



IN THIS ISSUE

DECEMBER 2018

REGULATORY ACTION REPORT
CPCA EVENTS
CPCA BUSINESS FORECAST
WEBINAR
CPCA CONFERENCE
REPORTS & PUBLICATIONS
RCC UPDATE
VOC UPDATE
CMP UPDATE
PMRA UPDATE

WHMIS UPDATE
IPPIC UPDATE
CALL FOR NOMINATIONS
INTERNATIONAL NEWS
REGULATORY NEWS OF INTEREST
FEDERAL NEWS
PROVINCIAL NEWS
U.S. NEWS
CPCA CONNECTS

Note to Members

Member Action Required

Throughout Regulatory RADAR any instances where "***Member Action Required***" is written it highlights information requiring immediate attention and/or action from our members. Please review and respond as appropriate. Actions required will be highlighted in ***red italics***.

Thank you, CPCA

[BACK TO TOP](#)

IMMEDIATE ACTION REQUIRED

REGULATORY ALERT

CPCA ALERT: All AIM Paint Manufacturers Must Take

Immediate Action to Ensure Compliance with the MEKO Code of Practice

Health Canada (HC) officials informed CPCA that a preliminary audit of the MEKO (2-butanone oxime) Code of Practice confirms very low corporate engagement by the paint and coatings industry (only 2 filings) and higher than anticipated MEKO concentrations in consumer indoor alkyds largely exceeding 1% w/w, an unacceptable limit even under adequate ventilation. Even 0.2-0.6% w/w will be deemed unacceptable by HC if there is no adequate ventilation. HC will be conducting a 5-year compliance assessment of the effectiveness of the **MEKO Code of Practice** beginning in January 2019, which will involve a national survey along with the purchase and random testing of products containing MEKO. Officials strongly expect a demonstration of reduced levels of MEKO in products and possible substitution efforts.

The results of the HC compliance assessment will later determine whether the government will continue with the voluntary Code of Practice or replace it with more onerous regulations. The success of the assessment of the MEKO Code of Practice will also have a significant impact on the government's willingness to establish similar non-mandatory risk management instruments for the sector for other CMP substances in the future. CPCA has been contacting all major AIM companies directly during the last few weeks to inquire about their compliance status with the Code. Most have returned their engagement form and have taken or will be taking the appropriate actions to be compliant with two of the three elements of the Code.

Member Actions Required

1. *CPCA relies on the collaboration of all AIM (Canadian and US) members to ensure the MEKO Code of Practice is passed with success.*
2. *All CPCA paint and coatings members selling indoor or dual purpose alkyd products in Canada that contain MEKO or 2-butanone oxime, are subject to the Code should assess their current products and take all necessary actions to ensure compliance with the Code **as soon as possible before January 2019.***
3. *CPCA requests that all AIM members selling indoor or dual-use alkyd paint products containing MEKO, which can reasonably be obtained by the general public, to confirm to Health Canada (HC) that they have been engaged or are already compliant with the Code, and include the record keeping requirements. CPCA has developed educational tools in English and French that can be freely downloaded. The educational campaign is considered a key element of the code. Please note that if your company fulfills two of the three elements of the code, excluding the one related to reduced levels, your company will be considered compliant.*
4. *If your company has not yet been engaged, please do so immediately. If you feel that your company can only be fully compliant in the winter or before June 2019, please indicate your compliance timeline. If your company is already compliant without even having been formally engaged, please inform HC officials.*
5. *Although the code of practice is not mandatory, HC officials expect compliance with respect to this risk management instrument for any specific priority toxics like MEKO as part of ongoing corporate responsibility under the Code. MEKO is considered a high priority for inhalation in the Challenge stage of the CMP. For a long list of Challenge substances, the government has already imposed mandatory SNACs, which targeted the manufacture or use of any consumer products for*

substances present in a concentration that is greater than or equal to 0.1% w/w. A significant new activity refers to an activity conducted with a substance in a different quantity, concentration or in different circumstances.

Download the Educational Tools

[English Tools](#)

[French Tools](#)



From all of us at CPCA

REGULATORY **ACTION REPORT**



CPCA REPORT

CPCA Advocacy Activities

- Members Reminded of WHMIS 2015 Compliance Deadlines for Employers
- Member Action Required to Ensure Compliance with MEKO Code of Practice Prior to January 2019 Review
- CPCA Issues Several Bulletins Following November 1 Paint and Coatings Working Group Meeting
- CPCA Convinces Metro Vancouver to Stop Proposed Air Quality Bylaw Amendments That Would Impact Auto Refinishing
- Comments Provided on Proposed CMP Decisions for Benzophenone and Three Furans
- CPCA and IPPIC Work Globally with UNEP and WHO to Eliminate Lead Content in Decorative Paint Worldwide
- CPCA Webinar Series Launched on November 15 on Challenges of Biocide Compliance in Canada
- ECCC Planning to Proceed with 1-Litre VOC Exemption Survey this Month with Second Survey to Follow With Retailers
- Ontario Proposes Changes to Reduce Burden under the Toxics Reduction Act
- Publication of Third VOC Survey for Certain Products Delayed to Spring 2019
- CPCA Participates in CIC Discussions on Proposed Amendments to Rev 8 for GHS in Canada
- Staff and Members to Participate in CMP Post-2020 Multi-stakeholder Consultation in November
- CPCA CEO to Participate in National CMP Stakeholder Advisory Council Meeting Comprised of Industry and NGO Representatives



CPCA HIGHLIGHTS OF EVENTS



Webinar Series 2018-2019

CPCA is hosting a series of webinars for our member companies. We'll be exploring current business trends, emerging industry issues, product stewardship and more. For more information watch for email updates from CPCA or contact Rob Taylor (rtaylor@canpaint.com)

December 13, 2018

2019 Business
Forecast: Canadian
Paint Market Analysis
and International
Paint Trade Insights

February 14, 2019

VOC Regulatory
Compliance Update
for Third VOC
Regulation

April 10, 2019

Product Stewardship
in Ontario: Transition
to the New Waste Free
Ontario Act in 2020

CETA Regulatory Cooperation Forum

December 13-14, 2018, Brussels

IPPIC Meeting & Coatings Summit 2019

January 30-February 1, 2019, Paris, France

The **Coatings Summit** presents unparalleled opportunities for representatives from our member companies to network and engage constructively to “shape the future of a dynamic industry.” The usual annual meeting of IPPIC members takes place before the Summit.

CCOHS Forum 2019

March 5-6, 2019, Winnipeg

OEWG-3 SAICM (Open-Ended Working Group)

April 2-4, 2019, Uruguay

The CoatingsTech Conference

April 8-10, 2019

42nd AMOP Technical Seminar on Environmental Contamination and Response

June 4 to 6, 2019, Halifax, Nova Scotia. This seminar sponsored by ECCC is an international forum on preventing, preparing for, responding to, and recovering from spills of oil and chemicals in the environment.

CPCA 106th Annual Conference and AGM

May 22nd and 23rd, 2019 at the Sutton Place Hotel
Vancouver, British Columbia

**Save
the Date** | May 22nd &
23rd, 2019



Canadian Paint and Coatings Association
106th Annual Conference and AGM

Canada's Coatings Industry:
Vision 20-20 Beyond 2020

Sutton Place Hotel Vancouver, British Columbia



Set your sights on Vancouver!

The 2019 CPCA Annual Conference and AGM will be held at the Sutton Place Hotel in beautiful Vancouver, British Columbia with the Chair's popular Industry Awards Dinner at the Royal Vancouver Yacht Club. Entitled Vision 20-20 Beyond 2020, the conference takes a forward-looking approach at the priority issues facing Canada's paint and coatings industry. Look for notifications later in October announcing presenters, early bird registration, hotel block, and flight discounts.



REPORTS & PUBLICATIONS

- **Legacy Environmental Liability Management: Top 5 Opportunities to Achieve Maximum Business Value**
- **Special Report: EHS Management a look Forward to 2019**
- **Is Your Supply Chain Fit for the Future?**
- **ISO 45001: Understanding the New International Standard for Occupational Health & Safety**
- **When the Regulator Comes Calling - Managing Regulatory Risks (Video)**



PMRA UPDATE

PMRA Consulting on Re-evaluation Process in December

PMRA will be holding a webinar and a face-to-face consultation meeting in Ottawa on December 17 to provide a review of activities relating to the Post-Market Pesticide Re-Evaluation Program, with the goal to increase both, the efficiency and the effectiveness of

the program. The current and anticipated Re-evaluation Program workload is exceeding available PMRA resources. PMRA has analyzed alternative models in other jurisdictions such as the US EPA, European Union, Australia (i.e. post-market costs and funding sources, engagement, unique features). After soliciting stakeholder input, PMRA will post a “What was Heard” report, work on phase 2, (which will include the proposal of a new model or changes to the present re-evaluation model) and then, gather feedback and recommendations on proposed improvements. The following themes are being reviewed:

1. Stakeholder Engagement and Transparency in Re-evaluation
2. Initiation and Prioritization of Re-evaluations
3. Scientific Assessment and Risk Management in Re-evaluations
4. Alternative Models for Re-evaluation

Member Action Required: *CPCA will participate in the consultation and ensure that all CPCA biocides committee members can join the webinar, once the date is known. More information is available upon request.*

CPCA Announces Creation of the New Canada Biocides Council

CPCA intends to form the Canada Biocides Council, which will better obtain, monitor and coordinate the circulation of PMRA information within member registrants and the ACC Center for Biocide Chemistries Group regarding the cluster analysis and future key CASE biocides. This will ensure manufacturers, the users, are fully engaged before future changes are made to the re-evaluation process in Canada by PMRA officials.

Member Action Required: *If you want to take part in the Canada Biocides Council, please contact CPCA.*

BIT Shortage

A shortage of a precursor to **benzisothiazolinone** (BIT) is threatening supplies of the widely used and key preservative in paint and coatings. The EPA announced an update to the Safer Chemical Ingredient List (SCIL) with a possible BIT alternative, (3(2H)-Isothiazolone, 2-octyl-) or OIT.



RCC UPDATE

Regulatory Cooperation Council Stakeholder Forum

The Canada-US RCC forum was held on December 4-5 in Washington, D.C. providing progress reports on existing work plans and discussing new opportunities for alignment regarding existing regulations for chemicals and chemicals in the workplace, Consumer Product Safety and the transportation of dangerous goods. ACA officials participated in the forum to raise common Canada-US issues for the sector, and they are formally responding to the **RCC-US RFI** consultation process as to how to simplify, reduce or eliminate regulatory differences between the US and Canada. The RCC joint action plan 2019-2021 is expected to be finalized early in 2019.

CPCA/ACA filed a joint submission related to further regulatory alignment for biocides. Other Canada-related issues raised by industry include the risk assessment approach for UVCBs at the RCC level, the issue of multiple CAS RNs, and the alignment of implementation of Revision 7 of the GHS.



ICG UPDATE

CMP Staff Change Update

Christine Norman, Director, Existing Substances Risk Assessment Bureau, HC, is retiring on December 15.

Marc D'Iorio, Director General, Industrial Sectors, Chemicals and Waste Directorate, ECCC, is moving to another position within ECCC.

Government Retail Workshop on Post-2020 of November 29

Attendance for this workshop was very low, especially for major retailers. The biggest concerns expressed to the government by retailers related to the challenge of obtaining the necessary information from foreign suppliers. The group also discussed use of various existing green chemistry lists and cleaner choices as well as building a "big data" database for chemicals of concerns.

CEPA Review and Post-2020

For the vulnerable populations (VP), ECCC/HC stated their intention to create a policy rather than amending the Act. An ICG submission stated that the inclusion of risk factors should be strictly based on the populations being assessed with no extended coverage. Concerns were also raised regarding how provinces will address these issues. Regarding the consideration of occupational exposure, ECCC/HC will adopt a three-pronged approach starting with the identification of data gaps. For the use of alternatives and informed substitutions, the government appreciated the ICG comments, is still working on it and is not yet ready to present any discussion paper.

Post-2020 Consultations

The consultation on vulnerable populations was launched and **comments are expected before January 21**. ECCC/HC will soon announce a consultation on hot spots.

Other Consultations on Substances, Surveys & Risk Management

Consultation on BENPAT to end on December 15. The current S.46 consultation on all 800 Quaternary Compounds on the DSL will end on April 24. The S.71 Risk **Management survey of coal tars** recently launched should be returned by March 14. ECCC/HC also published its **approach to disclosing CBI and promote transparency in October 2018**.

SAC Meeting, November 26-27

The engagement strategies with respect to Post-2020 chemicals management and the political lens for it dominated most discussions. Phase 4 of the CMP, Post-2020, will be very different from the first three CMP phases, as the emphasis will be on a group of chemicals, which will be issue-based. Industry expressed concerns about the risk assessment/management controls to be put in place based on such an approach. The consideration for occupational exposure will be a very important part of Post-2020 chemical assessment but no specific information was given with respect to the pilot studies to follow.

Science Committee Meeting, November 27

Discussions were centered on bringing a "public health lens approach" to chemicals management as soon as possible for Phase 4 of CMP. The committee answered three charge questions: 1. what are the big issues and opportunities? 2. What are the available data and tools? and 3. What are the main elements that should be part of the public health roadmap? Even ecosystems were mentioned as being part of the future approach. Officials will likely introduce the concept of "probability of causation," which could be another term for an hazard-based approach. They also intend to use a "preventative" approach for public health rather than a "proactive" approach. The government will prepare a discussion document for consultation in the first part of 2019. The final Science subcommittee report

is expected in March 2019. CPCA and industry generally will need to be mindful of the scope creep related to the future assessment of chemicals beyond what was intended under CEPA 1999.

NSN Report

ICG provided several comments on the revised NSN form on October 15. The government is still considering those comments and the timing of its final release is unsure. The government's one-pager on the issue of multiple CAS RNs will soon be provided to industry for review.

ICG Governance

ICG is a network of interested companies and trade associations working primarily on solving technical issues. However, it does not address political issues, which are addressed by individual companies and trade associations. A sub-committee of 5-6 ICG representatives will establish a process guidance document to determine the ICG approach regarding the necessary political/legislative discussions going forward. This document will be submitted for approval in 2019.

Survey Report

Member Action Required: Industry should be mindful that the S.46 mandatory survey on the 800 quaternary ammonium compounds present on the DSL does not protect CBI info as the S.71. Members are reminded that the government intends to make non-CBI data publicly available on the Open Government Portal.



CMP UPDATE

CPCA Obtains Further Information on the Implication of Adhesives and Sealants in Inventory Update 3

There were 42 S.71 responses for 85 CAS RN for the adhesives and sealants consumer and commercial code in the Inventory Update 3 (IU). One additional CAS RN was declared to be found in a manufactured item. This compares with 55 S.71 responses and 136 CAS RN for the paint and coatings consumer and commercial code and 11 S.71 responses and 19 CAS RN for paint thinners and removers (many of them being common and also used in paint formulations). For all the three consumer and commercial codes, the total number of responses goes down to 77 unique organizations and 162 unique CAS RNs. The detailed list is not available as follow-ups are still being made for IU3.

CPCA Summary of Post-2020 Multi-Stakeholder Consultation of November 28

The meeting was well attended by hundreds of industry and NGO representatives participating in person and through an online webinar.

Chemical and Workplace Exposure: Risk assessments and risk management under CEPA to date have **not** considered occupational exposure. The Post-2020 initiatives will include further investigation of the risks associated with occupational exposure and the circular economy (re-introduction of chemicals in the supply chain). The federal government is currently surveying its provincial and territorial counterparts to determine the level of involvement and opportunities for cooperation on Information Exchange, Prioritization & Info Gathering, collaboration (OELs), Risk Assessment & Risk Management (under the Best Placed Act). The supply chain will be the main focus going forward.

Considering Canada's Place in the World Post 2020: Given the rapid growth in chemical

production worldwide, domestic efforts alone are not sufficient to reduce risks at the border. Officials discussed their preliminary focus on global actions and emerging threats and how to leverage international cooperation and sound management practices such as circular economy and traceability in a greener value chain in order to better manage risk. Recycling of source materials is a challenge (contamination). The main drivers for global actions on chemicals and wastes are SAICM, legally-binding Persistent Organic Pollutants (POP) conventions, and other multilateral, regional and technical cooperation efforts (WHO chemicals Roadmap, etc).

Chemicals of Potential Concern in Products and Sources of Information: 80 per cent of chemicals in products are imported into Canada. Information obtained from suppliers is an industry issue. The government mainly relies on S.71 to obtain data, which is challenging in the context of a global supply chain. Circular economy: chemicals are recycled back into new products and some of them can affect recyclability. The idea of a licensed importer program was also raised for consideration. Collaborative solutions are needed for supply chain transparency, safer product chemistries and for informing consumers. Corporate stewardship is considered key along with awareness raising with SMEs in this process. A Quaternary Ammonium Compounds Pilot Project will be launched for conclusion in the Spring of 2019 to facilitate communication along the supply chain, improve information flow and raise awareness of compliance responsibilities and obligations. The federal government may organize workshops to further define specific supply chain transparency challenges this winter.

UL Software Solutions for Supply Chain Transparency: Underwriters Laboratories (UL) was given an opportunity to promote their software product as an example of how third-party data management can assist in providing transparency throughout the supply chain. The Wercsmart portal contains 852,940 registered products and over 11,000 producers around the world. The UL software helps major retailers assess suppliers based on self-assessment criteria of regulations, social conventions, and certifications. Going forward the government is looking for third-parties to meet the transparency demands of consumers regarding the chemical composition of products and their respective supply chains.

Canada's Strategy to Address Plastic Waste: On November 23, the Canadian Council of Ministers of the Environment (CCME) launched its Strategy on Zero Plastic Waste. An Action Plan will be developed by the FPTs in collaboration with a variety of organizations, stakeholders and other parties to define key actions (89% of plastic waste is currently sent to landfills and incinerators). Ten priority result areas for actions are identified: 1- Product Design 2- Single-used plastics 3- Collection systems 4-Markets 5-Recycling Capacity 6- Consumer Awareness 7- Aquatic Activities 8- Research and Monitoring 9- Clean-up 10- Global action. The Feds will focus on three major action systems: prevention, collection/clean-up and value recovery (out of landfill and burning) and reiterated the need for a policy on microplastics to follow the global momentum of the Ocean Plastics Charter. The reference year to base any progress to be made will be 2014.

Government's Healthy Home Campaign: Considering that public outreach is also a risk management tool regarding all drivers for changes in Post-2020, ECCC/HC have been developing a new public outreach website based on a public opinion survey results and is planning a new social marketing campaign for chemicals management (the healthy home campaign is focused initially on children of 0-6 years and can be expanded to all vulnerable populations. It includes tip sheets "do it for your home, "...your lungs, etc."). It will contain research and expert advice, focus groups and will motivate Canadians' actions. **The campaign will "soft launch" this winter with more content to be added in Spring 2019.**

Member Action Required: *The government's presentation decks can be shared by CPCA with members upon request.*

May 2018 CMP Stakeholder Advisory Council (SAC) Meeting

The **SAC summary report** shows that HC/ECCC officials provided an overview of their activities in the areas of endocrine related effects from the perspective of risk assessment, research, monitoring and surveillance and CMP international engagement. The New Substance Notification Regulations were discussed in the context of how to apply an EDC lens to both the risk assessments and risk management under CMP. A panel was also held on vulnerable populations. A series of studies have found that the amount of certain pollutants linked with the development of a disease or death – which is central to determining "safe" or "hazardous" levels – is proportionately greater at the lowest dose or levels of exposure. These results are contrary to the way agencies assess the risk of toxic chemicals. Discussions included the need for a broader definition of vulnerable populations that reflects the full spectrum of vulnerabilities (biological but also important socio-economic factors), broader engagement in the CMP across different population groups, multidisciplinary approaches, better risk assessment and risk management, and the importance of regulation.

Follow-up on Microplastics Survey and Other Information Gathering Initiatives

Microplastics survey: A new S.71 survey is planned on Microplastics for 2019 to determine use levels and potential releases of plastic microbeads and if further risk management is needed among targeted sectors, which include detergents and cleaning products, paints and coatings, and oil and gas specialty chemicals. CPCA has shared information collected by CEPE in Europe and CPCA/ACA/CEPE will schedule a meeting with ECCC in early January to discuss data gaps.

Member Action Required: *ECCC inquired as to how microbeads/ microplastics are used in paints and coatings in Canada, what types, quantity/concentration, potential releases (e.g. rinsing of brushes or at end of life), and waste management practices at facilities to prevent their release to the aquatic environment. Please share your data and views ahead of CPCA discussions with officials in January 2019.*

Other information initiatives: Besides the current mandatory information gathering on **BENPAT**, **Coal tars**, **Quaternary compounds**, there will be a Flame retardants S.71 survey launched early in 2019. Some follow-ups will also be rolled up with stakeholders regarding 1400 substances contained in the DSL IU 1, DSL IU2, 2017 IU in 2019.

Member Action Required: *At the November PCWG meeting, ECCC officials stressed the importance for industry to collaborate with any non-mandatory information gathering before the publication of the Draft Screening Assessment report, as this may prevent the use of overly conservative assumptions by risk assessors.*

New Substances Notification (NSN) Program

ECCC will likely publish its new NSN Guidance and New Revised NSN Form in the first part of 2019. The new guidance will incorporate advisory notes, more clarification to notifiers, an improved nanomaterial section and new section on UVCBs, on manufactured items, pm selection of surrogates (analogues) and on waivers. There will be notable changes to the exposure section (all levels of supply chain will have to be considered and the requirement to use analogues) and changes on the form for confidentiality that will incorporate functional uses codes. A forum of discussions will follow the NSN guidance publication. The separate guidance for organisms is planned for June 2019.

Member Action Required: *If you have not already commented on the new NSN form, CPCA members can still do so by contacting CPCA.*

CMP Phase 2 & PSSA Update

MDI/MDAs – Code of Practice for MDAs coming in Winter 2019.

Pthalates – FSAR expected before the end of 2018.

AEAA – Final SNAc – Post Spring 2019

PSSA Coal Tars and Distillates: **S.71 notice** is asking for risk management information targeting 6 substances (CAS RN 8007-45-2, 65996-82-9, 65996-89-6, 65996-90-9, 65996-91-0, 65996-93-2). The deadline to respond is March 14.



CMP PUBLICATIONS UPDATE

Draft Screening Assessment (DSAR) Report Publications

DSAR and Risk Management Scope for Talc

The **DSAR** and **Risk Management scope** were published in the Canada Gazette on December 8 with the comment period ending on February 6. It proposes to conclude that talc meets the toxicity criteria for human health concerns. CASE products are mentioned as sources but are not specifically targeted in the exposure assessment section and the characterization of risk to human health of the DSAR, nor in the RM scope. There are no dermal exposure concerns, only inhalation concerns for pure talc-induced lung diseases and potentially, for ovarian cancer effects which could not be clearly demonstrated. A NOAEC of 2 mg/m³ for non-cancer lung effects is considered to be appropriate for the inhalation route of exposure for short- or long-term use. In the RM scope, Health Canada does not seem to target talc in products when not present in a powder form, such as in liquid or pastes. We believe that there are not many concerns with respect to paint manufacturing, if any. There maybe some concerns regarding the workplace long-term manipulation of talc powders as an ingredient used in the making of products, but the CMP reports do not address workplace exposure. Not specific to talc, but in general, inhaling ambient air particles of less than 10 microns has been associated with respiratory effects (HC, 2016). Recent findings show that talc-containing products available to consumers, which are not in a loose powder format will have fewer particles available for inhalation during use (Canada, 2018b).

Member Action Required: Please share any comments you wish to add regarding the toxicity declaration of talc and watch for the FSAR and RM approach.

DSAR for Epoxides and Glycidyl Ethers Group

The **report** proposes to conclude that the 5 substances contained in this group are not toxic: "AGE" (CAS RN 106-92-3), "BCPO" (CAS RN 1139-30-6), "o-CGE" (CAS RN 2210-79-9), "TGIC" (CAS RN. 2451-62-9) and "alkyl (C12-C13) glycidyl ether" or "C12-C13 AGE" (CAS RN 120547-52-6). Since AGE, o-CGE and TGIC are considered to have human health effects of concern, and o-CGE is considered to have environmental effects of concern, there may be concern for human health and the environment if these exposure levels were to increase. There will be follow-up activities to track changes in commercial use patterns and exposure to these substances.

Member Action Required: Members using AGE, o-CGE, TGIC, and o-CGE should review the DSAR report and be prepared to respond to follow-up activities and possibly, further control and limitation of uses, that may implicate the sector.

DSAR and Risk Management Scope for Anthraquinones

The **latest report** relates to 7 of the 15 substances. A **Risk Management Scope** was published for Solvent Violet 13, which meets the toxicity criteria for human health. There are remaining concerns for 5 substances (Solvent Violet 59, Solvent Blue 36, Disperse Red 60,

Acid Blue 239 and CAS RN 74499-38-6) if their exposure levels were to increase and follow-up activities are planned.

Member Action Required: *Members are invited to share their concerns before the end of 2018 with CPCA regarding Solvent Violet 13 and a potential SNAc notice for any of the 5 other substances in the Anthroquinone group.*

DSAR for Benzophenone

The DSAR proposes to add CAS RN 119-61-9 to Schedule 1. Due to dermal concerns, the government confirmed to the PCWG group that it has extended its **concern for interior products** to include **exterior paint products** and proposes a limit of 0.1% w/w in these products. CPCA has exchanged information with government on the frequency of use and exposure to exterior paint products and needs more technical feedback.

Member Action Required: *CPCA will have further discussions with industry and HC officials on benzophenone. Any members making exterior paint products or supplying materials containing benzophenone should inform CPCA immediately.*

DSAR on Furans

Member Action Required: *CPCA will meet with government officials to clarify the use of tetrahydrofuran, possible use of substitutes for furfuryl alcohol in wood stripper products and the current use of phenolphthalein at 0.2% in glue sticks/glue products and 01% in children's toys.*

DSAR on Copper Compounds to be published in Winter 2019

Member Action Required: *CPCA members should let CPCA know if they have been contacted by government for additional information on this grouping.*

Further Info on the DSAR for Manganese Expected in 2021

At the last PCWG, ECCC was asked to provide a list of manganese compounds. ECCC confirmed that DSAR for manganese will use a moiety approach, meaning that it will consider all manganese-containing substances and not be limited to specific substances that are currently identified as priorities for assessment. No further information is needed for paint and coatings at this time.

Final Screening Assessment (FSAR) Report Publication

FSAR for 72 Substances of Low Concern and SNAc Notice for Diglyme and Triglyme

The government concluded that exposures to **current levels of the 72 substances** are not of concern to the environment or the general population but there may be a concern for the environment and human health if exposure to 35-36 substances were to increase. Follow-up activities are planned. A notice of intent was already published to apply the Significant New Activity provisions to **diglyme** (CAS 111-96-6) and **triglyme** (CAS 112-49-2).

Member Action Required: *Members are invited to share their concerns with CPCA regarding the SNAc notice for diglyme and triglyme that restricts their uses in consumer products before the end of 2018.*



Member Action Required: All compliance deadlines for WHMIS 2015 have now expired. The conversion should be fully completed in all member workplaces and for all products sold and distributed in Canada. Is your company fully compliant?

CPCA Shares Health Canada's SDS Audit Project Results with EHS Committee Members

The vast majority of Safety Data Sheets of Canada-made products failed the recent HC audit which found numerous inconsistencies, a lack of specifications and questionable understanding of the requirements. Suppliers and authoring software vendors will be contacted individually.

***Member Action Required:** All members should carefully review the audit results and address all non-compliance issues noted by HC in various sections of the SDS (available from CPCA).*

Next CIC teleconference for Q3 2018-2019 Scheduled for January 22, 2019 (1:00-3:00 P.M. ET)

Timeline for Rev 7: The formal adoption of Rev 7 in Canada will depend on concomitant efforts in the US. The Rev 7 HPR amendment is likely to go through the Canada Gazette Part I and II in 2019-2020 and will not be implemented before 2021.

Release of National Classification for Canada Imminent: The non-prescriptive Canada's national classification will be focused on 25 widely used chemicals.

***Member Action Required:** CPCA will relay information on the national GHS classification for 25 pure substances as soon as it is published so that every supplier member can validate their SDS.*

***Reminder: WHMIS/CMP Joint Projects to be Implemented in 2019:** No more information was shared at the SAC or the multistakeholder meetings in Ottawa. HC will undertake pilot projects that are complementary with CMP, such as collaboration with OELs or case studies for NMP and methylene chloride in paint strippers.*

Recent CIC Industry Actions Regarding the "True Copy Label" and Ability to Narrow Down Concentration Ranges

Industry sent a formal letter to Health Canada asking to take the true copy of label requirement out of the Hazardous Products Act and there will be a special CIC subcommittee formed to discuss this issue. Regarding the ability to narrow down CBI concentration ranges, Health Canada told industry that the flexible use of ranges necessitates an amendment, while the industry argued that it should not, since it only relates to increased transparency. With respect to any guidance, industry stressed that stakeholders should be involved in their review prior to their finalization.



VOC UPDATE

ECCC/PRA to Launch Survey on the Extent of Use of 1-litre VOC Exemption Under Architectural VOC Regulations in January 2019

CPCA members provided additional comments on the survey form. ECCC decided to postpone its launch to January 2019.

***Member Action Required:** Manufacturer and importer members, as well as their clients including retailers, are encouraged to complete the ECCC survey on 1-litre VOC exemption in January 2019.*

Plan Ahead for the ECCC/PRA's Extensive National Survey on the VOC Content of AIM Products in 2019

ECCC awarded a national survey contract that will serve to compare the VOC content of all existing paint products sold in Canada with the VOC limit of other North American jurisdiction limits (namely OTC II, California rules, etc.). The survey will gather information on the of sales. CPCA will review the design and watch over ECCC's enforcement plans that will flow from these surveys.

Member Action Required: *AIM companies should plan to respond to the ECCC survey to be launched in the first quarter of 2019 and should review their current compliance status.*

Reminder: Third VOC survey for Certain Products Delayed to Spring 2019

Member Action Required: *The full implementation is not expected before January 1, 2021.*

Watch for the Spring Publication the Automotive Refinish Bylaw 1086 in MetroVancouver

CPCA expects that the Vancouver Board will NOT ban TBAC, NOT impose more stringent VOC limits for three AR paint categories, and NOT ban the use of cadmium and hexavalent chrome in paint and coatings.

Member Action Required: *Automotive Refinish Council Members should watch for the final publication of Bylaw 1086 expected in March 2019.*



IPPIC UPDATE

ACA: OEHHA Proposes Listing PCBTF on Prop 65

On November 23, **OEHHA posted their intent to list PCBTF** (para-chlorobenzotrifluoride) on the Proposition 65 list. This could affect CPCA members making and selling products in the US. PCBTF is a VOC-exempt compound that is used in low VOC industrial coatings. The **NTP (National Toxicology Program) completed its review in June that concluded to its carcinogenicity**, which triggered the OEHHA's proposed listing on Prop. 65. ACA has developed a PCBTF workgroup and hired a consultant to complete an analysis of the NTP Report and to inform ACA's comments, to be returned before December 24.

[BACK TO TOP](#)

Call for Nominations



Canadian Paint and Coatings Association
106th Annual Conference and AGM

2019 CPCA Industry Awards
Call for Nominations



Nominate a Deserving Industry Member or Colleague!

CPCA is pleased to announce the call for nominations for its annual industry awards, which recognizes outstanding contributions made by its members. We are excited to once again honour deserving individuals who have made important contributions to their companies and to CPCA throughout their careers. To nominate someone for one of these awards, please complete **the nomination form** and send it to **Micheline Foucher** or by fax at 613-231-4908 by Friday, **January 25, 2019**.



Keep what you need.
Recycle the rest.

REGULATORY

NEWS OF INTEREST**FEDERAL NEWS*****CEPA-Related*****US, Mexico, and Canada Conclude Negotiations on a Trilateral ECA**

On November 30, the US, United Mexican States, and Canada concluded negotiations on a new Agreement on Environmental Cooperation (ECA). The ECA will support the implementation of the environmental commitments in the USMCA and will modernize and enhance the effectiveness of trilateral environmental cooperation to protect and conserve the environment and address emerging environmental challenges. The new environmental cooperation agreement will take effect upon entry into force of the USMCA.

<https://www.epa.gov/newsreleases/united-states-mexico-and-canada-conclude-negotiations-trilateral-agreement>

PCB Regulations to be Amended As Part of an Omnibus Process

This amendment will clarify the provisions related to laboratory accreditation and standardize the laboratory accreditation provisions within the CEPA regulations. These changes are not expected to have any business impacts. However, some companies that manufacture paint pigments containing PCBs will be approached to get more information on whether or not they undertook any accreditation tests themselves. The Omnibus Regulations are planned in the *Canada Gazette*, Part I, in 2019. For any questions, please contact ec.bpc-pcb.ec@canada.ca.

2019-2020 Publication Timelines: ECCC Regulatory Plan

The following forward regulations or amended regulations are targeted for the *Canada Gazette, Part I* publication in the winter of 2019:

- Cross-Border Movement of Hazardous Waste and Hazardous Recyclable Material Regulations
- Regulations Amending the Release and Environmental Emergency Notification Regulations (Organizational changes within ECCC and other FTP governments, and amendments to other regulations referenced)

In Spring 2019

- Administrative amendments to the Miscellaneous Amendments Regulation (MAR) Amending the Storage Tank Systems for Petroleum Products and Allied Petroleum Products Regulations are expected in Spring 2019.

In 2019

- Regulations Amending the Chromium Electroplating, Chromium Anodizing, and Reverse Etching Regulations - Phase 2
- Regulations Prohibiting the Manufacture and Import of Lead Wheel Weights in Canada that contain more than 0.1% by weight of lead used in vehicles designed to operate on Canadian roads
- Amendments to the Products Containing Mercury Regulations

<https://www.canada.ca/en/environment-climate-change/corporate/acts-regulations/forward-regulatory-plan/2018-2020/chemicals-management.html>

Ministerial Condition 19767

The ministerial condition pertains to hexanoic acid, 3,5,5-trimethyl-, 2-ethylhexyl ester (CAS RN **70969-70-9**) for its uses in cosmetics.

<http://canadagazette.gc.ca/rp-pr/p1/2018/2018-12-01/html/notice-avis-eng.html#na1>

Member Action Required: Those manufacturer members and their clients or suppliers implicated in any of these regulatory publications in 2019 should reach out to the appropriate ECCC contacts.

Transportation-related

Reminder: Consultation on Portable Tanks for TDG

Member Action Required: Members can share their comments on Portable Tanks for TDG with CPCA although the deadline of **December 11 is passed**.

Health and Safety- and Circular Economy-related

Mexico Proceeds with Cannabis Legislation

The party of Mexico's president-elect has submitted a **new legislation to legalize the possession, public use, growth and sale of marijuana**. If the bill passes, Mexico would join Canada, Uruguay and a number of US states that permit recreational use of the drug and allow its commercialization.

[BACK TO TOP](#)



PROVINCIAL NEWS



ONTARIO

Preserving and Protecting our Environment for Future Generations

A Made-in-Ontario Environment Plan

The **new plan** is posted on the **Environmental Registry** for public input until January 28, 2019. The government will:

- Hold polluters accountable with stronger enforcement and tougher penalties for breaking environmental laws, making real-time information about monitoring, incidents, and enforcement available to the public

- Propose ways to reduce the amount of waste going to landfills or becoming litter and increase opportunities for Ontarians to participate in efforts to reduce wastes
- Redesign the emissions testing program for heavy-duty vehicles (e.g. commercial transport trucks) and strengthen on-road enforcement of emissions standards
- Ensure sustainable water use and water security
- Encourage private investments in clean technologies and green infrastructure such as green bonds
- Reduce its GHG emissions by 30 per cent below 2005 levels by 2030. GHG emissions from the industrial sector, including smaller industrial facilities, accounted for 29 per cent of Ontario's total emissions in 2016. The proposed approach does not enforce a blanket cap on emissions and still plans to regulate large emitters while recognizing the unique situation of Canada's manufacturing and industrial heartland and considering factors such as trade-exposure, competitiveness and process-emissions and will include the authority to introduce exemptions for the auto sector and other exposed industries. The plan includes robust transparency measures and to establish emissions performance standard which sets emission levels that industrial facilities are required to meet and is tied to their level of output or production.

Member Action Required: *CPCA encourages Ontario members to review this proposal and share or submit comments.*

MOECP Proposes Changes to reduce burden under the Toxics Reduction Act, 2009 and O.R. 455/09

As a result of the Red Tape Reduction consultation that was held last year, to which CPCA submitted comments, the **proposed amendments** are intended to reduce the burden associated with the overlap between Ontario's focus on toxic reduction planning and the federal government's Chemicals Management Plan requirements to take action on chemicals. By 2021, most substances regulated by Ontario's Toxics Reduction Act, 2009 will be covered by the federal program. Ontario is proposing that facilities with existing toxics reduction plans will no longer be required to review their plans, and will refer to their existing plans for opportunities to reduce toxics. Any new facilities entering the program will not have any planning, reviewing, or reporting obligations.

Only facilities with current plans for substances that meet reporting thresholds would continue to annually report on the amounts of those substances. The government is also proposing to repeal the Toxics Reduction Act, 2009 and regulations under in 2021, and defer it entirely to the federal government.



QUÉBEC

Amendment to the Payments under the Workers Compensation Act

The **Regulation respecting the table of income replacement** indemnities payable under the Act respecting industrial accidents and occupational diseases and of indemnities payable under the Workers' Compensation Act for 2019 was amended in November.



NEW BRUNSWICK

Legislative Amendments Introduced to Workers' Compensation

This Bill will ensure the sustainability of the workers' compensation system and align New Brunswick's legislation with the rest of Canada. It will improve the benefits provided to injured workers by eliminating the unpaid three-day waiting period. It will also provide relief to NB employers in workers' compensation assessment rates, should begin to decline.



Manitoba Program Plan Approval and IC&I Expansion

Product Care will begin planning, recruiting, and implementation for the expansion of the Waste Stewardship program to **include institutional, commercial and industrial sectors (IC&I) compact fluorescent lights and tubes** in January 2020.

OHS Legislation Harmonized with Other Provinces

Manitoba is the first province to **harmonize occupational safety and health regulations** in several key areas to reduce barriers to interprovincial trade and increase labour mobility while maintaining protections for workers. The amendments include:

- updating first-aid kits and first-aid certifications in accordance with newly developed CSA standards;
- extending baseline hearing test requirements from within 70 days of hire to up to six months and replace annual hearing reports requirements;
- clarifying existing requirements for the provision and use of several types of personal protective equipment



New Office to Improve Supports for Injured Workers

The **Fair Practices Office** is new. It will help workers and employers navigate the system, assist and advocate for workers and certain employers through the review and appeals process, be a place for people to raise concerns and monitor trends in the workers' compensation system. Harold Robinson has been appointed as Alberta's first Fair Practices Commissioner for a three-year term, effective Dec. 1.

New Regulation Helps Communities Improve Their Response to Disasters by Updating Requirements for Training, Management Plans, and Evacuation Orders

Changes to the act also allow for the addition of the Local Authority Emergency Management Regulation. **The regulation will come into force Jan. 1, 2020.**

[BACK TO TOP](#)



EPA Released SNURs for 296 New Chemicals since Aug. 1

On November 21, **EPA issued proposed significant new use rules** (SNURs) for 66 chemical substances (SNUR Batch 18-3). The agency remains focused on speeding up the review

process and catching up on its backlog.

Methylene Chloride Rulemaking

EPA is **scheduled** to issue the final rule prohibiting the consumer and commercial paint stripping uses for methylene chloride this month.

OEHHA Announces Prop 65 Listing of Gentian violet (Crystal Violet) and N-nitrosohexamethyleneimine



Environment

Senate Hearing Approves the Nomination of Alexandra Dunn to Lead EPA's Chemical Safety Office

The Senate Environment and Public Works Committee **just advanced President Donald Trump's nomination of Alexandra Dunn to lead the EPA Office of Chemical Safety and Pollution Prevention** during the confirmation hearing. Dunn's nomination will go to the full Senate for a vote.

US Groups Sign Up to New Sustainability Standard

Up to a dozen large **US companies have adopted a new standard** to give greater clarity on sustainability.



Health & Safety

ACA: Draft Assessments of Two PFAS Substances

EPA just published **draft toxicity assessments for two PFAS**, which may be used in flame retardant coatings:

1. Hexafluoropropylene Oxide (HFPO) Dimer Acid and Its Ammonium Salt (CAS RN 13252-13-6 and 62037-80-3), a.k.a. **"GenX Chemicals."**
2. **Perfluorobutane Sulfonic Acid (CASRN 375-73-5) and Related Compound Potassium Perfluorobutane Sulfonate (CASRN 29420-49-3) (PFBS).**
3. EPA will accept comment through January 22, 2019, at Docket No. EPA-HQ-OW-2018-0614-0001.

Sophisticated International Hackers Continue to Target the Public Sector in the US

Recent indictment exemplifies the global nature of the threat, the ever-evolving tactics and tools employed, and most interestingly, the precise targeting of the public sector. Additional considerations include an understanding of any disclosure obligations to the public, to regulators and to law enforcement. Many aspects of good cybersecurity are challenging and expensive but keeping software up-to-date can be a relatively low cost and effective but is often overlooked.



ECHA Update

EU Companies to Provide More Information on Nanomaterials

On December 3, the EC announced the adoption of amendments to several Annexes of REACH to clarify the information requirements for nanomaterials. The modifications and new requirements will help close the knowledge gap concerning which nanomaterials are placed on the market and in what quantities. The new provisions will be implemented for all substances in nanoform that fall within the scope of REACH, from the already widely used and registered 'legacy' nanomaterials in all product grades and variations to the specifically engineered nanomaterials placed on the market. The new rules apply as of January 1, 2020. ECHA strongly encourages registrants of nanoform substances to familiarize themselves with the amendment.

ECHA Publishes More Biocides Information

You can trace more easily where a substance is in the EU approval system using a new portal. The information pages will also give the public access to data from current and previous lifecycles of active substance approvals and product authorizations, from the initial application to any subsequent amendments and renewals.

Denmark Launches Chemicals Rules Checklist for Online Retailers

The Danish EPA established a checklist of rules concerning chemicals in products for online retailers. This initiative comes after a major Echa Enforcement Forum project.

MISA – a New Cooperation Model for Improving Metals Information

MISA is a landmark cooperation agreement involving 15 metals sectors and covering close to 300 inorganic substances.

Other International News

Reminder: OECD Publishes Working Paper on Economic Valuation of Benefits of Regulating Chemicals

Entitled *Assessing the economic valuation of the benefits of regulating chemicals: Lessons learned from life case studies*, this working paper reviews and compares five case studies on quantification and economic valuation of benefits in cost-benefit analyses of regulating phthalates, PFOA and its salts, NMP, and formaldehyde.

OECD Science and Technology Paper: Realizing the Circular Bioeconomy

The movement of bioeconomy toward the use of wastes, co-products and residue sources resonates well with circular economy principles of making the most efficient use of natural resources, as does the transition in focus from virgin to secondary materials in production.



CPCA: Protecting Your Interests Since 1913

CPCA regularly publishes several important publications to ensure members are fully informed of ongoing issues and actions impacting the paint and coatings industry in Canada. These include:

Regulatory RADAR

CPCA Regulatory RADAR reports on news of interest to paint and coatings manufacturers, suppliers and distributors. A members-only publication detailing comprehensive legislative and regulatory actions at all levels of government.

Prime Time News

A publicly available monthly newsletter sent to members, stakeholders and governments to provide a window into the industry for those with an interest or role in the sector.

Business Management & Marketing News

A members-only publication addressing relevant issues for those involved in management, sales and marketing in member companies.

CPCA INSIGHT

Guide & Directory published annually to report on CPCA's work on behalf of members, key trends in the industry, raising awareness of the issues important for the sector and a guide of CPCA members supporting the important work done to sustain a long-standing and viable Canadian industry

Regular Bulletins, Updates, Memoranda and Press Releases

CPCA members are fully informed and can have direct input on actions taken by CPCA's board, technical committees and staff to ensure the industry is represented at the table when decisions are made affecting their business.

All past issues of CPCA Publications can be found online in the Members Only section of www.canpaint.com.

FOLLOW CPCA ON ALL OUR SOCIAL MEDIA CHANNELS!



Please send any questions or comments to the **Editor**.

Copyright © 2018 Canadian Paint and Coatings Association, All rights reserved.

Our mailing address is:

900-170 Laurier Avenue West

Ottawa ON K1P 5V5

Add us to your address book

Want to change how you receive these emails?

You can **update your preferences** or **unsubscribe from this list**.

Editor's Note: All financial information is in Canadian dollars unless otherwise stated.