

# CPCA CORNER

## Paint & Coatings Issues in Canada



*The Canadian Paint and Coatings Association was established in 1913 to represent the interests of Canada's Paint and coatings industry. CPCA has a strong track-record of protecting its members and their products using evidence-based advocacy and timely member communications. CPCA's monthly Regulatory Radar publication ensures CPCA member companies stay informed on the relevant issues impacting their business, regulatory compliance requirements and mandatory deadlines. Below is a sampling of the issues CPCA member companies received over the past several months.*

### **Comprehensive Canada Coatingshub Launched**

The Canadian coatings industry is among the most heavily regulated sectors in the economy. As such it is critical that our member companies are fully informed of the many issues impacting their business and how they can ensure full compliance and mitigate risk where possible. CPCA has taken this support to a new level with the launch of a new and comprehensive Canada CoatingsHUB for member companies. It ensures critical information for members is not lost in an endless dumping ground!

The CoatingsHUB provides critical Information that is organized and searchable via key data points such as: government policies, legislation, regulations and related amendments; CPCA technical committee minutes; formal CPCA and industry government submissions; key advisories and member bulletins; relevant consultations

and regulatory deadlines; important internal and external meeting agendas; relevant industry and government presentations; 'need-to-know' dates for compliance deadlines; relevant publications and publication links; and more. Members can arrange their own personal dashboard based on their specific priorities so they can be notified when new resources of interest are added to the Hub. If you do business in the coatings industry in Canada, the Canada CoatingsHUB is critical to ensure the data you needs is rigorous, robust and relevant.

### **Canada-U.S. Regulatory Cooperation Council: 2018 Stakeholder Forum**

The governments of Canada and the United States signed an agreement in 2018 confirming their commitment to the Regulatory Cooperation Council (RCC) to better align the regulatory approaches of both countries. The RCC's two previous work plans included measures to align the assessment process for chemicals in commerce shipped across the border.

Following the completion of the revised North American free trade agreement, the RCC is now conducting consultations on the development of its third work plan. In addition to formal written submissions, a forum was held in Washington, D.C. on December 4-5, 2018 bringing together senior regulatory officials, industry, and stakeholders from Canada and the US. CPCA and the American Coatings Association (ACA) provided submis-

# CPCA Launches Comprehensive Resource Database for Coatings Industry in Canada



CPCA has been advocating for economic growth, industry innovation and sustainable practices in Canada for the paint and coatings industry since 1913. A not-for-profit industry association, CPCA represents respected paint and coatings manufacturers and their industry suppliers, selling respected brands for more than a century in Canada. These brands are at the peak of their performance for customers, all functioning at the highest levels of sustainability. CPCA also represents suppliers, distributors and affiliated companies supplying critical raw materials and services for thousands of products.

The Canadian coatings industry is among the most heavily regulated sectors in the economy. As such it is critical that CPCA member companies remain fully informed of the many issues impacting their businesses to ensure full compliance, while mitigating potential risk. CPCA's long-standing support for this effort has now been taken to a new level with the launch of its comprehensive Canada CoatingsHUB for CPCA member companies.

The CoatingsHUB provides critical information that is organized and searchable via key data points such as: government policies, legislation, regulations and related amendments; CPCA technical committee minutes; formal CPCA and industry government submissions; key advisories and member bulletins; relevant consultations and regulatory deadlines; important internal and external meeting agendas; relevant industry and government presentations; 'need-to-know' dates for compliance deadlines; specific publications, web links and more.

Members can arrange their own personal dashboard based on their specific priorities with prompt notifications sent to their inbox when new and important resources are added to the CoatingsHub specific to their identified priorities.

If you do business in the coatings industry in Canada, the Canada CoatingsHUB is a go-to resource for your company to ensure the data you need is rigorous, robust and relevant for your business. Join today to access the Canada CoatingsHUB!



CANADIAN PAINT  
AND COATINGS  
ASSOCIATION

ASSOCIATION CANADIENNE  
DE L'INDUSTRIE DE LA PEINTURE  
ET DU REVÊTEMENT

## CPCA: The Face of Modern Advocacy



CPCA champions the interests of manufacturers, suppliers, distributors and affiliated companies doing business in the coatings industry. CPCA helps support member companies delivering thousands of highly functional products in a multidimensional industry that includes: automotive refinish, decorative, general industrial, marine, OEM, coil coatings, packaging finishes, powder coatings, transportation coatings and wood finishes.

Become a member.

*Mitigate Risk &  
Enhance your Corporate  
Compliance Efforts  
with CPCA.*



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## The Government of Canada's Chemicals Management Plan has been assessing over 4,300 chemicals of concern in commerce since 2006 and the third phase will be concluded before the end of 2020.

sions to their respective governments focusing on the need for greater government alignment related to the registration of specific biocides used by paint and coatings manufacturers to preserve the integrity of their products. This has emerged as a major issue in Canada with recent use restrictions and bans on several biocides with an ongoing review scheduled for key substances for paint and coatings in 2019-2020. It is critical that assessors have the relevant data to make informed decisions that will allow continued use of these biocides in a wide range of product formulations.

### Voc-Exempt Update on PCBTF

In August 2018, following two years of rodent inhalation exposure studies, the United States National Toxicology Program (NTP) published reports concluding "clear evidence of carcinogenicity" in a substance used widely in paint and coatings, PCBTF. It is used extensively in the coatings industry to slow the rate of evaporation. PCBTF is presently a VOC-exempt compound in Canada, all US States, and in all California air districts. The NTP findings in a number of jurisdictions in Canada and the United States are concerned with air quality, which led to further restrictions on the use of PCBTF and de-listing of it as a VOC-exempt compound. This will leave only Dimethyl Carbonate and AMP as suitable VOC-exempt compounds for paint formulations in California. A new ACA working group plans to discuss commissioning a review of the NTP report, future hazard communication implications and the development of advocacy tools. It is unknown how this will impact the situation in Canada, but we have seen a trend for VOC regulations to closely follow actions taken south of the border.

### Chemicals Management Plan Update

The Government of Canada's Chemicals Management Plan has been assessing over 4,300 chemicals of concern in commerce since 2006 and the third phase will be concluded before the end of 2020. In this final phase of this 150-

year process, nearly 30 per cent of the 1540 substances being assessed are used in the manufacture of paints and coatings. CPCA is engaged daily on numerous activities representing member interests and to ensure all member companies are fully informed of the reporting requirements, compliance dates and evolving policy developments. The following is a glimpse at some of CPCA's recent activities:

- CPCA Attends CEPA ICG Conference in Toronto:** CPCA staff participated in the biannual conference of the Industry Coordinating Group for the Canadian Environmental Protection Act (CEPA ICG). Notes and copies of government presentations are posted in the Canada CoatingsHUB section of CPCA's new website for members to access and review as needed.
- CPCA Hosts Paint and Coatings Working Group Meeting in November:** CPCA hosted the biennial meeting of more than 40 participants on November 2, 2018, which included representatives from CPCA staff, CPCA member companies, and senior federal government officials. This day-long meeting, held twice annually, provides an important opportunity to exchange detailed information related to ongoing legislative and regulatory developments, and to help develop appropriate risk assessment measures and control instruments for the coming years. The agenda, minutes, and presentation decks are available for CPCA members in the Canada CoatingsHUB.
- CPCA Encourages Participation in Post-2020 Consultations on the Future of Chemicals Management:** A CPCA bulletin was published in June summarizing the federal government's formal response to the Sustainable Development Parliamentary Standing Committee's 87 recommendations to amend CEPA. Government officials remain committed to continuing their discussions with stakeholders on ways to improve the Act before it can proceed with any reform. It also committed to making no amendments to the Act in the current session of Parliament. CPCA's comprehensive response to the Committee Report is available for members on the Canada CoatingsHUB and the association continues to work with members in providing feedback and information needed to ensure any future assessments are realistic and based on strong scientific data.
- Government Launches Consultation on Widening the Scope of Chemical Assessment:** In November CPCA provided members with the government's proposed approach on three important issues in the chemical assessment process: addressing vulnerable popula-

tions, how to consider the role of informed substitution, and the role of occupational exposure. Member feedback was included in CPCA's formal response and interventions at the multi-stakeholder forum in Ottawa as these are all very important issues for the coatings industry and how they are used in assessing chemicals could have a profound impact on product formulations over the next several years.

- **Proposed Approach to Promote Transparency in Chemicals Management:** CPCA remains vigilant in maintaining the protection of 'confidential business information' as government considers new initiatives to promote transparency within the Chemicals Management Plan. The proposed revisions to the 2017 approach is based on international best practices on transparency and the potential opportunities to align the process for reviewing confidentiality claims with that of the US EPA. Proposed changes include additional information requirements for those companies claiming confidentiality for a substance identity, as well as if and when government could release certain confidential information publicly. Confidentiality claims for a substance identity will be reviewed after a period of 10 years. CPCA is currently consulting members on the proposed changes, which could see the release of CBI information much differently than it has been done to date. The bottom line will be just that, the 'bottom line impacts' any new approach could have on businesses in Canada, which are already facing a number of significant economic and regulatory challenges.

## Bi-Annual Meeting of The Paint & Coatings Working Group

CPCA's Paint and Coatings Working Group addresses the specific industry impacts of government actions on CASE formulations and products. CPCA continues working with members to meet the updated compliance requirements and reporting deadlines announced at the November PCWG meeting, such as:

- **Industry Input Essential in Consultations on Future Chemical Assessment:** The government's upcoming Post-2020 multi-stakeholder consultation meetings in Ottawa will focus on nano-forms of substances on the Domestic Substances List (DSL), develop a policy framework for vulnerable populations, as well as expanding the use of bio monitoring in chemical assessment. Plans will also include continued engagement on the effects of low levels of exposure to certain chemicals that are endocrine disruptors and a review of international best practices to address cumulative risk of certain substances and impacts

related to labelling. Under the Post-2020 initiatives the government also intends to review options on informed substitutions and highlight the potential alternatives in existing databases; further investigate risks associated with occupational exposure; emphasize the importance of performance measurement; and enhance the information provided to Canadians about chemicals in products, including improving public outreach to specific groups.

- **Inventory Update 3 Results for Paint and Coatings:** Following CPCA's collection and coordination of survey data, the government reported that the paint and coatings sector uses nearly 20 per cent of the 719 unique chemical registration numbers (CAS) confirmed by Canadian industry including 19 CAS numbers for paint thinners and removers. Respondents have been contacted directly regarding concentration, children's exposure, used as additives and intermediates, etc. This information will be important for rational decision-making related to products that are implicated.
- **Information Gathering Initiatives Update:** The government has several surveys planned, both mandatory and voluntary, for the remainder of 2018 and 2019 including impacted substances such as: certain bisphenols and possible alternatives, Batch 11 – BENPAT; commercial status information for 800 Quaternary ammonium compounds; 22 flame retardants; follow-ups related to 1400 listed domestic substances; a comprehensive survey to determine use levels and potential releases of plastic microbeads to the aquatic environment; and more. All important dates related to these initiatives are found in the "Compliance Calendar" in the Canada CoatingsHUB.
- **NSN Program Update:** CPCA distributed draft changes to the New Substances Notification Guidelines and revised forms to members. Notable changes include an improved nanomaterial section, a section on UVCBS, and the expanded exposure level reporting at all levels of the supply chain.

## Federal Government to Launch Broad Survey on VOC Content In Architectural Products In 2019

CPCA consulted with government officials regarding the design of a broad national survey that will seek to compare the VOC content of all existing paint products sold in Canada with the VOC limits in other North American jurisdictions (namely OTC II States, California rules, etc.). The survey will gather information on volume of sales in order to estimate current VOC emissions reduction and cost-benefit analysis to help inform future actions. The government

is clearly preparing for further actions on VOC limits beyond 2020. CPCA continues working with officials to determine the future approach on VOCs in Canada and related timelines and enforcement plans that will flow from such surveys.

### **Recent Screening Assessment Reports and Impacts on Coatings Industry**

A number of Draft Screening Assessment Reports and Risk Management Scope documents were released at the end of 2018. One report addressed seven of the 15 substances in the Anthraquinones group. Another was published for Solvent Violet 13, which meets the toxicity criteria for negatively impacting human health. The report also raises concerns for five other substances and a notification of a potential Significant New Activity orders should exposure levels increase. CPCA is engaging with government and members to determine the impact of these proposed actions and how they might be addressed. As usual the associated data is critical in final risk management measures that are taken, as they may lead to bans or severe use restrictions.

Another Draft Screening Report for benzophenone proposes to add Benzophenone to Schedule 1 of CEPA. Government officials informed CPCA at the November PCWG meeting that due to dermal exposure concerns the scope of risk management action would now expand beyond interior products to include exterior and dual use products. CPCA exchanged information with government officials on the frequency of use and exposure to exterior paint products and is engaging with industry for more technical feedback on this important matter now that exterior paint products are implicated.

A Draft Screening Assessment for the furans group concluded that furfuryl alcohol and tetrahydrofuran met the criteria that constitutes or may constitute a danger to human life or health in Canada. These substances are used in CASE products including wood strippers. CPCA continues working with government officials prior to the final screening assessment to clarify the use of tetrahydrofuran and the possible use of substitutes for furfuryl alcohol in wood stripper products. More information is available for members in the Canada CoatingsHUB

### **WHMIS/Chemicals Management Plan Joint Projects to be Implemented in 2019**

As reported at CPCA's Paint and Coatings Working Group meeting, the government will be moving to include occupational exposure as part of its assessment toolkit in the CMP under Post-2020 initiatives. Government officials stated that there is no intent to amend the Hazardous Products Act or Regulations but rather to leverage complementary activities with the CMP, such as

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consideration of Occupational Exposure Limits such as the case study for NMP and methylene chloride in paint strippers. It is unclear how this will evolve over the coming months, but it is one issue the industry will be watching very closely.

### **Status of Notice to Remove Consumer Exemption from The Hazardous Products Regulations (HPR)**

A working group was established as part of the federal Government's efforts to determine how to proceed with a motion brought forward by labour and provincial government representatives. That motion seeks to remove the consumer product exemption from the labelling requirements under the Hazardous Products Regulations due to potential worker injury from using consumer products in the workplace, instead of industrial products with proper hazard labelling. CPCA and other industry representatives have requested evidence of such alleged incidents to determine the scope of the issue and possible solutions while maintaining this important exemption.

To date no examples or evidence have been provided to the working group and Health Canada officials are now exploring options to consider in moving forward. CPCA believes that the exemption should be maintained and the onus is on business owners to buy the correct products for the intended use in the workplace.

Other activity in this area relates to the modernization of HMIRA. Federal officials shared a proposal with CPCA and other industry sectors on its plan to modernize the Hazardous Materials Information Review Act (HMIRA). The amendments seek to remove the requirement for the government to act as a guarantor of the regulated party's compliance and move to more common responsibility for compliance verification. It also makes changes to fee schedules and formalizes the strict grounds and circumstances for sharing confidential business information with government programs in departments. The documents are posted in the Canada CoatingsHUB for members only. ■