

Enhancing your company's regulatory compliance efforts.

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NOVEMBER 2020

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- CPCA Members to Participate in Next PCWG Meeting on December 3



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

ECCC Finds Canadian Paint Manufacturers Fully Compliant with ECCC's 2-butoxyethanol Regulations

The 2-BE Regulations published in 2006 set limits on the concentration of 2-BE in many cleaning, and paint/coating products designed for indoor use. ECCC undertook a performance study evaluation of this regulation in 2020 and recently shared the results of its evaluation. On paper, Canada's Architectural paint manufacturing sector is showing full compliance with zero products sold with 2-BE in excess of the limits and 81 per cent reduction in products containing any 2-BE whatsoever. However, ECCC still intends to follow-up with random lab testing of products to confirm actual 2-BE levels later this year or in the early part of 2021.

ECCC/HC Final Decision Finds 21 DSL Substances Not Toxic

No further action will be taken on these substances. Five of them are believed to be CASE-related.

CMP Phase 2

Updated DSAR for Three Substances in the Organic Flame Retardants Group

The updated DSAR targets Melamine, TCPP, and TDCPP which are now proposed toxic to human health. Risk Management Scopes have been published. Melamine's predominant use is in the manufacture of melamine-based resins for application in laminates, plastics, paints and coatings. Meanwhile, uses of TCPP and TDCPP include flexible foam products, paints, and sealants for electrical and mechanical applications. Members should share their comments prior to December 16.

CMP Phase 3

DSAR Published for Sucrose Acetate Isobutyrate (CAS RN 126-13-6)

SAIB does not meet any of the criteria set out in section 64 of CEPA. SAIB is used as an adhesive and film-forming agent in cosmetics.

DSAR Published for p-Toluenesulfonic Acid (CAS# 104-15-4)

The DSAR proposes to conclude that p-toluenesulfonic acid does not meet any of the toxicity criteria. Follow-up activities are not planned at this time. In Canada, PTSA is primarily used as a process regulator and additive in the manufacture of paints and coatings.

CPCA Members Exempt from Providing Additional Information on Turpentine and Turpentine Oil

CPCA has received confirmation from Health Canada that members are not required to provide additional information on the uses of turpentine and turpentine oil to address the government's follow-up questions after the publication of the Draft Screening Assessment earlier this year. At the time, CPCA provided strong evidence for the lack of use of turpentine and turpentine oil in architectural paint and paint thinners/strippers sold for consumer consumption in Canada, and by extension, in industrial and automotive paint sectors.

CMP Post-2020

CPCA Supports ICG Letter Regarding Broad Directions for CEPA Modernization in Canada

The final letter to the of Environment Minister, copying various other Ministers, will be sent this week and posted on the HUB. CPCA will reach out to member companies seeking to relay the template letter to their MPs or directly to the Ministries.

Biocides Preservatives & Treated Articles Policy

PMRA Reverses Ban of OIT in Paint and Coatings

CPCA was pleased to learn of a product registration label that was approved by PMRA on August 31. The federal government has reinstated the use of the OIT preservative in paint and coatings manufacturing in Canada.

PCPR Amendment to Include Exemption of Treated Articles from PMRA Registration Proposed in Canada Gazette I in 2021

PMRA recently indicated that the consultation for PRO2018-03, which proposed the amendment to the Pest Control Products Regulations regarding treated articles, is now complete and that the amendment will be published in 2021. PRO2018-03 relates to antimicrobial preservative-treated articles (e.g. paint treated articles) and the conditions in which the article itself would be formally exempted from registration under the legal status of the PCPR.

ACA and CPCA Urged RCC to Resolve U.S.-Canada Paint Biocides Misalignment

The U.S. EPA has published draft risk assessments for several isothiazolinones (ITAs). CPCA is concerned that the prospect of pending decisions on ITAs by EPA would further limit critical uses of biocides later in Canada. This development once again raised the need to remind both Canadian and U.S. authorities to prevent additional Canada-only or US-only restrictions for paint preservatives. Our industry is already dealing with a severe lack of availability and numerous chemical incompatibility issues with the current, limited number of registered paint preservatives. ACA and CPCA urged the RCC to establish a national funding program with international coordination to extend R&D efforts for new, sustainable, and safe alternatives for in-can and dry-film preservatives.

Publication of the Final Decision Cancelling All Uses of Pentachlorophenol and Associated End-use Products in Canada Expected in 2021

Last Winter, the PMRA initiated a special review on pentachlorophenol based on decisions from OECD member countries to prohibit all its uses due to health and environmental concerns. All current remaining uses of these registered pest control products in Canada were considered in the special review (Appendix I of PSRD2020-03). PMRA proposed to cancel all uses of pentachlorophenol and its end-use products and to add them to the TSMP Track 1 for virtual elimination as a long-term goal.

PMRA Publishes Update on List of Formulants (2020-10-01)

Health Canada's Pest Management Regulatory Agency revised the list of formulants found in pest control products currently registered in Canada under the Pest Control Products Act and Regulations. The revised list reflects the addition of new formulants and deletion

Supply Chain Management/Trade & Regulations Policies

Transport Canada's Dangerous Goods Internal Audit Report Underlines Outdated Registry, Missing Data

The audit report was published on October 27. Transport Canada confirmed that by next spring it will have updated training and policies for follow-up on safety violations and by the end of 2021 it will have completed the investigations that are needed to finalize approval of emergency response plans that have been in the "interim" stage for more than three years. Since companies that transport DGs are not required to register with TC, this is a gap that TC has said it will fix.

Upcoming Webinar to Support Viable Supply Chains of Critical Minerals in the US and Canada

On November 24, the US Commercial Service Office in partnership with Canada's NRC and ISED will host a webinar highlighting areas of financing, industry collaboration and supply chain optimization within the framework of the U.S.-Canada Action Plan on Critical Minerals Collaboration. Members are encouraged to register online and learn about a range of joint activities under the Action Plan, such as R&D cooperation, supply chain modeling, and increased support for industry.

CPCA Provides Clarification on Amendment Status of the Explosives Regulations Regarding Acetone and Aluminum Powders

The NRC department is aiming to publish the proposed amendment in CGI again, early in 2021 followed by a 60-day comment period (Spring 2021). A webinar will be organized with CPCA members on December 10, 2020, to review all changes for the sector.

Post-Consumer Paint Recycling

Ontario's Full Producer Responsibility Draft Regulation for Blue Box Program Announced

The draft regulation focuses on transitioning the Blue Box System (Bill 229), which requires full responsibility for producers and requires producers to pay 100 percent of the cost of Blue Box recycling. This changes the current approach with costs shared 50-50 with municipalities. On November 5, technical amendments to the Resource Recovery and Circular Economy Act, 2016 were introduced in Bill 229, Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020. These amendments support the draft Blue Box regulation posted on October 19 by enabling regulatory authority to provide producers control over the design and establishment of a province-wide collection system for blue box materials.

International Initiatives

The US EPA has requested comments on the draft risk assessment of several important preservatives/biocides used in the coatings industry: sodium omadine, five isothiazolinones and DBNPA. ACA obtained an extended deadline to November 10. Sodium omadine is currently proposed for use restrictions in Canada.

US EPA Proposes Ban on Irgarol in Antifouling Paints

The EPA's proposed action is in line with the International Maritime Organization's 2025 proposed goal to globally ban the uses of irgarol in antifouling paint. Antifouling uses of irgarol or cybutryne are proposed to be removed from all US EPA registrations by September 23, 2023. In Canada, this substance does not appear listed on the DSL or NDSL.

Compliance Reminder: SCIP Database Requirement under Revised EU Waste Framework Directive Effective January 5, 2021

All companies placing products on the EU market must notify those containing SVHCs (Substances of Very High Concern) to the SCIP database. Only EU-based companies can make SCIP notifications. The database went live on October 28 along with guidances and a manual. Transposition of the Reach WFD Article 9.1 from Member States has varied (only 14 countries), but this does not need to postpone the deadline. The earlier dossiers are submitted, the better. Submit a few notifications first to get feedback. Use simplified SCIP notifications and group articles with similar components and uses.





CPCA ISSUE TRACKING

Chemicals Management Plan

Health Canada's Consumer Product Safety Program Updates Test Methodology

The updated test method relates to the determination of ethylene glycol and di-ethylene glycol in consumer products by GC-MS (C11.2).

ECCC Gives a Series of 6 Webinars on the Proposed Integrated Management Approach to Plastic Products to Prevent Waste and Pollution

CPCA participated in the first 3 webinars and encourages members to participate and provide feedback prior to December 3.

CMP Phase 1& CMP Phase 2

Final Order Deletes BNST (CAS RN 68921-45-9) from Schedule I

An Order is the only available instrument to delete a substance from the List of Toxic Substances in Schedule 1. This Order follows the screening assessment conclusion of non-toxicity for 14 SDPA substances in CMP Phase 2, which included BNST. This substance is no longer subject to any risk management measures.

Final Order Adds Mitotane (CAS RN 53-19-0) to Schedule 1

The substance benzene, 1-chloro-2-[2,2-dichloro-1-(4-chlorophenyl)ethyl]- met the criteria for a toxic substance and for virtual elimination as in subsection 77(4) of CEPA. Because mitotane is used as an essential therapeutic drug, the Ministers recommended to the Governor in Council to amend Schedule 1 to add mitotane to Schedule 1 in accordance with subsection 90(1) of CEPA, but are not considering limiting its essential use in Canada.

Draft Screening Assessment Report Published for 2H-1-benzopyran-2-one, 7-(diethylamino)-4-methyl- (Coumarin 1), CAS RN 91-44-1

The substance is recommended for addition to Schedule 1.

Treated Articles Policy & Biocide Preservatives

PMRA Launches Pre-Consultation – Proposed Amendments to the Pest Control Products Regulations (Applications and Imports)

In January 2016, Health Canada's PMRA launched the first comprehensive review of the *Pest Control Products Regulations* (PCPR) since they were established in 2006. Written comments on this proposal will be accepted up to 45 days. Members are reminded of their duties regarding import declarations for pest control products. This PCPR section will be aligned with the CBSA requirements which are more extensive. Health Canada will consider all comments received, in anticipation of a formal consultation being issued in CGI.

Supply Chain Management/Trade Policy & Regulations

Health Canada's Consumer Product Safety Program Reminds Regulatory Requirements for Quick-skin Bonding Adhesives

Following a recent compliance verification by Health Canada, several instances of quick skin-bonding adhesives without correct hazard labelling and child-resistant packaging were found for sale which consequently led to several enforcement actions, including two consumer product recalls.

International Initiatives

US EPA Consults on Its Registration Review Draft Risk Assessment of Sodium Omadine (CAS RN 3811-73-2)

The EPA risk assessment for Sodium Pyrithione was published in September, with a comment period ending on November 2.

ACA and Cool Roof Rating Council Working Toward Finalizing a Wall Product Rating Program to Rate Solar Reflectivity of Wall Coatings

Solar reflective wall coatings are an emerging trend in green building codes and standards. This new Wall Rating Product Program aims to further mitigate the urban heat island effect and increase energy savings. It will be responsible for: Evaluating technical issues, such as test methods, standard practices, weathering protocols; Developing Program procedures and requirements; Providing guidance on Program marketing activities; Collaborating with other CRRC committees in the dissemination of information related to cool surface education. Current industry participation in the Program primarily means having wall product(s) rated by the CRRC. The launch of the program is expected in 2022. The ACA Solar Reflectivity Workgroup, joined CRRC as a member and will actively participate in the development of the Wall Product Rating program.

Reminder: US EPA Reverses Draft Evaluation Findings for HBCD in Final Evaluation

Read More...

CEPE: EU Committed to Being Carbon Neutral by 2050, European Green Deal is the Roadmap

The most relevant initiative for our industry is likely to be the upcoming Chemicals Strategy for Sustainability.

FEDERAL REGULATORY UPDATES

Federal-Provincial

Upcoming Consultations for Storage Tank Systems for Petroleum Products/Allied Petroleum Products Regulations

ECCC will be reviewing the Storage Tank Systems for Petroleum Products and Allied Petroleum Products Regulations as part of its regulatory stock review to determine if amendments are required. Consultations will follow. Its last amendment is dated October 26, 2020 (That is where the gazette link should be) New requirements for tank testers, tank inspectors and training organizations were proposed last month.

Feds Release Revisions to Strategic Assessment of Climate Change

On October 6, ECCC released a revised version of the SACC to add clarity on how net-zero plans and offset credits will be considered in the impact assessment process.

Fraser Institute: Carbon Pricing in High-Income OECD Countries

Carbon taxes are being implemented in 14 of High-Income whereas 25 countries have their emissions covered by an Emissions Trading System. On average, 74 percent of carbon tax revenues go directly into their general budget with no earmarking for any specific expenditure, while 12 percent are ring-fenced for environmental spending, and only 14 percent for revenue recycling measures.

First Reading of Bill C-12 Setting National Target of Greenhouse Gas Emissions in Canada

This enactment requires that national targets for the reduction of greenhouse gas emissions in Canada be set, with the objective of attaining net-zero emissions by 2050. The targets are to be set by the Minister of the Environment for 2030, 2035, 2040 and 2045. The Bill also establishes an advisory body to provide the Minister of the Environment with advice with respect to achieving net-zero emissions by 2050 and matters that are referred to it by the Minister.

Transportation

Transport Canada Revised Order to Improve Rail Safety in the Winter

- Reduced Train Speed, More Track Inspection and Maintenance, etc.
- Freight Carbon Emission Calculator Available Online for Free

- 40-Foot Container Shortage: "Currently an Enormous Unseen Challenge"
- CanExport Program Goes Virtual to Help SMEs Compete Abroad

COVID-19

- Conference Board's Workplace Wellness Chat: Psychological Health and Safety
- CCOHS: Free Tool to Help Protect Your Team's Mental Health
- CCOHS Releases Online Customizable COVID-19 Tool Kit

PROVINCIAL REGULATORY UPDATES

Ontario

2020 Budget to Develop Framework for Long-term Economic Recovery

The Ontario budget deficit is projected to jump to \$38.5B in 2020-2021. The budget lays out three scenarios for how the economy could play out over the next three years. To further ensure long-term recovery, Ontario will be:

- · Reducing the burden to industry of the high-cost energy contracts
- Reducing taxes for job creators
- · Continuing its commitment to cut unnecessary red tape
- Modernizing skilled trades and apprenticeship program
- Launching the Invest Ontario organization to advance manufacturing and technology

Summary of Legislative Requirements for Ontario Workplaces

This guide aims to help new companies to understand their high-level employment obligations.

Ontario Made's Searchable Consumer Database Now Live

It makes it easier for shoppers to find made-in-Ontario products while supporting local businesses and manufacturers. Visit Made-in-Ontario.

Bill 123: Ontario Proposes Changes to Business Corporations Act Read More...

Changes to Employment Standards Announced for January 3, 2021 Read More...

COVID-19

- Labour Inspectors Boosted to Enforce Covid-19 Regulations
- Ontario's Peel Region to Fine Covid-19 Non-compliant Businesses
 Manufacturing and transportation businesses are among the businesses
 responsible for 60 per cent of the outbreaks.
- Bill to Protect Workers, Volunteers and Organizations Who Make Honest Efforts to Follow COVID-19 Public Health Guidelines and Laws

Quebec's Economic and Financial Update

Québec's real GDP should contract by 6.0% in 2020. The 2020-2021 budget balance will amount to -\$15.0 billion. The 2022-2023 outlook shows the gradual deficit to be reduced to -\$7.0 billion.

Bill 44 Adopted on November 1, New \$6.7B Green Economic Plan Unveiled to Ban Sales of Gas Vehicle by 2030

The Act ensured effective governance of the fight against climate change and to promote green electrification. The Green Fund changes name. Strictly focus on electrification and climate change, it will no longer be managed by the Council, but by the Ministry. The new Green Economy Plan will reduce GHG emissions by 37.5 per cent by 2030.

Bill 65 Tabled to Modernize/Expand Deposit-Return System and Blue Box System: CPEQ Provides Comments

The bill would enable the Government to regulate the development, implementation, and financing of a collection and deposit-return system and mandate a producer-responsibility organization to take on the responsibility of operating the system. The CPEQ comments are available from CPCA.

Reminder for Provincial and Regional Compliance: CCEQ Environmental Control Powers Further Explained

Read More...

CPEQ Releases Two Topic Sheets on Sustainability and Corporate Social Responsibility

Read More...

IRSST Publications

- Assessment of Wood and Metal Guardrails Under Real Working Conditions
- Appropriation and Transfer of a New Prevention Approach in Material Handling

PSREE: Regional Program to Support Better Integrated Management of Six Water Issues

Read More...

COVID-19

Severe Regional and Province-wide Restrictions to Remain in Force until November
 23

New Brunswick

NB Publishes 2021 Assessment Rates

Read More...

New Brunswick Extended State of Emergency Order

Manitoba

COVID-19

- Manitoba Moves to Red Alert Level as COVID-19 Cases Soar
- Legislation to Allow More Workers to Take Protected Leave

Alberta

Changes to Employment Standards Code, Effective November 1
Read More...

Bill 35 Legislates Two Components of Alberta's Recovery Plan:

Acceleration of Job Creation Tax Cut and Innovation Employment Grant

The Innovation Employment Grant will be worth up to 20 per cent of qualifying R&D expenditures.

New Legislation to Clarify Rules for Low-emitting Geothermal Energy Development

Read More...

New Driver Road Test System Provides Quicker Access

Driver exams for Class 4, 5, and 6 licences will be privatized.

OHS Code Review Plan 2020 - 2023

Read More...

Plastics Research in Action 1-Year Update

Northern Alberta Institute of Technology (NAIT) and Inter Pipeline are developing solutions to ensure that waste plastics are reused as a valuable resource in the development of other products while reducing their environmental impact.

COVID-19

- New Pilot Program to Test Alternative to Current 14-day Quarantine for International Travellers
- New Measures Announced to Curb Rapid Growth of Cases

British Columbia

WorkSafeBC Rescheduled Public Hearing on Proposed Amendments to Parts 6, 8, 16, 18, and 21 of the Occupational Health and Safety Regulation to December 10

The virtual public hearing will be streamed live in two sessions. The first will be from 11 a.m. to 1 p.m. and the second will be from 3 to 5 p.m.

WorkSafeBC Publishes Proof of Concept for Proposed Improvements to the Certificate of Recognition Program

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COVID-19

- Lower Mainland and Fraser Valley Restrictions
- · State of Emergency Order Extended until November 24th

U.S. REGULATORY UPDATES

Chemicals Management

Biden May Change Risk Analysis Process under TSCA

President-elect Joe Biden is expected to revive some Obama-era chemical policies and change the Toxic Substances Control Act's risk analysis process to place a greater emphasis on exposure, say attorneys. The changes could affect the next round of TSCA work plan review substances.

ACA: Dow Chemical In Communication with IARC Regarding Classification of Four CASE Acrylates as Cat. 2b Carcinogens

Dow expects California's OEHHA to propose a Prop. 65 listing, although it currently has not taken steps to do so. The four acrylates are: methyl acrylate, 2-ethylhexyl acrylate, ethyl acrylate and trimethylolpropane triacrylate. Residual monomer levels in paint are very low, but confusion around monomers and polymers could lead to unnecessary concerns and red listings.

Reminder: California's OEHHA Considers Listing Nano-TiO2 and 21 Other Chemicals as Reproductive Toxicants under Prop. 65

The list of chemicals also includes diethyl phthalate and four PFAS chemicals.

Center for Biocide Chemistries Updates List of Products Effective Against COVID-19, Works with EPA to Ensure Continued Production

The Center for Biocide Chemistries (CBC) has released an updated and re-structured edition of its list of antimicrobial products that have been determined by the EPA to be effective at killing the SARS-CoV-2, or COVID-19, virus.

Final Risk Evaluation Published for CCI4 & Revised Draft Risk Evaluation for C.I. Pigment Violet 29

Specific conditions of use of Carbon Tetrachloride present an unreasonable risk of injury to health or the environment. The draft evaluation of C.I. Pigment Violet 29 includes new information received from manufacturing stakeholders re: testing.

SNURs Proposed for 5 Substances

Read More...

Bottle-fed Babies Swallow Millions of Microplastics a Day Read More...

Health and Safety

OSHA Publishes FAQs on Reporting Work-Related COVID-19 Cases & Issues Guidance on Ventilation in the Workplace Read More...

One Quarter of Workers Consider Leaving Their Jobs Due to Pandemicdriven Stress

Read More...

CDC Updates Guidance on Return to Work

The Centers for Disease Control and Prevention (CDC) updated its guidance on what constitutes "close contact" with a person who has tested positive for COVID-19 for purposes of isolation. "Close contact" has now been revised to be within 6 feet for a total of 15 minutes over a 24 hour period which greatly expands what may qualify. Multiple brief interactions, such as three five-minute interactions (for a total of 15 minutes) with an infected individual would qualify as close contact under the new definition.

P&G's Sanitizing Spray to Combat Coronavirus Wins EPA Approval Read More...

Environment/Waste Management

New Jersey Signs Toughest Law against Environmental Polluters

S232, signed into law in September 2020, is the first state law to deny permits following the determination that a new facility, such as a solid waste/recycling facility, would disproportionately impact "overburdened" communities (where 35% of households qualify as low-income; 40% of households are minority; or 40% of households have limited English proficiency). The law includes other aggressive measures. See also other prevailing justice laws in other states.

ACA: Developments in Microplastics and Plastics Regulation

Issues are emerging regarding microplastics and macro-plastics (single use containers) in the US. The greatest momentum and potential immediate impact is the developing regulation of macro / single use plastic containers in several states. Action at the federal level of similar bills will come later. On the state level, ACA focused on seeking exemptions for particular containers as well the ability to take credit for containers managed through the PaintCare program (which achieves 100% container recycling). ACA is seeking the development of information on technologies or barriers to paint container recycling and will consider the scientific technical assessment of the end of life management and the potential contribution of paints to microplastics.

EPA Lays out Steps to Bolster US Recycling Landscape

Comments are due on December 4.

ACC Study to Measure Opportunity for Additional Capture of Recyclable Materials (Plastics and Paper) Launched in Northeastern US

America's plastic makers set a goal for all plastic packaging to be reused, recycled or recovered in the US by 2040.

Trade/Standards

Pennsylvania Office of Attorney General Favours SSPC/NACE Combination

This approval was the last approval needed for the two associations to combine.

Transportation

ACA: PHMSA Issues Notice on International Standards Enforcement

The DOT Pipeline and Hazardous Materials Administration (PHMSA) notice provides temporary enforcement discretion while the agency continues to consider adopting updated editions of the ICAO Technical Instructions and IMDG Code into the Hazardous Materials Regulations.

The Fate of Executive Orders After 2020 Election

Joe Biden has released The Biden Plan for a Clean Energy Revolution and Environmental Justice, which provides that "on day one, Biden will sign a series of new EOs with an unprecedented reach that goes well beyond the Obama-Biden administration platform and the rescission or amendment of some EOs issued by President Trump.

INTERNATIONAL REGULATORY UPDATES

European Commission Published its Chemicals Strategy for Sustainability as Part of the European Green Deal Read More...

EU to Add 1,4 Dioxane and Orthoboric Acid, Sodium Salt to SVHCs
Read More...

EU Inspectors to Check Duty to Notify Mixtures for Poison Centres

The Enforcement Forum decided that its pilot project in 2022 will focus on how companies comply with their duty to notify hazardous mixtures.

EU Commission's Efforts to Update the EU Rules on Vertical Agreements

The European Commission has launched the impact assessment phase concerning its ongoing revision of the Vertical Block Exemption Regulation (VBER) and the accompanying Vertical Guidelines, which set out the rules for distribution systems throughout Europe. Areas of focus include resale price maintenance, customer-competitor relationships, active

cross-border sales restrictions, and online sales restrictions.

Deadlines for Updating EU REACH Registration Dossiers Clarified Read More...

Public Trust in Sustainability Reporting is Rising Sharply

Research across 27 markets has found that public trust in how companies communicate their sustainability performance has increased to a record 51%.

Industrial Chemicals Registration Law Proposal Published in Israel Read More...

Global Chemicals Management Towards 2030 and Beyond January 19-20, 2021

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