

Order Amending Schedule I to the Hazardous Products Act (Corded Window Covering Products)

Statutory authority

Hazardous Products Act

Sponsoring department

Department of Health

REGULATORY IMPACT ANALYSIS STATEMENT

(This statement is not part of the Order or the Regulations.)

Description

This initiative is intended to protect Canadian children against the strangulation hazard posed by corded window coverings. This will be accomplished by regulating these products, such that corded window coverings sold, advertised or imported into Canada must meet the specifications of the National Standard of Canada, entitled CAN/CSA-Z600 *Safety of Corded Window Covering Products*, published by the Canadian Standards Association, as amended from time to time.

The *Hazardous Products Act* (HPA) provides the authority to prohibit or restrict the advertisement, sale or importation of products which are, or are likely to be, a danger to health or safety. Items included in Part I of Schedule I to the HPA are prohibited and items included in Part II are restricted. It is proposed that Part II of Schedule I to the HPA be amended to include corded window covering products.

Background

Health Canada aided in the development of the 2006 version of the standard, CAN/CSA-Z600-06, which includes labelling and performance requirements. With the exception of the requirement for Health Canada contact information on labelling, hang tags, and instructional material, and the requirement for text in both official languages of Canada, this standard is harmonized with the U.S. American National Standards Institute (ANSI) standard ANSI/WCMA A100.1-2002, *American National Standard for Safety of Corded Window Covering Products*, which is a voluntary industry standard.

CAN/CSA-Z600-06 eliminates continuous flexible loops on pull cords unless specified devices are attached to the product, such that the loop is eliminated upon the application of force. The standard also specifies the addition of cord-stop mechanisms to eliminate the formation of potentially hazardous inner cord loops. In addition, this standard specifies requirements concerning labelling and instructions. Hang tags and labels with descriptive safety warnings, and bearing Health Canada's Consumer Product Safety Bureau toll-free telephone number, must be present. Product

instructions must also illustrate safety messages and include the toll-free number or the Health Canada Web page address, dedicated to corded window covering safety. Further safety information can be obtained by calling the phone number or visiting the Web page. These requirements are designed to significantly reduce the principal causes of strangulation associated with corded window covering products.

Since 1986, Health Canada has received reports of 24 strangulation deaths linked to corded window covering products, with 7 deaths having occurred in the last 5 years. During the same time period, 21 injuries and near-miss incidents linked to these products have also been brought to the attention of the Department. Young children who range in age from 10 months to 4 years are most often involved in the incidents. The majority of events occur when young children have been placed in a crib or bed that has been positioned near a window, and the child becomes entangled in the window covering cord. By the time a caregiver checks on the child, it is often too late to prevent injury or death. The second most common incident scenario involves young children climbing on furniture that has been placed near a window, and subsequently become entangled in the window covering cords. The weight of the child causes the cord to act as a noose—resulting in strangulation. The U.S. Consumer Product Safety Commission is aware of 160 window cord strangulation deaths in the United States during the time period from 1991 to 2000.

Alternatives

Status quo of voluntary standard combined with consumer information and education

The status quo is not considered a viable option for the following reasons.

It is estimated that approximately 90% of the corded window coverings on the Canadian marketplace are compliant with either the U.S. ANSI/WCMA A100.1-2002 or CAN/CSA-Z600-06. Furthermore, it is estimated that the production output of a relatively small number of sizeable industry members makes up approximately half of Canada's corded window coverings market share. These industry members participated on the committee that created CAN/CSA-Z600-06. It is unlikely that industry members currently distributing products not in compliance with either CAN/CSA-Z600-06 or ANSI/WCMA A100.1-2002 will voluntarily adjust their methods, due to the wide acceptance of both voluntary standards. Furthermore, Health Canada's Product Safety Inspectors currently have no recourse to oblige compliance.

Health Canada continues to target the hazards posed by corded window coverings through awareness campaigns aimed at consumers, retailers, child safety groups, public health organizations, and non-government organizations. From October 1998 to May 2006, the Department has issued five advisories and one information bulletin to advise Canadians of the potential hazards associated with corded window coverings. In November 2005, the Department commenced an awareness initiative which continues to entail the solicitation of stakeholders in the distribution of educational materials produced by the Department. Despite this, the rate of deaths and near-miss incidents has remained almost constant since 1993, at a rate of one to two incidents per year, with the exception of three incidents in 1999.

Benefits and costs

In August of 2006, a study was commissioned by Health Canada for the purpose of determining the benefits and costs associated with the legally-binding realization of CAN/CSA-Z600-06 in Canada. The study made use of data pertaining to the financial costs associated with deaths and injuries linked to corded window coverings. These were compared to the approximate costs expected to be incurred by industry, government and the public, once the proposed Regulations come into force.

The cost-benefit study supported the proposal for a legally-binding requirement that corded window covering products distributed in Canada must comply with the specifications listed in CAN/CSA-Z600-06. The study determined that this action would result in a positive ratio of benefits to costs that falls in the range of 0.58–3.42 to 1, with a mean ratio of 2 to 1. As a result of the 24 deaths and 21 injuries and near-miss incidents linked to corded window covering products over the past 20 years, the cost to Canadian society is estimated to fall between \$12,260,000 and \$72,280,000 and this reflects an average annual amount that falls between \$610,000 and \$3,610,000 per year, in 2005 dollars.

The study anticipated that the proposed Regulations would result in the elimination of deaths and injuries related to these products, although this may be overly optimistic due to the potential for non-looped pull cords to be left dangling despite the safety warnings, and due to the existence of older, noncompliant products previously installed in homes. If the number of annual incidents is reduced by 75% rather than 100%, the savings are estimated at \$458,000 to \$2,710,000 per year, resulting in a mean benefit to cost ratio of 1.5 to 1.

Concerning the fraction of the industry that currently does not conform to the requirements listed in CAN/CSA-Z600-06, the total cost of annual compliance is estimated at \$1,000,000 in 2005 dollars. This amount comprises approximately 0.006% of the net output value (selling value of products produced, less cost of materials and fuel) for the blind and shade manufacturing industry of that year. The cost for a company to become compliant with the proposed regulations involves the production and attachment of labels and hang tags to the product, the possible addition of safety devices if warranted by the product design, and the possibility of performance testing if the product contains specified features.

The cost of regulation to Government for new enforcement activities is estimated at \$50,000 for the first year for testing development, and \$5,000 for the average of subsequent years for sampling and testing.

CAN/CSA-Z600-06 is closely harmonized with the widely accepted U.S. standard, ANSI/WCMA A100.1-2002. Assuming that products imported to Canada from the United States are compliant with ANSI/WCMA A100.1-2002, the costs required to be compliant with CAN/CSA-Z600-06 are minimal, the differences being the requirement of French text as well as Health Canada contact information, on product labelling and instructional literature.

The cost to consumers is estimated to be negligible as the majority of industry currently conforms to either CAN/CSA-Z600-06 or ANSI/WCMA A100.1-2002. Surveys have demonstrated that the mark-up (profit) at retail level for window coverings typically falls in the range of 32% to 50% per unit, and can be greater. Due to this margin rate, it is expected that the cost

to industry associated with the implementation of the proposed regulatory requirements will be primarily absorbed in existing mark-up profit margins, with a negligible amount passed to the consumer.

Consultation

In June of 2005, Health Canada mailed 3 667 consultation documents to organizations associated with the window coverings industry, as well as health care professionals, associations, and child safety advocate organizations.

Specifically, the consultation document consisted of information concerning Health Canada's intention to regulate corded window covering products and it also solicited interested parties to respond with comments and/or concerns. The document entitled *Proposed Safety Requirements for Corded Window Covering Products* was mailed to distributors, importers, manufacturers, and retailers, as well as the Retail Council of Canada. The document was also posted on the Consumer Product Safety Web site. The closing date for comments was September 2, 2005, and of the replies received by Health Canada, only one opposed the proposal, the author of which found the proposed regulations unnecessary and an infringement on an individual's right to choose. However, the benefits of the proposal take precedence over this concern.

Compliance and enforcement

Compliance and enforcement of the proposed regulations will follow established departmental policy and procedures, including sampling of products, requesting test reports, and follow-up of both consumer and industry complaints. Depending on the seriousness of the violation, action taken concerning non-compliant products will range from voluntary withdrawal of these products from the market to prosecution under the HPA.

Contact

Shannon Whittle, Project Officer
Mechanical and Electrical Division
Consumer Product Safety Bureau
Product Safety Programme
Healthy Environments and Consumer Safety Branch
Department of Health
Address Locator 3504D
123 Slater Street
Ottawa, Ontario
K1A 0K9
Fax: 613-952-9138
Email: shannon_whittle@hc-sc.gc.ca

PROPOSED REGULATORY TEXT

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

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 Shannon Whittle, Project Officer, Consumer Product Safety Bureau, Product Safety Program, Healthy Environments and Consumer Safety Branch, Department of Health, MacDonald Building, Postal Locator: 3504D, 123 Slater Street, Ottawa, Ontario K1A 0K9 (fax: 613-952-9138; e-mail: shannon_whittle@hc-sc.gc.ca).

Ottawa, September 18, 2007

MARY PICHETTE
Acting Assistant Clerk of the Privy Council

**ORDER AMENDING SCHEDULE I TO THE HAZARDOUS PRODUCTS
ACT (CORDED WINDOW COVERING PRODUCTS)**

AMENDMENT

1. Part II of Schedule I to the *Hazardous Products Act* ([see footnote 1](#)) is amended by adding the following after item 2:

3. Corded window covering products, as defined in the *Corded Window Covering Products Regulations*.

COMING INTO FORCE

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

[39-1-0]

[Footnote a](#)

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

[Footnote 1](#)

R.S., c. H-3