

REGULATORY RADAR

*Enhancing your company's
regulatory compliance efforts.*

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OCTOBER 2020

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

INSIGHT

CANADA'S SOURCE FOR INDUSTRY INSIGHTS IN THE PAINT, COATINGS & CASE SECTORS

CPCA'S Annual Guide & Director for 2021 will soon be available. Complete with market updates, the latest on industry issues, and more...

SEND ME A COPY



RESCHEDULED TO MAY 2021

CPCA'S 107th ANNUAL CONFERENCE & AGM

Driving Change & Innovation: One Coating at a Time

*CPCA's Annual Conference has been rescheduled for next May.
Mark your Calendars as the Conference will take place May 26 & 27, 2021
at the Fairmont Chateau Frontenac in Québec City.*



CANADIAN PAINT
AND COATINGS
ASSOCIATION

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

MEMBER ATTENTION REQUIRED

CPCA MEMBERS: Compliance notifications have been sent to members over the past month. Below is a listing of industry issues that require your attention. Please check the CPCA Compliance Calendar regularly for important dates and deadlines, and monitor industry resources within the Canada CoatingsHUB™ which contain current information on emerging issues potentially impacting your business. If you have **not** yet activated your account or subscribed to receive these notifications, please notify **CPCA** immediately.

Chemicals Management in Canada Phase I

ECCC to Host Update on 2-BE Regulatory Performance Measurement Evaluation

Published in 2006, the 2-butoxyethanol (2-BE) regulation was last amended in 2014 and is now subject to ECCC's performance measurement evaluation. Results of an evaluation study will be presented to CPCA members on October 19. ECCC will report on the effectiveness in limiting the 2-BE concentration in current indoor paint and allied products and if additional new product categories not listed in the Regulations should be targeted.

Chemicals Management in Canada Phase III

DSAR and Risk Management Scope for the Other Polymers Group

The DSAR proposes PHMB (CAS RN 27083-27-8 and 32289-58-0) toxic for human health concerns (oral and dermal) and its addition to Schedule 1. The RM scope aims to prevent inhalation exposure from products available to consumers, such as sprays, mist, vapour or aerosol applications or products. All polymers in the group are CASE-implicated, three others remain of low concern.

CMP Post-2020

Publication of Proposed Order to Adds Plastic Manufactured Items to Schedule 1

Earlier this year, Government published a [Science Assessment of Plastic Pollution](#) that recommended pursuing action to reduce macroplastics and microplastics that end up in the environment, in accordance with the precautionary principle. The impetus behind this remains the comprehensive agenda to achieve zero plastic waste and eliminate plastic pollution by 2030. Voluntary and non-regulatory measures alone were determined to be insufficient and regulatory measures would be required, which would require an amendment to CEPA. The Proposed Order to amend the Act has now been published with the recommendation of adding “plastic manufactured items” as a broad CEPA-Toxic category to Schedule 1, an action which enables the Ministers to propose risk management measures. For the coatings sector, the main concern remains microplastics on which further scientific research is needed, as admitted by the Order.

ECCC Releases Final Science Assessment for Plastic Pollution and Proposes Integrated Management Approach to Prevent Plastic Waste Pollution

Following the application of the precautionary principle and recommendations contained in the final Science Assessment of Plastic Pollution, ECCC immediately released a discussion paper on a [Proposed Integrated Management Approach to Plastic Products to Prevent Waste and Pollution](#) for a public consultation period ending on December 9. Six items of single-use plastics (non-recoverable and non-recyclable manufactured items) will be subject to a ban. ECCC is gathering comments on the proposed management approach for single-use plastics to include in the Regulatory Impact Analysis Statement of the Amendment as well as on how to establish performance standards for recycled plastic content and end-of-life responsibility.

Revised In-Commerce List (R-ICL): Hundreds of Substances Proposed for Removal

[This Canada Gazette Notice](#) proposes de-listing substances from the R-ICL based on information received following the section 71 in 2017 which included a subset of the R-ICL substances in Part 4. Supplier members should review the proposal for removal.

Workplace Health & Safety

CIC: Update on GHS Rev 7 and True Copy Label Regulatory/Legislative Amendment Status

- [GHS Rev 7 Proposed HPR Amendment Process](#): Almost ready for approval. A publication expected to be made ready in Winter 2021.
- [True Copy Label Amendment of the HPA](#): The Health Canada management package proposal is currently going through the Cabinet Process. This requirement will be removed but a 30-year SDS retention requirement added.

Biocide Preservatives, Treated Articles

Reminder: PMRA's 60-day Extension on Proposed Decisions for the Paint Cluster Analysis

CPCA members reminded to provide us with their [comments prior to December 4, 2020](#).

Reminder: Canadian ELD Regulations Fully Implemented by June 12, 2021

All Canadian carriers that do not cross the border are allowed to maintain paper logs while those crossing the border are required to have an ELD installed. Canadian carriers who have not already implemented ELDs will need to do so before June 12, 2021. Additionally, American carriers will need to ensure that their ELDs are certified based on Canada's requirements before crossing the border. If a US ELD manufacturer does not want to go through the certification process, then the carrier using that manufacturer's devices will need to switch to a different vendor.

International Initiatives

US EPA Reverses Draft Evaluation Findings for HBCD in Final Evaluation

Conclusions reverse draft findings of no unreasonable risk to human health or the environment in six out of 12 current conditions of use (COU), a significant change from last year's draft evaluation that preliminarily concluded no such concerns. EPA now has one year to propose regulations to manage the identified risks and another year to finalize any rules.



NOW LIVE

CPCA's CMP SUBSTANCE DATABASE

CPCA's Substance Database is NOW LIVE on the Canada CoatingsHUB, complete with over 1,100 CASE related chemicals, sorted by CAS-RN, providing members the current status on chemicals in commerce and any changes being considered.

**To book a training session
contact mditullio@canpaint.com**





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COMPLIANCE IN A CLICK

The CPCA Compliance Calendar is a members only tool on the HUB. The calendar displays all survey and consultation end dates for national regulatory proposals as well as all final dates for the coming into force of specific regulatory actions affecting or possibly affecting CPCA members.

[OPEN COMPLIANCE CALENDAR](#)



CPCA ISSUE TRACKING

Chemicals Management in Canada

Pair of Final Orders Published

- **2020-87-10-01** Adds 16 Chemicals to the Domestic Substances List (DSL)
Three substances are added in Part I and 13 confidential substances in Part 3, which includes chemicals/polymers identified by "masked" names and CI numbers.
- **2020-87-12-01** Adds 3 Substances to the DSL in Part 1, SNACs CAS RN 756819-45-1 N-P-S, Adds 5 Polymers in Part 3

Chemicals Management Plan Phase 2

CGI Erratum Published

In reference to the **NOI** to amend the DSL indicating that Subsection 81(3) applies to Ethanol, 2-[(2-aminoethyl)amino]-, referred to under the CMP as AEEA.

Chemicals Management Plan Phase 3

DSAR Published for Urea, N-(4-chlorophenyl)-N'-(3,4-dichlorophenyl)-

The substance (**CAS RN 101-20-2**) is proposed nontoxic. CASE-implication was confirmed in the EU but not in Canada.

CGI Erratum Published

In reference to **NOI** to amend the DSL indicating that Subsection 81(3) applies to 2-ethylhexyl 2-ethylhexanoate

Chemicals Management Plan Post-2020

Section 71 Notice Launched for PFHxS

Information should be returned no later than [November 20](#).

Phase 2 of CCME's Zero Plastic Waste Pan-Canadian Strategy About to Begin

Three [Pan-Canadian engagement sessions](#) will be planned in Halifax, Toronto, and Vancouver next year. A pan-Canadian working group on water management will also be established to prevent and reduce plastic releases. Plastic collect and cleaning activities are being planned.

Workplace Health & Safety

Health Canada OAE Releases Workplace Hazardous Products Program (WHPP) Evaluation Report for 2014-2015 and 2018-2019 Activities

In 2019 and early in 2020 (before the pandemic), the Office of Audit and Evaluation (OAE) of Health Canada and the Public Health Agency of Canada performed an [audit of the Workplace Hazardous Products Program](#) (WHPP) and issued a report that identifies successes but also several deficiencies. The report proposed a 2020-2021 Action Plan with a timetable to address noted deficiencies, which imposes deadlines that now appear unrealistic in pandemic times. The report was recently submitted to CIC members. The main deficiencies relate to insufficient compliance and enforcement in the workplace, insufficient compliance promotion with suppliers (especially with small suppliers) and the problems raised by the consumer products exemption under the HPA.

Industry Comments on the Evaluation Report of the WHPP

CIC industry representatives raised multiple issues with Health Canada's evaluation report (2015-2017 and 2018-2019) of the [Workplace Hazardous Products Program](#) (WHPP).

Health Canada to Soon Report on SDS Inspection Projects and Encourages Suppliers to Use the CCOHS SDS Compliance Tool

Although Health Canada recently confirmed not planning another audit project on SDS compliance for 2020, the officials will soon release their report of their Inspection Project for 2018-2019. The CCOHS SDS compliance tool is [available here](#).

Supply Chain Management/Trade Policy & Regulations

Transport Canada Publishes TDG Transformation Roadmap

The [TDG Regulatory Sandbox on Electronic Shipping Documents](#) was launched and a few other projects have been initiated as part of the Regulatory Review Roadmap.

Paper-to-Paperless TDG Project Explores Impact on First Responders

[Transport Canada](#) (TC) has introduced the Regulatory Sandbox: a pilot project to help evaluate the efficiency and safety of electronic shipping documents. TC will collect data through [studies and surveys until 2022](#). Any first responder, employee, trainer, or small business owner can provide input on how DG electronic shipping documents impact their work.

[Download the 2020 Edition of the Emergency Response Guidebook](#)

Post-Consumer Paint Recycling

BC Stakeholder Consultations on Expanding Products Regulated Under the Recycling Regulation

The province began consultations on priorities for designating additional products under the [BC Recycling Regulation for Extended Producer Responsibility \(EPR\)](#).

Saskatchewan HHW Program Plan Approved

[Read More...](#)

International Initiatives

WCC: Lead Alliance Holds Global Webinar for Policymakers on Lead Paint Laws

Government policymakers considering or in the process of developing [lead paint laws](#) and stakeholders engaged in that process have been targeted for recent presentations by Lead Alliance partners on developing regulations based on the Model Law, lead testing, and perspectives.

US: Final Risk Evaluation for NMP Possibly Delayed Following Producers' Request

The [final risk evaluations under TSCA](#) for all first ten substances were due in June 2020, but only three have been finalized thus far. The EPA expects to finalize the remaining seven evaluations by the end of 2020, if the final evaluation for NMP is not further delayed following producers' request for the inclusion and consideration of two new studies in the assessment. For Canada, this means that Health Canada/ECCC could examine their own options for the NMP FSAR later in 2021, as they wanted to base their decision on the final EPA evaluations.

EU: TiO₂ to be Classified Carcinogen Cat 2 for Inhalation on October 1, 2021

The effects on waste management, ecolabels, mandatory labeling in general and several other issues are not yet clearly defined. Regarding the workplace exposure limits, there are no uniform regulations throughout the EU and an [EU-wide harmonized limit will have to be established](#).

WCC Shares Summary of Recent Study Findings on Microplastics and Wastewater Treatment

[More studies are researched](#) to prove the effectiveness of wastewater treatment plants (WWTP) in removing microplastics.

FEDERAL REGULATORY UPDATES

Federal-Provincial

Waiver of Information Requirements for Substances Notice Published

Every year, [500 regulatory declarations are submitted](#) and around 100 waivers are granted.

Global Affairs Consults on Renewed Responsible Business Conduct Strategy for Canadian Companies

[Read More...](#)

Transport Canada Regulatory Innovation Office Launches Survey on Regulatory Competitiveness and Supply Chain Resilience in Transport Operations

[Read More...](#)

ECCC Considers Amendment to the PCB Regulations

[See discussion paper](#). This consultation ends on November 23.

Temporary Use Permits TU 0750.1, Training and TU 0751.2 Testing and Inspection Requirements Renewed to January 31, 2021

[Read More...](#)

CVSA Releases New Video on the Future of Commercial Vehicle Safety and Enforcement

<https://www.cvsa.org/news-entry/future-video/>

COVID-19

60+ Hand Sanitizers Recalled by Health Canada

[Read More...](#)

Transition from CERB to Employment Insurance (EI) Benefits for Canadians

- **Canada Recovery Benefit (CRB):** [Provides Eligible Workers](#) with \$500/week for up to 26 weeks for those not eligible for EI
- **Canada Recovery Caregiving Benefit (CRCB):** Provides \$500/week for up to 26 weeks per household for workers unable to work for at least 50% of the week because they must care for a child under 12 or a family member
- **Canada Recovery Sickness Benefit (CRSB):** Provides \$500/wk for up to 2 weeks, for workers unable to work for at least 50% of the week because they contracted COVID-19, self-isolated for this reason, or have underlying conditions

CCOHS Free Resources to Help Keep Safe during COVID-19

- [Employees Working from Home: Who Bears the Expense?](#)

PROVINCIAL REGULATORY UPDATES

Ontario

Consultation: Hazardous Waste Digital Reporting Service Modernization

Ontario is seeking feedback on [proposed regulatory](#) changes that would modernize and transition the delivery of hazardous waste digital reporting services to the Resource Productivity & Recovery Authority. This consultation ends on [November 2](#).

Reminder: New Regulation for Vehicle Emissions

A notice has been updated to reflect an amendment to the regulation changing the date for requiring a heavy diesel commercial motor vehicle to pass a mandatory computer-based electronic emissions diagnostic test as part of the vehicle emissions inspection. The on-board diagnostic test will become mandatory as of July 1, 2021.

Consultation to Reduce the Amount of Food Waste Going to Landfills

The proposed changes to the **Ontario Food and Organic Waste Policy Statement** will foster more innovation in compostable products and packaging and provide greater clarity to municipalities, businesses, institutions and processing facilities. Businesses are encouraged to meet their targets beyond 2023 and 2025. Ontario and the Feds will develop a path forward for compostables.

Reminder: Occupational Health and Safety Act Amended

This Amendment provides the power to **adopt codes, standards, criteria and guides** from time to time. Subsection 70 (2) of the OHSA includes the authority to make regulations that adopt by reference certain codes, standards, criteria and guides. (S.O. 2020, c. 18, Sched. 13).

COVID-19

Workplaces Now Required to Screen for COVID-19

[Read More...](#)

Social Gathering Limits Changed

- **10 people max** for indoor events/gatherings (previously 50) and 25 max for outdoors events/gatherings (previous 100)
- **Mandatory Indoor Face Coverings: What Employers Need to Know**

Quebec

Industry Responds to Bill 64's Proposed Amendments to Private Sector Privacy Law

Some provisions require adjustments to ensure **Quebec's privacy framework** achieves its dual goal of protecting consumers while supporting responsible innovation and competitiveness. The marketing community is concerned about the Bill being inspired by the EU's stringent GDPR framework, including additional requirements for consent and transparency, cross-border data transfer requirements, and significant AMPs and enforcement measures. It should be aligned with other privacy reform initiatives underway across Canada and at the federal level, to prevent impact on trade and foreign investment.

Second Draft of Bill 66 Tabled to Accelerate Certain Infrastructure Projects

[Read More...](#)

CPEQ Launches Online Academy Training

It provides a series of **online webinars**.

COVID-19

COVID-19 Outbreak Worsens: Additional Restrictions Being Imposed

- [Watch the evolution of the number of confirmed cases per region.](#)
- [Can an Employer Force Employees to Get the Future Vaccination?](#)

Alberta

Significant Changes to Employment Standards Code Coming Soon

Bill 32 to take effect on [November 1](#).

Minister of Environment and Parks's Speech at ARMA's AGM

The Minister noted the [Plastic Alliance](#) recently established in Alberta.

Alberta's Deep Dive into Geothermal Energy

In order to [diversify its energy sector](#), there are ongoing discussions with key groups to introduce legislation creating greater policy and regulatory certainty for this type of investment.

COVID-19

More Than 200 Cases/Day Topped on October 4, First Time Since April 30

This trend is particularly concerning in [Edmonton](#), where more restrictions are recommended.

British Columbia

WorkSafeBC Ends Q1 Q2 Payment Deferrals on October 20

[Read More...](#)

WorkSafeBC Published 2021 Preliminary Premium Rates

The [average base rate for 2021](#) of 1.55% of employers' assessable payroll has been maintained since 2018.

Postponement of September 2020 Public Hearing on Proposed Changes to the Occupational Health and Safety Regulation

New date and time will be posted on [worksafebc.com](#)

COVID-19

- [Mental Health Support Toolkit for Workers and Employers](#)
- [Mobile App for Developing COVID-19 Safety Plan](#)

Chemicals Management

EPA Postpones Decision for TSCA Risk Management Procedural Rule

Five industry groups (ACA, NAM and other groups) asked the [US EPA](#) to create a rule to [govern the risk management process](#) under TSCA. They will have to wait a little longer for a response, after the agency found their request "not a valid petition under section 21". The EPA decision proposed rulemaking to set up a risk management framework for TSCA is not likely until 2021.

EPA Finalizes Rule Allowing Some Major Polluters to Follow Weaker Emissions Standards

The [reclassification](#) changes a 1995 rule that for decades has held major emitters to tighter standards even if their operators have taken actions to reduce their pollution – a policy known as “once in, always in.”

California’s Office of Environmental Health Hazard Assessment (OEHHA)

- **Developmental and Reproductive Toxicant Identification Committee to Consult on Prop 65 Additions**
[22 chemicals](#) or chemical groups will be prioritized for [Prop 65](#), including Bisphenol S, Manganese, TiO₂ nanoparticles, and Diethylphthalate.
- **Adoption of Inhalation Unit Risk Factor (IUR) for Cobalt and Cobalt Compounds Use in the Air Toxics Hot Spots Program**
[IURs are used to estimate lifetime cancer risks](#) associated with inhalation exposure to a carcinogen. Cobalt and cobalt compounds values IURs will be adopted for water-soluble and water-insoluble forms.

Asbestos Ban Stalls in Congress Amid Partisan Fight

The bill was to bar the production, use and importation of [asbestos within a year of its passage](#).

Health and Safety

OSHA

- [Holds Whistleblower Teleconferences](#)
- [Renews ACC Alliance Until September 2025](#)
- [Updates COVID-19 FAQs](#)

Many State Legislative or Citizen-driven Initiatives to Legalize Marijuana or to Expand Current Legalization Put to a Halt

[Marijuana legalization](#) has become increasingly difficult for employers to navigate with regard to drug testing, disability accommodation, safety, hiring, and employment termination, etc.

Environment

House Passage of the Save Our Seas 2.0 Act, HR 3969

This legislation will focus U.S. resources on working with other governments to [share knowledge and improve infrastructure](#) to better manage and recycle used plastics.

California Executive Order to Require Zero-Emissions Vehicles by 2035

All sales of new passenger vehicles [must be zero-emission](#).

Ethylene Oxide Believed to be More Harmful

[Ethylene oxide controversy](#) recently led to state regulatory scrutiny, legislation in the Georgia General Assembly, and a recent flurry of litigation. Outdoor fugitive emissions must be accurately quantified, not only at exhaust stacks but also at the facility fence line. [Indoor challenges](#) are seen in central processing facilities, aeration and storage rooms, ventilation systems, hallways and offices.

Trade/Enforcement

Bank of America Issues \$2 Billion Bond to Advance Sustainability and Equality

The bonds aim to advance racial equality, economic opportunity, and environmental sustainability. [It is the first offering of its kind](#) in the financial services industry.

INTERNATIONAL REGULATORY UPDATES

International

Almost a Quarter of EU Imports Non-compliant with REACH and CLP

[Major Enforcement Forum project](#) underlines problem ahead of chemical strategy release. [The enforcement and customs checks](#) focused largely on cadmium, lead, and nickel in the articles.

Europe to Begin Completeness Checks of Chemical Safety Reports on November 2

[Read More...](#)

European Commission Proposes REACH Restriction on Uses of DMF

[The EC has proposed](#) adding N,N-dimethylformamide (DMF) to the Annex XVII REACH restriction list with a two-year transitional period for all industrial sectors in order to reduce risks to workers. DMF is a SVHC substance used as a solvent in the production of polyurethane coated articles and could still be used in industrial paint strippers, mastics, sealants and finishes.

German Study Warns of Risk of False Positives in Microplastic Lab Detection Tests

[Rigorous measures for quality assurance](#) are needed to avoid overestimating levels of polymers in water samples when looking for microplastics.

Biocidal Product Authorizations Found to be Regularly Delayed by Member State Authorities

[Read More...](#)

Full KKDIK Registration Process to Take Place After December 2020

All **substances** placed on the Turkish market > 1 ton/year will have to be registered.

Renewable Carbon Initiative: 11 Companies founded the RCI in September 2 under the Leadership of Nova-Institute (Germany)

[Read More...](#)

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