



Treated Articles Policy

Dealing with Chemicals in Products

CPCA ISSUE BACKGROUNDER

Canada Context

There are thousands of antimicrobial products for sale in Canada claiming to kill germs, bacteria, mold, mildew, and algae at home, work, school, and in hospitals. From hand sanitizer to anti-bacterial cutting boards, there are thousands of product options to choose from. Canadian manufacturers of treated articles with anti-microbials are required to use active ingredients that are registered under the Pest Control Products Act (PCPA) for their specific uses. For foreign manufacturers and importers, the active ingredient used to treat the article must be registered under the Pest Control Products Act for that use.

In 2017, PMRA took final decisions regarding three registered biocides that will soon be severely restricted, cancelled for certain uses or banned from their normal and effective use levels in Canada. CPCA responded by formally challenging PMRA's decision using study data and further exposure evidence to argue that the continued use of these biocides, at current levels, is not harmful to human health or the environment. It also argued that due to the lack of available alternative substances, the use of biocides is crucial for the continued manufacturing of water-based paint products in Canada. As a result, PMRA has undertaken a re-evaluation of the biocides in question and is expected to review its position soon.

CPCA continues to work with the PMRA to provide industry perspective on the development of, and compliance with, pesticide management regulations including consultations on how to best communicate the PCPA's compliance requirements to industry. There are currently a number of critical biocides used in paint under review and several more being re-evaluated before 2020. It is important that PMRA has adequate exposure information on important uses of biocides as in-can and film preservatives for a wide range of consumer paint products.

An antimicrobial or pesticide treated article is a product or material into or to which an antimicrobial preservative has been intentionally incorporated or applied to prevent contamination

or damage from microorganisms (e.g., inhibit bacterial growth). Antimicrobial preservatives are commonly used to extend the durability or shelf-life of the treated product or material. Articles may only be treated with substances that are registered for use in Canada and sold in Canada, according to the Pest Control Products Act (PCPA). These products are classified as either "biocidal treated articles" or "intentionally incorporated biocidal products" and subject to regulation in Canada under the PCPA. Canada's approach to antimicrobial treated articles is aligned with similar jurisdictions such as the United States and the European Union. However, the number of registered biocides and related restrictions/controls differ.

Regulatory Requirements for Treated Articles

Before any pesticide can be registered in Canada, it must be reviewed and approved for use by PMRA using scientific information to determine that the health or environmental risk is acceptable and that the pesticide has value, when used according to label directions. Regulatory requirements for a treated article will differ depending on the purpose of the pesticide used. In some cases, the article itself is considered a pest control product and requires registration. In other cases, only the pesticide that is used to treat the article requires registration.

Treated Articles Requiring Registration

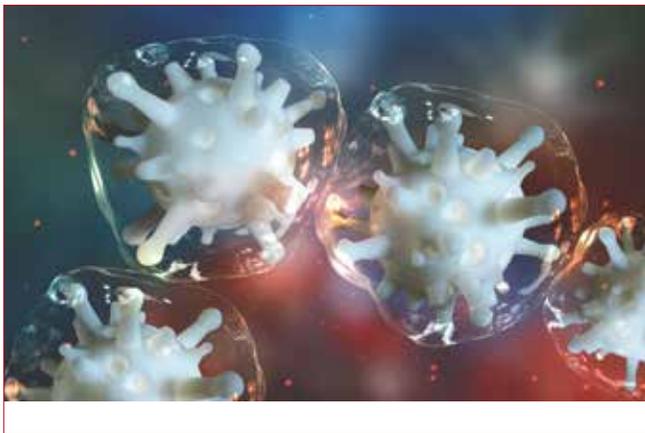
If a pesticide has been incorporated into or applied to an article in order for the article to act as a delivery mechanism for the pesticide, the pesticide (e.g., insecticide) and the treated article (e.g., clothing) must each be registered as a pest control product under the PCPA. In the above example, clothing acts as a delivery mechanism when it is treated with an insecticide to repel mosquitoes.



Treated Articles Requiring Registration of the Pesticide Only

In the case of water-based architectural paints, an antimicrobial is added to the formulation to prevent "in-can" and "dry film" microbial contamination of the paint. Because the pesticide has been incorporated in order to provide a benefit to the product itself, it must be registered under the PCPA for that specific use. In this case, the paint does not need to be registered as long as the following conditions are met:

1. the antimicrobial preservative used to treat the article is a registered pesticide under the PCPA;
2. the article is treated in accordance with the approved uses of the registered antimicrobial preservative (i.e., the same use specified on the label of the registered end-use product); and
3. the use is limited to preventing degradation or damage to the product from microorganisms.



Articles or products that make a public health claim that goes beyond the preservation of the treated article must be registered as pesticides. Public health claims include statements or implications, including the name of a product, or that the product will protect people or pets from germs,

bacteria, fungi, or viruses. An example of a public health claim is that a product will control allergens by controlling or removing mold or mildew.

For Manufacturers and Importers of Treated Articles

You will be responsible for ensuring that the article is treated with an active substance that is registered for use in Canada. This applies to articles manufactured in Canada as well as articles imported for sale within Canada.

Labelling requirements

An antimicrobial treated article must be labelled with clear and easily understandable information for the consumer. This applies to all articles which are:

- sold with a claim that the article has a specific function and
- treated with an active substance that require labelling according to the approval of the substance.

The treated article should also be labelled with relevant instructions for use, including precautions, if this is necessary to protect humans, animals, and the environment. If the articles are manufactured in Canada, the manufacturer is responsible for the labelling. If the articles are imported into the Canada, the importer is responsible.



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About CPCA

Since 1913, the Canadian Paint and Coatings Association has represented Canada's major paint and coatings manufacturers, and their industry suppliers and distributors in three primary product categories: architectural paints, industrial products and automotive coatings. In Canada, CPCA members have more than 261 paint manufacturing establishments, own more than 3,000 retail outlets, supply products to another 5,000 retail stores and more than 7,500 auto body shops. This represents annual retail sales of more than \$12.3 billion, employing directly and indirectly 86,300 employees.