

Notice of Liability: COVID-19 Rapid Antigen Tests



How to Serve the Notice of Liability

- Print two copies of the Notice of Liability.
- Fill in the name of the person you are serving it to in the space provided at the top of the first page - on both copies.
- Sign your name and fill in the date in the space provided on the last page - on both copies.
- Keep one copy of the Notice for your records.
- Give the second copy to the person you are serving it to. If they choose not to accept it, then leave it on the floor at their feet.
- If you are serving the Notice in person, be sure to video record yourself serving it (or audio record if video is not possible).
- **If sending by mail, you must use registered mail as that provides proof of delivery.**

Keep all information (eg. Liability Notice copy, video, mailing proof etc.) in a safe place for future use.

NOTE: You do not need a lawyer to serve a Notice of Liability and you do not need consent, or the signature of the person you are serving it to.

Disclaimer: Action4Canada accepts no responsibility or liability for any harms or losses that occur as result of serving a notice of liability. If you do not agree to these terms, then please do not use this notice. We do not make any representations or warranties about the potential consequences of serving a Notice of Liability. This information is not intended as legal or health advice.

Notice of Liability COVID-19 Rapid Antigen Tests

Attn: _____

Re: Covid-19 Rapid Antigen Tests - Harms and Concerns

This letter serves as your notice to **cease and desist** from all distribution or mandating of the Covid-19 rapid antigen tests. These tests are illegal, pose a health hazard to humans and pets, and have a negative impact on the environment.

The mandate to undergo rapid testing is in violation of the privacy act and the criminal code (Extortion (s.346) and Intimidation (s.423)).

In 1986, the Supreme Court of Canada ruled in E. (Mrs.) v. Eve, 1986 CanLII 36 (SCC), [1986] 2 S.C.R. 388¹, that forced medical testing violates the inviolability of the body and is unlawful. The Court upheld this ruling in Engel v. Salyn 1993 CanLII 152 (SCC), [1993] 1 SCR 306².

Of great concern is the fact that tests are also being put in the hands of children. As an example, on Tuesday 22nd February 2022, in the province of BC, ARTRON Covid-19 Rapid Antigen Tests were sent directly to schools by the Ministry of Health for use by every student and teacher. This dissemination was carried out in a negligent and cavalier manner with the tests being given directly to children to take home. There was no instruction given to either the children or the parents about the safe handling of these tests. This is happening Canada-wide.

On Thursday 24th February 2022, Health Canada issued a warning regarding the Covid-19 Rapid Antigen Tests (<https://recalls-rappels.canada.ca/en/alert-recall/rapid-antigen-test-kits-and-potential-exposure-hazardous-substances>).

Warning summary:

- Keep rapid antigen test kits and solutions **out of the reach of children** and pets.
- Do not swallow the solutions, and avoid eye and skin contact.
- Wash hands thoroughly after use.
- If spillage occurs, rinse well with water.
- Follow all instructions for **proper disposal**.
- Report any health product-related [side effects](#) or [complaints](#) to Health Canada.
- Contact your local Poison Information Centre in cases of accidental ingestion or direct skin exposure to test kit solutions.

Issue:

Following an increase in reports to poison control centres, Health Canada is advising Canadians about potential risks associated with the misuse or accidental ingestion or spillage of COVID-19 rapid antigen test kit solutions on the skin. Health Canada has determined that the kits are safe and effective when used as intended. **However, many test kits include liquid solutions with chemical preservatives, such as sodium azide and Proclin that may be poisonous if swallowed or absorbed through the skin, particularly in children and pets.** Small doses of sodium azide can lower blood pressure, and larger doses may cause more serious health effects. Proclin is also found in many kits. It contains chemicals that can cause skin and eye irritation, as well as allergic reactions. Accidental ingestion or skin exposure to very small quantities of liquid solutions would not be expected to cause the serious effects associated with larger doses. **However, even small quantities may cause effects in small children and pets.**

1 <https://www.canlii.org/en/ca/scc/doc/1986/1986canlii36/1986canlii36.html?searchUrlHash=AAAAAQAWRS4gKE1ycy4pIHUyIEV2ZSwgMTk4NgAAAAAB&resultIndex=1>

2 <https://www.canlii.org/en/ca/scc/doc/1993/1993canlii152/1993canlii152.html?searchUrlHash=AAAAAQARYm9keSAveyBpbnZpb2xhdGUAAAAAAQ&resultIndex=1>

According to the package inserts, these products are intended for use by **healthcare professionals in clinical laboratories or Point of Care (POC) settings**. Cautions of critical importance have not been communicated to those who are now in possession of these rapid antigen tests. **These cautions include the use of personal protective equipment such as laboratory coats, disposable gloves and eye protection when running tests and handling specimens, and the safe disposal of test equipment.**

It is illegal to dispose of these tests in either the landfill or flushed down the sink/toilet as the toxic contents they contain are considered hazardous waste and as such, need to be disposed of properly. The tests are being tossed in regular garbage at schools, workplaces and homes, thus these kits are already causing environmental harms. This needs to STOP immediately.

See the **Fact Sheet** (<https://action4canada.com/wp-content/uploads/COVID-19-Rapid-Antigen-Tests.pdf>) for more information on the ingredients, and the risk to the public, and the environment.

We strongly recommend that you immediately contact everyone that you have supplied the kits to (students, parents or employees) and advise them of the known dangers associated with these test kits and make arrangements to facilitate the return of these tests to a pre-determined location, for the required proper disposal in a biohazard container and ensure they are taken to a proper hazardous waste facility.

You are hereby instructed to immediately comply with the terms of this letter or face potential legal remedies as applicable under Federal and Provincial Laws. You will be held personally liable should any harm befall a child or adult to whom you have provided this product after having been advised of the danger associated with it.

I trust that you will give this matter your immediate attention.

Name: _____

Signature: _____

Date: _____

Sodium Azide Toxicity References:

- Centers for Disease Control and Prevention (CDC) lists Sodium Azide as a toxic potentially deadly chemical: <https://emergency.cdc.gov/agent/sodiumazide/basics/facts.asp>
- Human toxicity from Covid-19 rapid home test kits- <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8786400/>
- Harvard Lab Safety - https://www.ehs.harvard.edu/sites/default/files/lab_safety_guideline_sodium_azide.pdf
- Sodium Azide P-Listed Hazardous Material - P105 26628-22-8 Sodium Azide <https://www.vumc.org/safety/waste/p-listed-wastes>
- Lab Chemical Safety Summary (LCSS): <https://pubchem.ncbi.nlm.nih.gov/compound/33557#datasheet=LCSS>
 - o GHS Hazard Statements
 - o H300: Fatal if swallowed [Danger Acute toxicity, oral]
 - o H400: Very toxic to aquatic life [Warning Hazardous to the aquatic environment, acute hazard]
 - o H410: Very toxic to aquatic life with long lasting effects [Warning Hazardous to the aquatic environment, long-term hazard]
- Hazardous Substances Data Bank: [Hazardous Substances Data Bank \(HSDB\)](#)

Ethylene Oxide Toxicity References:

- Lab Chemical Safety Summary (LCSS): [Ethylene oxide | C2H4O - PubChem \(nih.gov\)](#)
- Hazardous Substances Data Bank: <https://pubchem.ncbi.nlm.nih.gov/source/hsdb/170>
- *Canadian Environmental Protection Act* List of Toxic Substances: [Toxic substances list - Canada.ca](#)

Proclin Oxide (Isothiazolone Biocide) Toxicity References:

- ProClin 300: <https://action4canada.com/wp-content/uploads/SDS-Proclin300-ADI-sigma.pdf>