



FAQ for Importers, Distributors, Wholesalers and Retailers of Electrical Product

Q1. If I am an **importer, distributor, wholesaler or retailer** of electrical product what are my obligations under the new regulation prior to been able to import, distribute or sell in the province of Ontario.

Answer: Beginning April 01, 2009, ESA has mandated that all electrical end product and certified component manufacturers must be registered with ESA. Registration must be completed by August 30, 2009. After August 30, 2009 a manufacturer's registration is required in addition to the product been certified or field evaluated for the product to be considered **approved** for sale in Ontario. Importers, distributors, wholesalers and retailers are not required to register **but need to be aware of the requirements to sell approved product.**

Q2. Besides the certification mark or field evaluation label are there any other marking or tagging requirements on the product?

Answer: No, there are no additional marking or tagging requirements. Once a manufacturer has completed the registration the manufacturers name will be added to an on line list of registered manufacturers on the ESA website.

Q3: What types of product are covered by the regulation?

Answer: Ontario regulation 438/07 covers the following types of electrical product:

- consumer electrical products;
- commercial electrical products;
- electrical medical devices;
- industrial electrical products;
- wiring devices and products.
- battery operated products used in hazardous location;
- external power supplies used for recharging purposes which could be used with a battery operated products;
- hard wired and plug-in feature product used for a life safety and/or protection function (e.g., smoke detector, CO detector);
- Certified components used in any of the above end products

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

The regulation does not cover the following electrical products:

- used to generate or transmit electricity to be sold to the public;
- used in transportation vehicles such as aircrafts; cars; trains;
- used in facilities used 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;
- battery operated devices which are used in non-hazardous location.

Q4: If I am a manufacturer of an end product and also the manufacturer of certified components (e.g. motor, capacitor , compressor) which are used in an end product do I need to register more than once.

Answer: No, the obligation to register is only once and is not dependant on the number or type of certified product.

Q5: Are there any exceptions to the registration requirements for a manufacturer who makes an electrical product which is certified or field evaluated for Canada?

Answer: No, a manufacturer of certified or field evaluated electrical product or certified electrical component is required to register in order for the product to be approved by ESA. An exception to this requirement is if a manufacturer can demonstrate that his product will not enter the Ontario market place. In this case the product remains unapproved by ESA and cannot be sold in Ontario. If the manufacturer claims that he has no control over the distribution and sale of the product in Ontario then the **importer, distributor wholesaler and retailer** must make the manufacturer aware of his obligations to register prior to the product been sold in Ontario otherwise the product is considered unapproved .

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 starting April 01, 2009. Registration must be completed no later than August 30, 2009. Initial first year registration fee is \$350.00 Canadian and there is an annual renewal fee of \$300.00 per manufacturer.

Q7: What is the definition of a manufacturer of electrical product 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 typically shall be completed by a **manufacturers authorized representative**. An authorized manufacturer's 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 in relates to product safety issues. This includes the authorization to issue product recalls, public notification as well as any other corrective action required by ESA.

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 public registration database located on the ESA website.

Q10: Are there any specific cases were the importer, distributor, wholesaler or retailer can register with ESA?

Answer: Generally **no**, exceptions are permitted under the following:

- The manufacturer of certified electrical product is no longer in business and product is still available in limited supply. The importer, distributor, wholesaler or retailer can register and in doing so assumes the ownership and all obligations of the manufacturer .The name of the importer, distributor, wholesaler or retailer will be added to the on line registration database.
- The importer, distributor, wholesaler or retailer is the actual owner of the certification. In this case the owner must complete the registration.
- The importer, distributor, wholesaler or retailer is intending on offering for sale an electrical product from a manufacturer who is not selling in Ontario and the product has no valid certification for Canada. The product may be field evaluated

and the importer, distributor, wholesaler or retailer can register and in doing so assumes the ownership and all obligations of the manufacturer.

- There may be other exceptional cases. Contact ESA if there are any specific situations where the obligation on who is required to be registered is not clear. The email address for inquiries is provided below. In all cases registration is a requirement in addition to certification or field evaluation prior to been able to sell any electrical product, covered by Ontario regulation 438/07, in Ontario after August 30, 2009.

Registration by non manufacturers will only be permitted on a case by case basis and will require supporting rationale on why a manufacturer is not able to register.

Q11: 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 prior to been able to sell in Ontario. Compliance will be achieved through various mechanisms including education, awareness and training campaigns, as well as targeted market place surveillance and response activities.

Q12. What are the consequence of not been registered?

Answer: Electrical product from manufacturers who fail to meet the registration and regulatory requirements will be considered "unapproved". Manufacturers of unapproved product will be subject to investigation, public notification and fines.

For additional information on the registration process see the "**FAQ for the Registration of Manufacturers of Electrical Product**".

If you have any additional inquiries and/or questions please send to the following email address: product.safety@electricalsafety.on.ca