measured to the nearest 5 mm.

Subdued lighting

(3) All flame tests must be conducted in subdued lighting conditions.

Record of damage

4. Any damage sustained by a lighter or any abnormal or unsafe functioning of a lighter during a test must be recorded.

GAS LIGHTERS

FLAME TESTS

Flame height test

5. (1) Subject to subsection (2), the following procedures are to be used in conducting a gas lighter flame height test:

- (a) activate the lighter to produce a flame for a continuous 5-second period;
- (b) if the lighter has no shield, measure and record the maximum linear distance observed between the tip of the visible flame and the top of the fuel orifice;
- (c) if the lighter has a shield, measure and record the maximum linear distance observed between the tip of the visible flame and the top of the shield or, if the shield is retractable, the top of the shield in its fully withdrawn position;
- (d) take the normal action to extinguish the flame; and
- (e) measure and record the duration of any burning that occurs immediately after the normal action to extinguish the flame has been taken.

Maximum and minimum flame heights

(2) If a lighter has a device to adjust the flame height, the procedures described in subsection (1) must be repeated first at the maximum flame height and again at the minimum flame height.

Inversion test

6. The following procedures are to be used in conducting a gas lighter inversion test:

- (a) if the lighter has a device to adjust the flame height, adjust it to produce a flame height of 50 mm;
- (b) in the case of
 - (i) a lighter other than a utility lighter, activate the lighter and turn it to an inverted hand-held position 45° below the horizontal for a continuous 10-second period, after which return it to the original vertical position, or
 - (ii) a utility lighter, turn the lighter to an inverted hand-held position 45° below the horizontal and then activate it for a continuous 10-second period;
- (c) take the normal action to extinguish the flame; and
- (d) measure and record the duration of any burning that occurs immediately after the normal action to extinguish the flame has been taken.

- Extended operation test
- 7.** The following procedures are to be used in conducting a gas lighter extended operation test:
- (a) if the lighter has a device to adjust the flame height, adjust it to produce a flame height of 50 mm;
 - (b) in the case of
 - (i) a lighter other than a utility lighter, activate the lighter to produce a vertical flame for a continuous 2-minute period, or
 - (ii) a utility lighter, turn the lighter to an inverted hand-held position 45° below the horizontal, activate it and let it burn for 2 minutes;
 - (c) take the normal action to extinguish the flame; and
 - (d) observe and record any ignition of the component parts of the lighter, expulsion of the valve mechanism or rupture of the fuel reservoir, with or without flame.

STRUCTURAL INTEGRITY TESTS

- Drop test — apparatus
- 8.** (1) The test apparatus required for a gas lighter drop test is a concrete slab with a minimum mass of 55 kg and dimensions of at least 60 cm x 60 cm x 6 cm.
- Drop test — procedures
- (2) The following procedures are to be used in conducting a gas lighter drop test:
- (a) if the lighter has a device to adjust the flame height, adjust it to produce a flame height of 50 mm;
 - (b) maintain the lighter at a temperature of $-10 \pm 2^{\circ}\text{C}$ for at least 10 hours, after which maintain it at a temperature of $23 \pm 2^{\circ}\text{C}$ for at least 10 hours;
 - (c) immediately after the procedure described in paragraph (b), cause the lighter to fall 3 times onto the horizontally positioned concrete slab from a height of 1.5 m
 - (i) first, from an upright vertical position,
 - (ii) second, from an inverted vertical position, and
 - (iii) third, from a horizontal position;
 - (d) inspect the lighter immediately after each fall for escape of fuel and record any damage; and
 - (e) measure and record any escape of fuel to the nearest milligram per minute.
- Temperature test — apparatus
- 9.** (1) The test apparatus required for a gas lighter temperature test is an explosion-resistant oven that is capable of maintaining a temperature of $65 \pm 2^{\circ}\text{C}$.
- Temperature test — procedures
- (2) The following procedures are to be used in conducting a gas lighter temperature test:
- (a) if the lighter has a device to adjust the flame height, adjust it to produce a flame height of 50 mm;
 - (b) place the lighter in the oven and maintain a temperature in the oven of $65 \pm 2^{\circ}\text{C}$ for 4 hours;
 - (c) remove the lighter from the oven and maintain it at a temperature of $23 \pm 2^{\circ}\text{C}$ for at least 10 hours; and
 - (d) inspect the lighter and record any damage and any instance of total loss of fuel.

- Pressure test — apparatus
- Pressure test — procedures
- 10.** (1) The test apparatus required for a gas lighter pressure test is a device that is capable of producing a gauge pressure of 2 MPa.
- (2) The following procedures are to be used in conducting a gas lighter pressure test:
- (a) empty the lighter's fuel reservoir;
 - (b) subject the fuel reservoir to an internal pressure of 1.5 MPa, but do not permit the internal pressure to rise faster than 150 kPa/s; and
 - (c) observe the lighter for 60 seconds and record any drop in internal pressure.

WICK LIGHTERS

- Burn test
- 11.** The following procedures are to be used in conducting a wick lighter burn test:
- (a) position the lighter to produce a vertically upward flame;
 - (b) activate the lighter to produce a flame for a continuous 10-second period and then take the normal action to extinguish the flame;
 - (c) reactivate the lighter and turn it to an inverted hand-held position 45° below the horizontal for a continuous 10-second period, after which turn it to the original vertical position;
 - (d) take the normal action to extinguish the flame; and
 - (e) observe and record any abnormal or unsafe burning characteristics.
- Drop test — apparatus
- 12.** (1) The test apparatus required for a wick lighter drop test is a concrete slab as described in subsection 8(1).
- Drop test — procedures
- (2) The following procedures are to be used in conducting a wick lighter drop test:
- (a) cause the lighter to fall 3 times onto the horizontally positioned concrete slab from a height of 1.5 m
 - (i) first, from an upright vertical position,
 - (ii) second, from an inverted vertical position, and
 - (iii) third, from a horizontal position; and
 - (b) inspect the lighter after each fall and record any damage.

[32-1-o]

[Footnote a](#)

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

[Footnote 1](#)

SOR/89-514

NOTICE:

The format of the electronic version of this issue of the *Canada Gazette* was modified in order to be compatible with hypertext language (HTML). Its content is very similar except for the footnotes, the symbols and the tables.

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Order Amending Part II of Schedule I to the Hazardous Products Act (Lighters)

*Statutory authority**Hazardous Products Act**Sponsoring department*

Department of Health

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REGULATORY IMPACT ANALYSIS STATEMENT

[Learn more about the Canada Gazette](#)*(This statement is not part of the Order.)*[Publishing information](#)

Description

[Publishing requirements](#)

This regulatory initiative is intended to maintain the protection of the health and safety of Canadians by proposing amendments to the *Hazardous Products Act* and making the *Lighters Regulations* (the Regulations). These Regulations were introduced in 1979 as a measure to reduce deaths, injuries and property damage associated with lighters. The proposed amendments also clarify administrative requirements for manufacturers.

[Deadline schedule](#)

To maintain the protection of the health and safety of Canadians, this initiative proposes to expand the scope of the Regulations to include utility lighters (also known as multipurpose or barbeque lighters) and to update a standard referenced in the Regulations. To clarify manufacturers' administrative requirements, this initiative proposes to amend the language of the Regulations, as identified by the Standing Joint Committee for the Scrutiny of Regulations, and the date on which the amendments come into force.

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When the original *Hazardous Products (Lighters) Regulations* were promulgated, lighters were established as Item 34 of Part II of Schedule I of the *Hazardous Products Act*. The term "lighters" was qualified with the phrase "intended for use for cigarettes, cigars and pipes." After promulgation, products began to appear in the marketplace with essentially the same technology and functions of lighters, but were sold as utility or multipurpose lighters. These products were intended for, and the packaging implied that they be used for, items other than ". . . cigarettes, cigars and pipes."

This regulatory initiative proposes amending Item 34 to ensure that utility lighters are included in the definition of lighters.

Issue raised by the Standing Joint Committee for the Scrutiny of Regulations

One of the Regulations' child-resistance requirements stated that importers and manufacturers keep, for a specified period, Compliance Certificates for each model of lighter (other than luxury lighters) that they sell. This requirement (section 3.2) reads as follows:

The manufacturer and the importer of a product other than a luxury lighter shall

The Standing Joint Committee advised Health Canada that a manufacturer who fails to comply with section 3.2 will have contravened the Regulations even though no lighters may have been advertised, sold or imported. Since the intention is to apply these provisions only to those manufacturers who sell or import non-luxury lighters, it is proposed that section 3.2 be amended to read as follows:

A person who manufactures and sells or who imports a lighter, other than a luxury lighter, must

This proposed amendment will ensure that only manufacturers who intend to sell or import a lighter keep the required documentation.

Issue of the new Code of Federal Regulations Standard (United States)

Upon reviewing the test protocol 16 CFR 1212.4, a child-resistance test protocol for utility lighters introduced in the United States by the Consumer Product Safety Commission (CPSC), Health Canada discovered that the CPSC 16 CFR 1212.4 test is very similar to the 16 CFR 1210.4 protocol referenced in the Regulations (the difference between the two test protocols being that, for utility lighters, child-resistance tests are required to be conducted with any "on/off" switches placed in the "on" position at the start of the tests). In order to harmonize Canadian and American test protocols and procedures, this initiative proposes to add a reference to the new 16 CFR 1212.4 test protocol.

Issue of the date of coming into force

Regulations normally come into force as soon as they are registered but can only be enforced once published in the *Canada Gazette*, Part II. Representatives from the lighters industry have requested that enforcement of the proposed amendments begin 90 days

after registration, thereby allowing them a period to comply with the new requirements.

Alternatives

Status quo

The status quo for each of the issues addressed in this initiative was deemed unacceptable on the grounds that each proposed amendment addresses an issue that increases the overall effectiveness of the Regulations.

Maintaining the status quo would continue to expose Canadians to risk when using utility lighters, as the Regulations do not apply to these products. The status quo also leaves open to interpretation the intention of section 3.2, as identified by the Standing Joint Committee for the Scrutiny of Regulations.

Voluntary standard

Health Canada has, for several years, taken a voluntary approach to address utility lighters. By means of an open letter ([see footnote 1](#)) to manufacturers and importers of utility lighters dated December 1, 1999, Health Canada asked the industry to voluntarily comply with the child-resistance performance-tested utility lighters. A degree of success was achieved through this initiative. However, some importers and distributors continue to provide utility lighters to the Canadian market. These products may not have the required child-resistance mechanisms and their safety is a concern. Since the Regulations do not apply to utility lighters, Health Canada is unable to take enforcement action against them.

Continuing to rely on voluntary compliance is not an acceptable alternative because Health Canada is unable to ensure that these products are safe and that they do not pose a danger to individuals.

Adopting the proposed Regulations

The adoption of the proposed amendments would allow for the following:

- increased protection of the health and safety of Canadians by making utility lighters subject to the same regulations as lighters as defined in the Regulations;
- clarification of the manufacturer's obligation with respect to the Compliance Certificate (as requested by the Standing Joint Committee for the Scrutiny of Regulations);
- elimination of the need for manufacturers to have their product tested to two similar Canadian and American child-resistance test protocols; and
- facilitation for the industry to make the transition from the current Regulations to the new regulatory requirements.

Benefits and costs

Benefits

Benefits are assessed based on the identification and categorization of the adverse

impacts that will be avoided through the regulatory action. Social benefits can be assessed and measured in terms of avoided social losses. These are not limited to reductions in out-of-pocket expenses or increased earnings. Therefore, non-monetary gains to society, such as avoided pain and suffering from illness or injury, are evaluated in monetary terms.

A. Utility lighters

The main purpose of these amendments is to ensure that utility lighters are considered as restricted products under the *Hazardous Products Act*. Concern over safe operation of utility lighters arose when lighters were recalled in the United States and Canada. As a result, Health Canada conducted a national survey of utility lighters in which selected lighters underwent performance evaluation tests similar to those already in place for cigarette lighters. Those brands named in the July 15, 1999 advisory, found in Appendix A, either leaked fuel, had flame heights over 150 mm (6 in.), caught fire, continued to burn after they were turned off, or exploded (without flame) when exposed to elevated temperature.

In order to ensure the safety of the Canadian public, there are three requirements that utility lighters will need to meet.

1. Child-resistance requirements

Child-resistance will be required for all utility lighters in Canada. Canadian Fire Services has reported that in 2001 alone, 519 fires were attributed to children playing with fire sources which included both lighters and matches. These fires resulted in 41 deaths, 499 injuries and \$10.4 million in property loss. As previously mentioned, the test protocol 16 CFR 1212.4 introduced in the United States by the CPSC is currently a requirement in that country. In order to harmonize Canadian and American test protocols, it is the intention of this initiative to reference the 16 CFR 1212.4 test protocol. Having a required child-resistance mechanism in place will lower child-play fires and associated deaths, injuries and property losses.

2. Performance testing requirements

Health Canada has a test protocol for utility lighters that has been formally available to industry since October 29, 2001. The protocol provides assurance to the manufacturer and importer that their products operate in a safe manner when used as intended. Testing helps in product quality control to identify when correction in the manufacturing process is required. If a problem is found and corrected immediately, it will save industry time and money in recall efforts should the product be found to be unsafe at a later time. Additionally, ensuring that utility lighters perform as intended will help reduce unnecessary fire incidents and injuries.

3. Safety labelling requirements

Under the proposed amendment, utility lighters will be subject to mandatory labelling requirements where they were previously excluded. Utility lighters will be required to have warning statements and refuel instructions (in the case of refillable utility lighters) which are aimed at reducing the incidence of utility lighter fires and the resulting injuries and

property losses.

B. Coming into force

The benefits of extending the "coming into force" date to 90 days after registration of the amended Regulations is seen as administrative. The benefits derived from this amendment are mainly achieved by manufacturers who advertise, sell or import lighters in Canada. With this proposed amendment, manufacturers will have an extended period before the Regulations come into force, thereby allowing them to realign their supply and manufacturing procedures. Additionally, they will have clarification with respect to the obligations of keeping Compliance Certificates information, and their products will be subject to harmonized test protocols in Canada and the United States.

C. Level playing field

The regulation of utility lighters will create a level playing field for manufacturers of these products. The majority of lighter manufacturers have been complying with the Regulations and the voluntary standards. This group, including members of the Lighter Association Inc., supports more rigorous regulation of utility lighters, as it will force non-complying manufacturers to meet the same standards and requirements.

D. Social benefits

Social benefits will result from reductions in three negative types of occurrences linked to the use of utility lighters:

1. Injuries or fatalities to the user of utility lighters;
2. Injuries or fatalities to non-users of utility lighters; and
3. Damage to personal property resulting from the use of utility lighters.

In each of these three scenarios, social benefits can be divided into two general types: internal benefits and external benefits. Internal benefits (avoided internal losses) accrue to those who are directly using utility lighters. External benefits (avoided external losses) are those accruing to individuals who are not directly involved in the activity but who would nonetheless be negatively affected by the activity. For example, external benefits from improving the safety of utility lighters will include the avoided suffering of family members when a loved one is injured through the use of a utility lighter.

Costs

The assessment of cost considers incremental costs that arise from the regulatory action and does not include costs for pre-existing activities. The total cost of a revised regulation to encompass all lighters, including utility lighters, is represented by compliance costs to industry and government regulatory costs. Cost data come from industry representatives (responses from consultation) and expected government monitoring costs.

A Canadian manufacturing sector of utility lighters does not exist and, as such, they are

only available through importation. Consequently, the incremental cost of a new control measure to Canadian industry is low to nil. Costs will continue to apply to the Government for its standard enforcement and administration procedures.

A. Utility lighters

1. Child-resistance requirements

As the child-resistance requirement already exists in the United States under 16 CFR 1212.4, it is expected that the implementation costs for manufacturers will be low, as they are already manufacturing a product that conforms to this test protocol.

2. Performance testing requirements

The nature of the tests and the order in which they are performed are the same as the method designed for cigarette lighters, mainly because the two products are very similar and could therefore present the same hazards. The fact that cigarette lighters are currently restricted and many manufacturers are aware of the Canadian requirements, and do adhere to them, will make the inclusion of utility lighters fairly straightforward. There may be a small cost to ensure that products meet the requirements, but it will be offset with the knowledge that a safe product is being marketed.

3. Safety labelling requirements

Additional cautionary statements may result in marginal increase in printing costs. However, many of the utility lighters currently marketed in Canada already have a warning label, and it would only need to be expanded upon with the required statements and information proposed in the amendment.

B. Coming into force

The costs of extending the "coming into force" date to 90 days after registration of the amended Regulations is seen as administrative. It is anticipated that there will be no increase in costs to Canadians, manufacturers or our Government.

Net benefits

Net benefits are calculated as total social benefits less total social costs. Based on the most recent available data, between 1998 and January 2007, there have been four major injuries and four minor injuries associated with utility lighters reported to Health Canada. This is likely an underestimate for Canada as a whole, as it does not include injuries not reported to Health Canada. However, this averages to be approximately one injury per year resulting from the use of utility lighters. The data demonstrates that the benefit of a control measure will therefore be at least as much as one avoided injury per year.

Since there is no indication as to the severity of the aforementioned injuries, assumptions must be made to assign a cost of illness value to the injury. Cost of illness measures include expenditures associated with physicians, care expenses, hospitalization and pharmaceutical products. Canadian injury valuation data for burns is not sufficiently

detailed and, therefore, data from the United States was employed. Using data from the Healthcare Cost and Utilization Project ([see footnote 2](#)) (HCUPnet), and converted to Canadian dollars, the cost of illness for burns per injury for all ages in 2001 was \$41,145. This obviously depends upon the injury severity, which is clearly not known. Given that the incremental regulatory and compliance costs are low, and even with one major injury avoided per year, there would be a positive net benefit to Canada from a new regulation on utility lighters.

Consultation

As part of the consultation for these proposed amendments Health Canada sent letters to industry and other interested parties on December 8, 1999, and September 1, 2000, to advise of the intention to include utility lighters in the Regulations. These letters were also posted on Health Canada's Web site. ([see footnote 3](#))

On March 13, 2004, Health Canada pre-published, in Part I of the *Canada Gazette*, proposed amendments to the *Hazardous Products Act* and the *Lighters Regulations* addressing the inclusion of utility lighters in the definitions of the Regulations and the proposed amendment addressing the issue identified by the Standing Joint Committee for the Scrutiny of Regulations.

During the March 13, 2004 pre-publication comment period, responses were received that suggested the test protocol 16 CFR 1212.4, introduced by the CPSC in the United States, be included in the proposed amendments. Responses were also received that requested a 90-day period before the amendments come into force so that manufacturers can adjust their inventories and supply.

The Lighter Association Inc., whose members provide over an estimated 50% of the lighters, utility lighters and luxury lighters sold in Canada has shown its support for this initiative. The utility lighters sold by the members of the Association are already in compliance with the proposed amendment.

Compliance and enforcement

Enforcement of the *Lighters Regulations* will follow standardized departmental product safety inspection and enforcement procedures. This will include the sampling and testing of lighter products, as well as the follow-up of both consumer and trade complaints. Action taken on non-complying products will range from negotiation with traders for the voluntary withdrawal of these products from the market to prosecution under the *Hazardous Products Act*.

Contact

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PROPOSED REGULATORY TEXT

Notice is hereby given that the Governor in Council proposes, pursuant to section 6 ([see footnote a](#)) of the *Hazardous Products Act*, to make the annexed *Order Amending Part II of Schedule I to the Hazardous Products Act (Lighters)*.

Interested persons may make representations concerning the proposed Order within 75 days after the date of publication of this notice. All such representations must cite the *Canada Gazette*, Part I, and the date of publication of this notice and be addressed to Douglas Jacques, Project Officer, Consumer Product Safety Bureau, Product Safety Programme, Healthy Environments and Consumer Safety Branch, Department of Health, MacDonald Building, Postal Locator: 3504D, 123 Slater Street, Ottawa, Ontario K1A 0K9 (fax: 613-946-9477; e-mail: douglas_jacques@hc-sc.gc.ca).

Persons making representations should identify any of those representations the disclosure of which should be refused under the *Access to Information Act*, in particular under sections 19 and 20 of that Act, and should indicate the reasons why and the period during which the representations should not be disclosed. They should also identify any representations for which there is consent to disclosure for the purposes of that Act.

Ottawa, July 30, 2007

MARY O'NEILL
Assistant Clerk of the Privy Council

ORDER AMENDING PART II OF SCHEDULE I TO THE HAZARDOUS PRODUCTS ACT (LIGHTERS)

AMENDMENT

1. Item 34 of Part II of Schedule I to the *Hazardous Products Act* ([see footnote 4](#)) is replaced by the following:

34. Lighters as defined in the *Lighters Regulations*.

COMING INTO FORCE

2. This Order comes into force 90 days after the day on which it is registered.

[32-1-o]

[Footnote 1](#)

www.hc-sc.gc.ca/cps-spc/advisories-avis/aw-am/ltr-1999_e.html

[Footnote 2](#)

HCUPnet: <http://hcupnet.ahrq.gov/>

[Footnote 3](#)

www.hc-sc.gc.ca/cps-spc/advisories-avis/aw-am/ltr-1999_e.html and www.hc-sc.gc.ca/cps-spc/advisories-avis/aw-am/ltr-2000_e.html

[Footnote a](#)

S.C. 1996, c. 8, s. 26

[Footnote 4](#)

R.S., c. H-3

NOTICE:

The format of the electronic version of this issue of the *Canada Gazette* was modified in order to be compatible with hypertext language (HTML). Its content is very similar except for the footnotes, the symbols and the tables.

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