



## FAQ for the Registration of Manufacturers of Electrical Products

### *Additional FAQs—June 29, 2009*

**AQ1:** Are end product manufacturers responsible for ensuring that manufacturers of components used within their products register with ESA?

**Answer:** No. End product manufacturers are not responsible to register on behalf of manufacturers of certified components contained within the end products, nor are they responsible for ensuring component manufacturers are registered with ESA.

**AQ2:** Do all electrical components require third-party certification? Are manufacturers of uncertified components required to register with ESA?

**Answer:**

- Components provided as part of a registered end product: The Ontario Electrical Safety Code does not require that components used in end products be certified. If, however, a component in an end product is certified, it is the responsibility of the certified electrical component manufacturer to register with ESA.
- Components sold in the marketplace: Certified electrical components (such as “Direct-plug-in and Cord-connected Class 2 Power Units”, “Special Use Switches” etc.) sold separately as a replacement or sold directly for assembly later in an end product must be certified in order to be offered for sale. Manufacturers of these components must also register with ESA.
- Replacement component parts: An electrical component may be supplied without certification as a replacement part if:
  - It is supplied by the original product manufacturer;
  - It was supplied as an uncertified component in the original certified end product; and
  - It was evaluated as part of the original end product certification process.

These replacement component parts may only be used in the manufacturer’s own end products. No registration is required by the component manufacturer in this case. If, however, the component is offered for sale in any other manner (such as a replacement part in any other product) or it is sold directly to a consumer or third party for installation, the component part must be certified and the component manufacturer must register with ESA.



**AQ3:** What is meant by a “recognized certification mark or field evaluation label” on the product? Which marks does ESA recognize?

**Answer:** A list of certification marks and field evaluation labels recognized by ESA is available here:

[Recognized Certification Marks for Electrical Products in Ontario](#)

Electrical products included in the scope of Reg. 438/07 must possess one of these recognized certification marks or field evaluation labels to be approved for sale in Ontario, Canada.

***Additional FAQs—April 6, 2009***

**AQ1:** What is the ESA and how does it regulate electrical product safety in Ontario?

**Answer:** The Electrical Safety Authority (ESA) is a stand-alone, financially self-sustaining not-for-profit corporation accountable to a Board of Directors and operating as an Administrative Authority under the Electricity Act 1998 and an Administrative Agreement with the Ministry of Small Business and Consumer Services. ESA is responsible for public electrical safety in Ontario as designated by Ontario Regulation 89/99. Ontario’s Electricity Act and the Safety and Consumer Statutes Administration Act and Regulations establish the ESA’s responsibility for regulating the safe use of electricity and equipment in Ontario, enforcing the Ontario Electrical Safety Code, and appointing Inspectors.

In 2007, ESA’s mandate with the Ontario government expanded to include the regulation of electrical product safety. There were several motivating factors necessitating this change, including:

- the effects of globalization on the marketplace;
- decreasing domestic control over the electrical product supply chain;
- the proliferation of electrical products being imported into Ontario;
- the lack of timely reporting of electrical product incidents to ESA; and
- the lack of clear statutory authority to compel those involved in the process of selling electrical products to take appropriate corrective action where a clear public safety risk exists.

The cumulative effect of these circumstances was an increased risk to electrical safety. New legislation was proposed to improve the province's ability to respond to the increased presence of unapproved, counterfeit and unsafe electrical products in Ontario’s marketplace.



ESA has now introduced a program to register manufacturers of electrical products distributed in Ontario. The objective of this initiative is to provide a means for ESA to identify manufacturers responsible for the products sold in Ontario if remedial action is required. In addition, it will provide a means for ESA to enhance its preventive activities and enforcement activities by ensuring that ESA is aware of where these companies operate and for which products they are accountable, as well as the funding to support these activities. Finally, it will facilitate ESA's efforts to identify unapproved products, thereby leveling the playing field for manufacturers who abide by the approval requirements in Canada.

**AQ2:** What is the legal justification for this program?

**Answer:** Ontario Regulation 438/07 prescribes the process to be followed with respect to electrical product approval and the way in which electrical product safety is handled in Ontario.

The regulation is intended to:

- provide up-to-date rules to protect consumers and the public from unapproved or unsafe electrical products;
- promote safe market practices for the distribution of electrical products;
- create a responsive and efficient legal framework to respond to unapproved or unsafe electrical products when discovered;
- deter non-compliance and strengthen enforcement; and
- create transparent regulatory requirements for certification agencies, manufacturers, importers, distributors, wholesalers and retailers of electrical products.

Regulation 438/07 mandates that manufacturers, importers, distributors, wholesalers, retailers, certification bodies and field evaluation agencies must report when they become aware of a serious electrical incident or accident, or a defect in an electrical product that affects or is likely to affect the safety of any person or cause damage to property.

**AQ3:** Does this registration replace having individual products certified or field evaluated through certification bodies or field evaluation agencies?

**Answer: No.** Requirements for products to be certified or field evaluated have not changed. Your registration will be required in addition to a recognized certification mark or field evaluation label on the product for it to be considered approved for sale in Ontario.



**AQ4:** Do I need to register each product that my company manufactures?

**Answer: No.** Registration is conducted by manufacturer, not by product. The obligation to register is not dependent upon the number or type of certified products.

**AQ5:** Besides the certification mark or field evaluation label, are there any other marking or tagging requirements on the product to reflect the manufacturer registration?

**Answer: No.** Since registration is conducted by manufacturer rather than by product, there are no additional marking or tagging requirements.

**AQ6:** What information is required to register?

**Answer:** The registration form will ask for the following information:

- manufacturer name;
- authorized representative;
- contact name (if different from authorized representative);
- mailing address;
- telephone and fax numbers;
- email address;
- certification bodies with which the manufacturer works (select from list);
- brand name(s) used;
- classification(s) of products manufactured (select from list).

**AQ7:** Does the manufacturer's authorized representative need to be located in Canada?

**Answer: No.** The authorized representative can be anywhere in the world.

**AQ8:** When am I required to renew my registration?

**Answer:** Registrations will expire 12 months from date of initial registration. A notice will be sent to the email address on file 30 days prior to expiry.

**AQ9:** What is the definition of a "hazardous location"?

**Answer:** The Ontario Electrical Safety Code defines a "hazardous location" as

premises, buildings, or parts thereof in which  
(a) an explosive gas atmosphere is present, or may be present, in the air in quantities that require special precautions for the construction, installation, and use of electrical equipment;

- (b) combustible dusts are present, or may be present, in the form of clouds or layers in quantities to require special precautions for the construction, installation, and operation of electrical equipment; or
- (c) combustible fibres or flyings are manufactured, handled or stored in a manner that will require special precautions for the construction, installation, and operation of electrical equipment.

***Original FAQs—February 4, 2009***

**Q1:** If I am a manufacturer of electrical products intended for sale in Ontario, Canada, what are my obligations in terms of registration with ESA?

**Answer: Beginning April 1, 2009,** ESA has mandated that all manufacturers who currently sell electrical products in Ontario Canada, or are planning to sell, must be registered with ESA. **Registration must be complete by August 30, 2009.** Your registration will be required in addition to a recognized certification mark or field evaluation label on the product to be considered approved for sale in Ontario.

**Q2:** If I manufacture electrical product outside of Ontario, Canada, am I obligated to register?

**Answer: Yes.** All manufacturers, regardless of geographical location(s), currently selling electrical products in Ontario or who are intending to do so must register.

**Q3:** If I am a component manufacturer, am I obligated to register?

**Answer: Yes.** Component manufacturers, in addition to end product manufacturers, are required to register with ESA.

**Q4:** If I am a manufacturer of an electrical end product and also manufacture certified components (e.g. motor, capacitor, compressor), do I need to register more than once?

**Answer: No.** The obligation to register is only once per manufacturer and is not dependent on the number or type of certified product.

**Q5:** How does a manufacturer know if its products are covered by the regulation?

**Answer:** Ontario Regulation 438/07 covers the following types of electrical products:

- consumer electrical products (e.g. hair dryers, refrigerators);
- commercial electrical products (e.g. commercial freezers);
- electrical medical devices;
- industrial electrical products (e.g. heavy machinery);



- wiring devices and products;
- battery-operated products used in hazardous locations (see **AQ9**);
- external power supplies used for recharging purposes which could be used with battery-operated products;
- hard-wired and plug-in feature products used for a life safety and/or protection function (e.g. smoke detector, CO detector);
- certified components used in any of the above.

Manufacturers must register if they manufacture any of the type of products noted above.

The regulation does **not** cover electrical products

- used to generate or transmit electricity to be sold to the public (i.e. products used exclusively on the utility company's side of the demarcation point);
- used in transportation vehicles such as aircraft, cars, trains;
- used in facilities involved in the operation of an electric railway or electric street railway;
- used in railway vehicles or equipment used to operate a railway;
- used in mines;
- used in transportation;
- which are battery-operated and used in non-hazardous locations.

**Q6:** How do I register and what are the registration fees?

**Answer:** An online electronic registration form located on the ESA website will be available **beginning April 1, 2009**. Registration must be completed **no later than August 30, 2009**. The initial registration fee is \$350.00 (Canadian funds) and there is an annual renewal fee of \$300.00.

**Q7:** What is the definition of a manufacturer of electrical products for the purpose of registration?

**Answer:** A manufacturer for the purpose of registration is defined as the entity whose **legal name appears on the certification or field evaluation report** and is the owner of the certification or field evaluation.

**Q8:** Who can register on behalf of the manufacturer?

**Answer:** Registration shall be completed by an **authorized representative** of the manufacturer. An authorized representative is defined as someone within the corporate structure of the manufacturer who is authorized to take corrective action on behalf of the manufacturer as it relates to product safety issues. This includes the authority to issue



product recalls, public notification as well as any other corrective action required by ESA. Each manufacturer selling in Ontario must delegate someone from within its corporate structure to register on behalf of the manufacturer who has the authority to act in the capacity described above.

**Q9:** How does someone verify if a manufacturer is registered?

**Answer:** Once a manufacturer has successfully completed the registration process, the name of the registered manufacturer will be added to an online database located on the ESA website. **This database will be made available no later than the registration deadline of August 30, 2009.**

**Q10:** Who is responsible to monitor compliance?

**Answer:** Wholesalers, product importers, distributors or retailers of electrical product should be aware of the obligation for manufacturers, of certified or field evaluated electrical products, to be registered with ESA. A manufacturer's registration is required in addition to a recognized certification mark or field evaluation label for an electrical product to be approved for sale in Ontario. Compliance will be achieved through various mechanisms including education, awareness and training campaigns, as well as targeted marketplace surveillance and response activities.

**Q11:** What are the consequences of not being registered?

**Answer:** Manufacturers who fail to register with the ESA **will be considered "unapproved" to offer products for sale in Ontario.** Unapproved manufacturers who sell to the Ontario market may be subject to investigation, public notification, and fines.

**Q12:** If a manufacturer has multiple types/models of electrical products under various brand and listing names and with multiple certification agencies, what are the obligations for registration?

**Answer:** Each manufacturer is obligated to register only once. However, a manufacturer for the purpose of registration is defined as the entity whose legal name appears on the certification or field evaluation report and is the owner of the certification or field evaluation. If a company for any reason is selling products under two or more separate legal entities, then it must register on behalf of each legal entity. For example, if a manufacturer is working with a certification body and has two separate legal agreements due to the fact there are two different legal entity names, then it is obligated to register two times. **If there is confusion as to how many separate legal entities exist, ESA suggests contacting the certification body with which the manufacturer works and obtaining a copy of its records.**



**Q13:** Can a manufacturer register multiple registrations on a single registration form, if the manufacturer is selling products under more than one legal entity?

**Answer: No.** Each registration requires the use of a separate form.

**Q14:** If a manufacturer has multiple manufacturing locations, is he obligated to register at each location?

**Answer: No.** Registration is not tied to the number of manufacturing locations. For example, a manufacturer of a listed product can have multiple locations where it is producing certified products. Only one registration is required in this case.

**Q15:** What are my registration obligations as a manufacturer if I intend to sell electrical product in Ontario which is to be field evaluated?

**Answer:** All **manufacturers of field evaluated electrical product must also be registered**. The requirements are identical to those for manufacturers of certified electrical product. The fee structure for certified and field evaluated product is indicated on the registration form.

**Q16:** If I am a consumer who purchased a single electrical product for my own use and it does not have a recognized certification mark, do I need to register?

**Answer: No registration is required**, but the electrical product is required to be field evaluated and bear a field evaluation label to be considered approved.

Submit any additional questions or concerns to the Product Safety team at [product.safety@electricalsafety.on.ca](mailto:product.safety@electricalsafety.on.ca)