## CPCA CORNER Issues Update

**CHEMICALS MANAGEMENT IN CANADA:** There continues to be a lot of activity on chemicals management at the federal level as we near the end of Phase 3 of Canada's Chemicals Management Plan. As usual, CPCA has been working diligently on a number of important issues on behalf of member companies. This included recent results on chemical risk assessments for three flame retardants in the previous CMP-2, which suggested the addition of one of those be added to Schedule 1 of CEPA due to its CEPA-toxic designation, but no further action for two others (Dechlorane Plus and DBDPE). The latter two are widely used in adhesives and sealants.

There were also three Final Screening Assessment Reports for substances of interest in the coatings industry and those are expected very soon. There was, further, a draft screening report for which CPCA provided direct input and which was published for industry consideration. These included the siloxanes group with six substances proposed as non-toxic and two siloxanes, D3 and L5, confirmed to be used in CASE products specifically. These continue to be monitored by CPCA with input provided by members as needed in advance of the final screening assessment to ensure final decisions are based on strong data to ensure they can remain in commerce in Canada.

Continuing with CMP-3, federal government Risk Assessors suggested suitable alternatives to furfuryl alcohol for paint removal during a recent CPCA Paint and Coatings Working Group meeting. CPCA members are encouraged to review and comment on the suitability of these chemicals in the context of whether possible substitution makes sense with respect to performance characteristics. The Association also continued to gather information on the "Substituted Phenols" category of substances via a member questionnaire, which will be used to help inform the final decisions on these chemicals used in the coatings industry. Members have been asked to provide input to ensure a positive outcome for those as well.

CPCA responded to a request for information from government on coal tar enamel in coatings products in advance of the final assessment of these chemicals expected in the Fall of 2019. The information provided relates to domestic/import status, concentration, usage, available alternatives, and the necessary time requirements to reformulate, if necessary. The final order adding BENPAT to Schedule I of the Canadian Environmental Protection Act was posted and all in industry should take note of the requirements under this recent government action.

Also added to Schedule 1 as per a final Government



Order were cobalt and soluble cobalt compounds, and as of June 10 all 50 cobalt and soluble cobalt compounds were declared CEPA-toxic. However, final screening assessment cleared two organic peroxide substances that are widely used in coatings and adhesive products.

Recently, the draft screening assessment report (DSAR) proposed that all zinc and its compounds be declared CEPA-toxic. It was noted that all 64 zinc and soluble compounds met one or more toxicity criteria for environmental concerns. Several of these were confirmed to be used in some industrial and consumer coatings products and in food packaging, but the risk management scope document largely focused on the reduction of releases into the water table from metals mining and base metals smelting and refining.

In the case of phosphoric acid derivatives, there were several that did not meet toxicity criteria and thus can continue to be used in products as in the past in Canada. In the final screening assessment report (FSAR) for the Heterocycles Group, non-toxic conclusions were maintained and use levels were not impacted. It was the same for macrocyclic lactones and ketones, ionones and the cyclohexanone group; and non-toxicity conclusions are main-

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tained for all 11 substances. CPCA would like to thank all members for contributing important data that helped in the decision-making related to those assessments, which were most important for securing the final outcomes obtained for the paint and coatings industry in Canada.

The federal government completed the SNAC review of 110 High Hazard "not-in-commerce" substances and proposed to vary or rescind the SNAc requirements related to new uses for 105 substances considered to have environmental effects of concern and thus expected to remain subject to the SNAc provisions. There is no longer concern with the remaining five substances.

CPCA recently requested that these decisions be provided in Excel file formats for proposed notices and orders and was pleased to have received those in August for the benefit of member companies operating in Canada. This will further facilitate ongoing compliance in Canada. For the proposed regulations on formaldehyde emissions from composite wood products CPCA continues to solicit comments from members for a final submission, which is also expected to lead to a positive outcome for industry.

Consultations continued throughout the summer on an integrated strategy for the protection of Canadian workers from exposure to chemicals in the workplace. This is a new initiative under the federal Chemicals Management Plan that is generating a lot of debate. Workplace health is covered under WHMIS and as such is considered fully addressed under the 'best placed federal Act' on all matters related to chemicals in the workplace rather than duplicating efforts under the CMP. Debate on this matter is sure to continue in the coming months. Another "innovation" under the CMP is consideration of recyclability and the circular economy as a major concern since 80 percent of all products sold in Canada are imported. The federal government is now building a platform inspired by Europe for enhanced supply chain transparency and that too will garner much debate in the days ahead.

**VOC & AIR QUALITY INITIATIVES:** CPCA recently issued a bulletin on the upcoming surface coatings materials amendment and took measures to ensure members were fully informed on the amendment. A surface coating material is defined as a paint or other similar material that "dries" to a solid film after applied to a surface. It excludes a material that forms or changes to a solid film by a means other than drying, such as a powder coating that is applied electrostatically and cured under heat.

The definition of a surface coating material will be amended in section 1 of the SCMR to capture all surface



CANADIAN PAINT ASSOCIATION CANADIENNE AND COATINGS DE L'INDUSTRIE DE LA PEINTURE ASSOCIATION ET DU REVÊTEMENT

## SUPPORTING COMPLIANCE & MITIGATING RISK

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coating materials regardless of how they form a solid film after application to a surface. The applicable limit will be 90 mg/kg total lead limit. Changed restrictions will also apply to lead in applied surface coating materials on children's products and furniture.

The third VOC Regulations for Certain Products recently published by the federal government proposes to establish VOC limits for 130 product categories and subcategories covering products used by consumers. It also covers those used in institutional, industrial or commercial applications including automotive and household maintenance products, adhesives, adhesive removers, sealants and caulks, thinners, and other miscellaneous products. CPCA has been gathering further comments from members on these over the summer and will ensure all member views are presented before final decisions are made.

Implications for industry in this regulation are not as grave as the ones already in place for the AIM and Automotive sectors, but those will also come under scrutiny soon. All regulations will be reviewed over the next 10year period, including the VOC Architectural Coatings Regulations, the VOC Regulations for Automotive Refinishing Products & the 2-Butoxyethanol Regulations. Companies doing business in the coatings sector must be prepared to act; the earlier the better.

Under the Federal VOC Agenda 2010-2020, several remaining Canadian Council of Ministers on the Environment (CCME) VOC emission guidelines are outdated for voluntary VOC measures. However, they may still be used in some permits and certificates of approval regarding the operations of automotive OEM, auto parts and wood furniture manufacturing plants. The CCME Federal VOC Agenda 2010-2020 will likely be renewed for 2020 and may involve new industrial categories that will have a direct impact on the coatings sector in Canada.

**ANTIMICROBIAL CONTROL IN PAINT:** CPCA recently provided the Pest Management Regulatory Agency (PMRA) with a list of biocides suitable for paint and coatings products, which is unfortunately getting shorter. The list was provided to highlight the importance of these biocides for paintrelated preservation for the 12 in-can and eight dry-film preservatives registered for use in Canada.

The compilation was provided to the PMRA team of risk assessors due to recent unexpected decisions on use restrictions for key paint biocides. All Architectural and Industrial members' comments received clearly demonstrated that there are very few suitable alternatives left for single or combined biocides that could ensure full protection of the uses of paint products either in the short or long-term. This will have to be considered by the entire industry going forward.

As a result, PMRA postponed decisions in August on several biocides used in paint until later in 2020. This will allow time for CPCA and member companies to ensure that relevant data is provided on uses and exposure scenarios with respect to microbial control in paint products. Industry remains hopeful that unfortunate decisions related to use restrictions for certain biocides such as those rendered for OIT and CMIT/MIT – due to lack of relevant information – will not occur in future and hopes that recent data provided on exposure for those decisions will be altered and use levels reinstated.

**TRUE COPY OF LABELS ISSUE CONTINUES:** CPCA and other industry groups met with Health Canada officials to discuss the persistent issue of True Copy labels under the Health Products Act, which was created by labour groups. In order to identify possible solutions or alternatives and then fully brief senior management, Health Canada officials wanted to understand in greater detail the true copy label challenge for industry such as the frequency of label changes, occurrence of illegible labels, latent health adverse effects, etc.

As well, they needed a better understanding of the assessment methodology related to cost burden figures presented to the Treasury Board in April 2019 by several industry groups. According to the federal government, no issues were encountered with respect to "true copy of labels" during hundreds of past inspections in the field. Provincial jurisdictions insist on keeping this requirement in place, while Labour still alleges that workers have died because of the unavailability of true copy labels being available onsite. Industry has asked Labour groups to demonstrate why this information is important to them, but to date they have not.

Industry was asked to provide further details on technical issues related to the maintenance of true copy labels used in the supply chain (suppliers, manufacturers and distributors/workplace). CPCA continues to work toward preparing further details on the cost and administrative burden relating to practical, technical issues for industry on the requirement for true copy label retention for industry including suppliers, distributors and manufacturers.

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