

Environmental Tools:

Product or Substance Bans and Limitations

What are product or substance bans and limitations?

A ban or limitation restricts the production, processing, distribution, use or disposal of substances or products that can potentially harm the environment. Bans are typically placed on a commodity rather than the byproducts or emissions from its manufacturing process. On their own, they provide no flexibility to the regulated parties in how to comply.

Where are they used?

Examples of some commonly known banned or limited substances are:

- Pesticides, such as 2-4D
- Ozone-depleting substances
- PCBs
- Lead in gasoline
- Sulfur content in heavy fuel oil.

Applications:

There is often cross-jurisdictional cooperation and coordination on substance bans. For example, the Montreal Protocol for Ozone-Depleting Substances applies across all jurisdictions to ensure consistency in the protection of citizens and a level playing field for affected sectors.

Bans and limitations are typically phased-in to soften the economic effects and to give organizations time to adjust to the market and to allow replacement products to be developed.

Bans and limitations are also frequently coupled with economic approaches and incentives. For example, the Government of Canada placed higher taxes on leaded gasoline to accelerate its phase-out.

Tool performance:

Pros

- Are effective in applications to remove harmful products from the market or prohibit use of the product in dangerous situations.
- Can generally be implemented fairly quickly, in a perceived emergency.
- Target specific sectors and can be uniformly applied across jurisdictions.
- Are straightforward for governments/agencies to implement.
- Encourage rapid innovation by highlighting a market in need of substitutes for the banned product.

Cons

- Do little to remediate problems created by prior use of the product. Therefore, in dealing with an environmental consequence associated with the substance, other tools and approaches may need to be implemented.
- There is no guarantee that substitute products will be any safer.
- Can have a negative impact on the economic sectors associated with the manufacture, use or distribution of the banned substance or product.
- Can require significant administrative resources for governments to analyze data and information and hold consultations.
- Requires credible monitoring and enforcement presence.
- Is not easily adaptable to changing contexts once implemented.
- In economic terms – introducing a ban is equivalent to saying that the environmental damage caused by the product/process is very high, when this may not be necessarily the case.

Special considerations:

Cooperation among governments may be critical to ensure equity between jurisdictions and to prevent trade issues. The tool is often used in conjunction with other environmental tools to accelerate the phase-in of the ban and to soften economic impacts.