



Ottawa, June 15, 2012

# MEMORANDUM D9-1-7

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## **In Brief**

### **USED OR SECOND-HAND MATTRESSES AND MATERIALS THEREFROM**

This memorandum has been revised to provide more detailed guidelines and general information to both commercial and casual importers of used and second-hand mattresses and materials therefrom. Additionally, it has been updated to include changes to the *Customs Tariff*.





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## USED OR SECOND-HAND MATTRESSES AND MATERIALS THEREFROM

This memorandum outlines and explains the provisions of tariff item No. 9897.00.00 in the List of Tariff Provisions set out in the schedule to the *Customs Tariff* which prohibits importation into Canada of used or second-hand mattresses and materials therefrom.

### Legislation

Tariff item No. 9897.00.00 reads:

Used or second-hand mattresses or materials therefrom, other than:

(a) mattresses imported under tariff item Nos. 9805.00.00, 9806.00.00, 9807.00.00, 9808.00.00, 9809.00.00 or 9810.00.00, or

(b) materials from used or second-hand mattresses, when imported after having been cleaned and fumigated, in accordance with regulations made by the Minister of Public Safety and Emergency Preparedness, accompanied by such certificates as are designated by the Minister of Public Safety and Emergency Preparedness;

### Regulations

#### *Regulations Respecting the Importation of Materials From Used or Second-hand Mattresses*

#### Short Title

These Regulations may be cited as the *Used Mattress Materials Regulations*.

#### General

2. Materials from used or second-hand mattresses may be imported only if they

(a) have been cleaned and fumigated; and

(b) are accompanied by a certificate that is signed by the exporter or other person having knowledge of such cleaning and fumigation and

(i) gives complete details of the procedure used to clean and fumigate the materials, and

(ii) contains a statement certifying that that procedure was carried out.

## GUIDELINES AND GENERAL INFORMATION

1. Tariff Item No. 9897.00.00 prohibits the importation of used or second-hand mattresses or materials therefrom, other than mattresses imported under tariff item No. 9805.00.00 (former residents of Canada absent from Canada for at least one year), 9806.00.00 (bequests), 9807.00.00 (settlers), 9808.00.00 (representatives of foreign governments), 9809.00.00 (the Governor General), or 9810.00.00 (foreign military services), or materials from used or second-hand mattresses cleaned and fumigated in accordance with the regulations.

2. For the purposes of this tariff item mattresses are items classified under tariff item No. 9404.21.00 (of cellular rubber or plastics, whether or not covered) and 9404.29.00 (of other materials).

3. For greater certainty, items not classified as mattresses under tariff item No. 9404.21.00 or 9404.29.00, for the purposes of Tariff Item 9897.00.00, include camping equipment (such as bed rolls, inflatable mattresses, sleeping bags), hospital beds, foam mattresses, mattress pads, and beds that are part of vehicles, including the beds of sleeping cabins of trucks and recreation vehicles.

### Materials from Used or Second-hand Mattresses

4. While tariff item No. 9897.00.00 prohibits the importation of used or second-hand mattresses into Canada, part (b) of this tariff item provides for the authorization to import cleaned and fumigated materials from used or second-hand mattresses when accompanied by a certificate showing they have been cleaned and fumigated. A letter or any other document which clearly demonstrates that the above requirements have been met, is acceptable if it is signed by a person having knowledge of the cleaning and fumigating.

### Commercial Shipments of Used or Second-hand Mattresses

5. Commercial shipments of used and second-hand mattresses are prohibited under tariff item No. 9897.00.00.

6. Commercial importers of used or second-hand mattresses may import used and second-hand mattresses that have been reduced to materials for disposal provided that:

(a) the material has been cleaned and fumigated professionally;

(b) a document signed by a person having knowledge of the cleaning and fumigating, certifies that the used or second-hand mattresses materials have been cleaned and fumigated.

### **Prohibited Importations**

7. Section 136 of the *Customs Tariff* states that the importation into Canada of any goods of tariff item No. 9897.00.00 is prohibited.

8. The attention of importers/owners is drawn to sections 36, 99, 101, 102, and 142 of the *Customs Act*, respecting abandonment, detention, and exportation of goods which are prohibited by virtue of the provisions of section 136 of the *Customs Tariff*.

9. For more information, within Canada call the Border Information Service at **1-800-461-9999**. From outside Canada call 204-983-3500 or 506-636-5064. Long distance charges will apply. Agents are available Monday to Friday (08:00 – 16:00 local time/except holidays). TTY is also available within Canada: **1-866-335-3237**.

**REFERENCES**

<p><b>ISSUING OFFICE –</b></p> <p>Commercial Border Programs Division Other Government Department Programs Unit</p>	<p><b>HEADQUARTERS FILE –</b></p> <p>HS 9897.00</p>
<p><b>LEGISLATIVE REFERENCES –</b></p> <p><i>Customs Tariff</i>, section 136 <i>Customs Act</i>, sections 36, 99, 101, 102, and 142</p>	<p><b>OTHER REFERENCES –</b></p> <p>N/A</p>
<p><b>SUPERSEDED MEMORANDA “D” –</b></p> <p>D9-1-7 dated January 30, 1998</p>	

Services provided by the Canada Border Services Agency  
are available in both official languages.

