



## **BOMA CANADA**

On September 17, 2008, Environment Canada published the PCB Regulation in Part II of the Canada Gazette, adopted under subsection 93(1) of the Canadian Environmental Protection Act, 1999 (CEPA 1999). The PCB Regulations (SOR/2008-273) include requirements for taking prescribed PCB-containing equipment out of service, destroying PCBs currently in storage, labelling PCB-containing equipment that is still in use, and reporting and documenting the process. Some of the key points of the regulation are as follows:

- PCBs in concentrations of 500 milligrams or more per kilogram (500 parts per million) will be prohibited across Canada as of December 31, 2009, with the exception of a few permitted activities;
- Extensions to the deadline above can be applied for however Section 17 of the regulation outlines the criteria that must be met in order for the Director, Waste Reduction and Management Division of Environment Canada to permit an extension. Only one of the criteria will need to be met, the criteria is as follows: Criteria A - The replacement equipment is engineered to order and it is not technically feasible to replace it on or before December 31, 2009. Or Criteria B The equipment to be replaced is in a facility scheduled for permanent closure no later than December 31, 2014.
- The PCB Regulations set an even lower threshold - at less than 50 milligrams per kilogram (50 ppm) - for the allowable level of PCBs in equipment located in designated sensitive areas in or within 100 metres of child care facilities, primary and secondary schools, health care and seniors' care facilities, drinking water treatment plants and food or feed processing plants.
- Equipment in non-sensitive areas containing PCB concentrations from 50 mg/kg up to 499 mg/kg will have to be decommissioned by the end of 2025. If this condition applies the equipment must be managed and labelled when still in use.
- Property owners are also required to register on-line and submit annual reports as outlined in the Regulations. They are also required to keep records of their activities on file to verify their compliance.

Please contact Environment Canada for additional information <http://www.ec.gc.ca/CEPARRegistry/regulations/detailReg.cfm?intReg=105>

The Building Owners and Managers Association (BOMA) of Canada is the voice of the Canadian commercial real estate industry with over 2,500 members in regional associations across Canada. On behalf of the building owners, managers, developers, facilities managers, asset managers, leasing agents, brokers, and the product and service providers to over 1.9 billion square feet of commercial real estate in Canada, BOMA Canada addresses issues of national concern, and promotes excellence in the industry through information, education, advocacy and recognition.

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