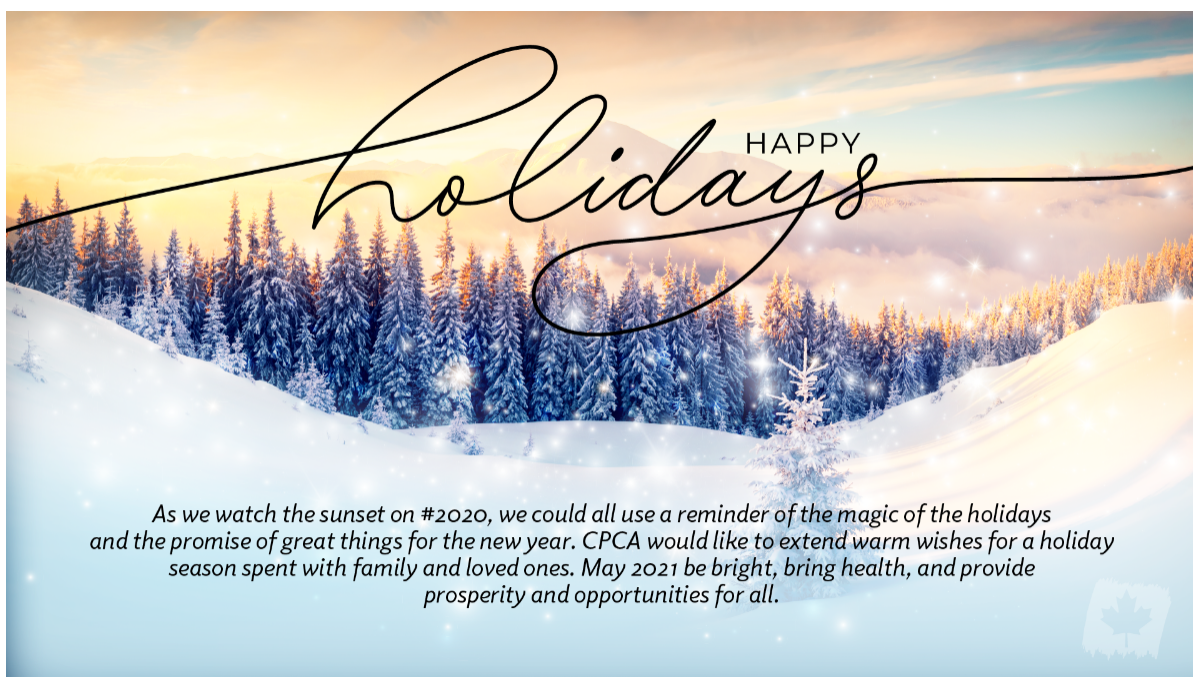


REGULATORY RADAR

*Enhancing your company's
regulatory compliance efforts.*

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DECEMBER 2020



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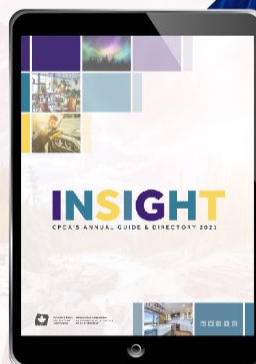
ASSOCIATION CANADIENNE
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INSIGHT

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...*

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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

Significant New Activity Requirements Imposed on NDSL Graphene (CAS RN 1034343-98-0)

The SNAC is imposed for Graphene if used in the manufacture or the distribution for sale of a consumer product as defined in the **Consumer Product Safety Act**, in a concentration that is $\geq 1\%$ w/w as a spray, mist or aerosol, a quantity of less than 100 kg may be used for the period between now and November 27, 2021. On November 28, this threshold will be lowered to 10 kg.

Ministerial Condition Imposed on Surfactant and Related Aliphatic Amine

The condition applies to **CAS# 2041102-84-3** and a related substance "amines, coco alkyl" (CAS# 61788-46-3). The former shall not be manufactured or imported unless: (a) the concentration of is equal to or less than 1.5% w/w; and (b) the concentration of CAS RN 61788-46-3 in the substance should be $\leq 0.05\%$ w/w. Officials confirmed that their intent is not to regulate CAS RN 61788-46-3 which is used in the paint industry.

NRCAN Provides CPCA with Updates on Amendments to the Explosives Regulations

CPCA received more clarification via teleconference from **NRCAN's Explosives Safety and Security Branch officials** regarding changes to the amendments of the Explosives Regulations. NRCAN is aiming to publish the *Canada Gazette, Part 1*, early in 2021 with a 30-day comment period for stakeholders. The publication in *Canada Gazette, Part II* will follow

in Fall 2021 with a 90-day coming-into-force period. Under the new regs, calcium ammonium nitrate, aluminum powder, hexamine, and acetone would be regulated as new restricted components. Acetone will be subject to Tier 3 requirements (specific reporting requirements applicable to any quantity) while aluminum powder will be subject to Tier 2 requirements for quantities above 1 Kg with no requirements to maintain sales records and product sellers not being regulated

CMP Phase 1 (Challenge)

Final Risk Assessment Report for NMP Anticipated for Spring 2022

Environment and Climate Change Canada and Health Canada published the **DSAR for NMP and NEP** in February 2017 and both were proposed non-toxic. However, NMP was later added to the first list of 10 TSCA high priorities and its final risk evaluation report is now being delayed to 2021. In the meantime, additional restrictions took effect in the EU. Government will likely wait until the final risk evaluation is published in the US next year prior to reviewing its assessment and publishing its FSAR (now expected in Spring 2022).

CMP Phase 2

Final Screening Assessment for the Phthalates Substance Group Published

One of these **additional 14 phthalates in the group**, DEHP, is concluded as toxic for human health and the environment and proposed for addition to the Prohibition List. Twenty other phthalates in the Group are also proposed for follow-up activities.

3 Flame Retardants - Melamine, TCPP, TDCPP - Proposed for Addition to Schedule 1

Additional details on the **health risks** of these substances became available prompting the publication of updated DSARs and RM Scopes for these three flame retardants. Members should review the risk management scope targeting their uses in textile and furniture coatings in Canada.

CMP Phase 3

Draft Screening Assessment of the Titanium Compounds Group Delayed to July 2022

Health Canada officials have informed CPCA that the publication of the Draft Screening Assessment of the Titanium Substance Group (which includes titanium dioxide, TiO₂) will be **delayed until July 2022** due to competing priorities.

FSAR Published for the Phenol-Formaldehyde Resins Group

The report concludes that all eight substances in the group are **considered non-toxic under CEPA**. The substances are used in several industries, such as plastics and rubbers, paints/inks, food packaging (including cans), coatings, auto care, fabrics, textile, leather, and toys (as thermoset plastic).

Paint and Coatings Working Group (PCWG) Update on CMP Publication Timelines

At the last PCWG meeting of December 3, officials presented a long list of CMP publications (DSARs and FSARs) anticipated in 2020 and throughout 2021.

ECCC/HC Releases CMP Risk Assessment Publications Plan for January – March 2021

Publications of interest to the coatings sector include aliphatic amines (DSAR), benzophenone (FSAR), and the Ethers group (DSAR), among others. The assessments listed are targeted for publication in the period of January - March 2021, but the dates are still subject to change due to delays caused by the pandemic. A Publication Plan covering the period April – June 2021 is expected to be published in Q1 next year.

CMP Post-2020

Government Publishes IRAP (Identification of Risk Assessment Priorities) Report for 2019

The results identified 629 possible candidate substances including 85 candidates that, based on indications of both hazard and exposure, will need more scoping/problem formulation as a next step. Among the 85 are several xylenes, flame retardants, and glycol ethers.

VOC Air Quality

ECCC Confirms Intent to Propose CARB 2019 VOC Limits in Canada's New Architectural VOC Regulations

At the CPCA PCWG meeting of December 3, 2020, ECCC officials confirmed they are now aiming for the adoption of CARB 2019 VOC limits in the proposed amendment to be made to the Architectural VOC Regulations. Following ECCC's formal consultation to take place in Spring 2021, comments will be analyzed, and the proposed amendments will be published in the *Canada Gazette, Part I* for a 60-day comment period in the fall of 2021.

PCWG Update on VOCs

ECCC confirmed that renewal of the Federal VOC Agenda 2010-2020 will take place in 2021. ECCC will soon study opportunities for VOC Emission Reductions from Industrial and Commercial Adhesives and Sealants Products. A consultation should take place next year. CPCA will engage with members in the new year to follow up on concerns already expressed on the proposed way forward on new VOC limits.

Biocide Preservatives & Treated Articles Policy

PMRA Restores CMIT/MIT Label Rate in Paint and Coatings

Following a CBC AEATFII CAT B data submission and two years of strong CPCA advocacy efforts, the label rate is restored from 40 ppm to 50 ppm for a key ingredient used in paint and coatings.

PMRA Requesting Information on Uses of DCOIT to Inform Ongoing Re-evaluation

The use pattern information for 4,5-Dichloro-2-N-Octyl-3(2H)-isothiazolone to be confirmed by the registrants, will become the basis for the risk assessment. In the absence of information, PMRA will use conservative scenarios and assumptions. Registrants should complete the Excel survey by March 1. **CPCA will provide any additional information shared by members.**

Post-Consumer Paint Recycling

Bylaw Changes to Alberta's Paint Recycling Program Approved

The Alberta Recycling Management Authority (ARMA) has received approval for the proposed changes to the province's recycling program. Environmental fees will increase under the new program for aerosols, coming into force on April 1, 2021. Impacted producers and suppliers are being given 3 months to adjust their systems. Since the start of the program in 2008, close to 27 million litres of end-of-life (EOL) latex and oil-based paint has been captured for recycling and fuel-blending respectively along with millions of plastic and metal containers that are made into new products.

New Draft Regulation for Ontario Paint Recycling Soon

The Ministry of Environment, Conservation and Parks is expected to release a draft of the new regulations for the MHSW program for final consultation and final approval to transition to the new regulation in June of 2021.

International Initiatives

US EPA Publishes TSCA Draft Scope Documents for Two Phthalates: DIDP and DINP

DINP (CAS RN 28553-12-0) and DIDP (CAS RN 26761-40-0) are listed among the 14 priority substances in the CMP-2 Phthalates Subgrouping. It is possible that the final US EPA risk evaluations may not only impact Architectural and Industrial CASE manufacturers exporting products to the US but may also have had an impact in Canada later in 2022, since these substances are only targeted for a follow-up by ECCC/HC in the recent FSAR.

Coatings Companies Brace for Stricter REACH Regulations

Proposed alterations to the EU's REACH chemicals control legislation would categorize virtually all substances with major concerns about their safety as being hazardous without the need for risk assessment. This would mean strict controls on the use of chemicals in coatings and other formulations. Additionally, in line with the Green Deal, the European Commission is planning new regulations to help achieve a GHG target of zero net carbon emissions by 2050 and the creation of a circular economy in which products (like coatings) will be recycled for reuse or remanufacture.



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 Plan/Trade Policy & Regulations

Canada Reinforces Intent to Ban Single-Use Plastic Products

[Read More...](#)

CPCA Files Comments on the Proposed Integrated Management Approach to Plastic Products to Prevent Waste and Pollution

CPCA comments relate to the potential negative impacts on the coatings sector as it relates to microplastics in particular, which will have **consequential and potentially negative impacts** on several other federal ministries to ensure they are fully aware of the implications for their respective mandates for international trade including the USMCA and

WTO, regulatory misalignment, negative impacts on manufacturing in Canada, etc.

Government Publishes "What-We-Heard" Report on Regulatory Modernization and Extends Consultation to Early 2021

The government conducted a consultation in Summer 2020 on regulatory modernization. Given the pandemic and the role regulations play in safeguarding public health, **new regulatory challenges have been created**. This is why additional input is required until January 29. Officials will be publishing their regulatory modernization initiatives later in 2021.

ICG Alerts Members on Errors in NPRI 2018 and 2019 Recently Published Data

The errors are very different from data-entry errors previously seen. **CPCA members are encouraged to check the spreadsheet**, as these errors can take a life of their own in unpredictable ways and impact your business.

Feedback on Proposed Regulations in Canada Gazette Part I to be Collected Through a New Online Consultation Platform

This new online platform is currently under development by the government and will be available through the **Canada Gazette in 2021**.

CEPA Legislative Review

CPCA and 13 Other ICG Member Associations Write to Ministers Regarding CEPA Reform and CMP Renewal

Download your copy from the CoatingsHUB.

Treated Articles Policy & Biocide Preservatives

PMRA Consults on New Additions to the Pathogens of Interest List

PMRA requests feedback regarding the inclusion of **additional antimicrobial-resistant pathogens** to the updated Pathogens of Interest List, which now includes fungal pathogens and pathogens creating the most urgent need for therapeutic drugs and/or diagnostic devices in Canada.

PMRA Pre-Consultation on Proposed Amendment to the Pest Control Products Regulations (Applications and Imports)

This amendment will clarify the requirements for import declarations and the **PCPA-exemption of antimicrobials** that are used in products falling under other Acts (i.e. FDA, Fertilizers Act). CPCA and other industry groups will comment. CPCA members should share their comments prior to January 11, 2021.

PMRA Releases Updates to the Pesticide Labels Mobile Label Application

The updates will change how the **application connects to the source data**. Additional updates will return the application to its current functionality. The updates will require users of the application to ensure that they are using the most up-to-date version.

Claims for Exemption of CBI will No Longer be Published in Canada Gazette

Health Canada is developing a [Canada.ca](#) publishing process and is consulting on the information types to be posted. See the list of information items to be published on each claim.

International Initiatives

WCC Secretariat Shares Summary of Recent Studies on Microplastics and Wastewater Treatment

The WCC Secretariat has compiled studies on the effectiveness of [wastewater treatment plants](#) (WWTP) in removing microplastics pollution.

US EPA Consults on Draft Handbook for the Integrated Risk Information System (IRIS)

The draft handbook does not supersede existing EPA risk assessment guidelines and does not serve as guidance for other programs. It is a “[living document](#)”; updates will be based on emerging science and experience gained through its application.

ACA Publishes Member-Only Guidance on USMCA Rules of Origin

The [USMCA permits duty-free trade only](#) for products that “originate” within the territory of the signatory countries. Product-specific rules of origin must be applied to determine whether goods meet the requirements.

ACA Revises Its Guidance on Evaluation of Biocides and Treated Articles Due to OIT Ban Recently Reversed in Canada

ACA has published a [second revision of prior guidance regarding OIT](#) for use in Canada as a material preservative in paint. This revision is due to Canada’s decision to overturn its prior decision to ban OIT. The initial guidance published in May 2019 addressed issues specific to Canada’s ban of OIT.

Global Ban on PFOA Enters into Force under the Stockholm Convention: Not Yet Implemented in Canada and 18 Other Countries

[The list of restrictions](#) that entered into force on December 3 ended certain exemptions.

IARC Monographs Assess Carcinogenicity of Acrolein, Crotonaldehyde, and Arecoline Acrolein and Crotonaldehyde are precursors of CASE ingredients.

[Read More...](#)

Regulations Amending the Motor Vehicle Transport Act: Commercial Vehicle Drivers Hours of Service and Miscellaneous Program Amended

If a driver who has, at the request of the motor carrier by whom the driver is employed or otherwise engaged, spent time travelling as a passenger, by any mode of transportation, to the destination at which the driver will begin driving takes 8 consecutive hours of off-duty time before beginning to drive, the **time spent as a passenger shall be counted as off-duty time**.

Government to Invest in Research on Plastic Pollution in the Environment

The Government of **Canada is providing \$2.25M to 16 science-based research projects** to learn more about the impacts of plastic pollution on our natural environment and our health. The final Science Assessment of Plastic Pollution determined the knowledge gaps.

Canada: G20 Leaders' Declaration: See Section D, *Ensuring a Sustainable Future*

32. We endorse the **Circular Carbon Economy** (CCE) Platform, with its 4Rs framework, recognizing the key importance and ambition of reducing emissions, taking into account system efficiency and national circumstances.

33. In advance of the UN Framework Convention on Climate Change COP26 and the UNCBD COP15, we reiterate our support for tackling pressing environmental challenges, such as climate change and biodiversity loss.

Bill C-12 Introduced to Legislate Net-zero GHG Emissions by 2050

[Read More...](#)

Results for Several Air Pollutants Indicators Published

In 2018, total VOC emissions in **Canada were 1 914 kilotonnes** (kt), a 37 percent) decrease from 1990 levels.

Transport Canada Minister Updates Duty/Rest Rules for Railway Operating Employees

The rules have been updated to better reflect the latest science on fatigue management and to keep Canadians working or living near railways safe. They will be complemented by regulations later.

Transport Canada Temporary Certificates Not Renewed Beyond January 31

This applies to the TU 0750.1 (Training) and TU 0751.2 (Testing and inspection requirements).

Waiver of Information Requirements for Substances (Subsection 81(9) of the CEPA

[Read More...](#)

Canada-UK Trade Continuity Agreement Announced on November 21

This interim transitional deal comes just before the end of the UK's transition period with the EU, after which date the UK is no longer bound by the **Canada-EU Comprehensive Economic and Trade Agreement**. The legal text of the agreement is still under review but a majority of CETA arrangements will be included.

COVID-19

- First COVID-19 Vaccine Authorized
- Regulatory Amendments in Force for Layoff Employees, Furlough
- Emergency Rent Subsidy Introduced for Businesses, Non-profit Retroactive to September 27

PROVINCIAL REGULATORY UPDATES

Ontario

Renewable Content in Regular-grade Gasoline

Phased from Existing 10 Percent Requirement to 11 Percent in 2025, 13 Percent in 2028 and 15 Percent in 2030.

Ontario will **require fuel suppliers to increase the amount of renewable content.**

Compliance Initiative Results on Vulnerable Workers Updated

The initiative is focused on repeat violators, temporary help agencies and workplaces that employ temporary foreign workers.

COVID-19

- Ongoing COVID-19 Workplace Education and Enforcement
- Inspection Blitzes Launched to Ensure Businesses Take Steps Necessary to Stop Transmission
- Workplace Safety and Insurance Amendment Act, 2020 Introduced
- Key Groups Identified for Distribution of Initial Vaccines
- Homegrown Capacity Expanded with Made-In-Ontario Respirators and Masks

Quebec

Governments Investing in \$875M Biofuel Plant Project in Montreal

Quebec and federal officials invest in a **biofuel production facility** in Varennes run by Enerkem. It will use non-recyclable residual materials and divert those items from landfills while reducing GHGs.

CPEQ Filed Comments on Bill C-12 (Net-zero GHG by 2050)

Reduction plans should be **governmental, not ministerial**, and should be fully quantified including cost info associated with each measure.

COVID-19

- Temporary Elimination of Sales Taxes on Masks and Face Shields
- CNESST Forward Reminder and Toolkit for Employers and Worker

Manitoba

COVID-19

- [Safe Work Manitoba Publishes Online Training – Returning to the Workplace during COVID-19](#)

New Brunswick

Throne Speech Focused on the Environment

[Read More...](#)

Alberta

Alberta Removes Licence Plate Stickers Starting Jan. 1, expiry stickers are no longer required as Alberta is adopting reflective plates.

[Read More...](#)

COVID-19

- [Aggressive New Measures Imposed to Slow the Spread of COVID-19](#)
- [Further Support for Small Businesses, Job Creators Having Experienced 50 Percent Revenue Loss Available until March 31](#)
- [Second State of Public of Health Emergency Declared](#)

British Columbia

WorkSafeBC Board Decided New and Revised B.C. Exposure Limits based on 2016, 2017, and 2018 ACGIH TLVs for Selected Substances of Interest to the Sector

[Read More...](#)

COVID-19

- [Masks Required in Workplaces](#)

U.S. REGULATORY UPDATES

Chemicals Management

Comment Period Extended to December 19 for PV29 Revised Draft Risk Evaluation

The [draft evaluation](#) proved highly controversial, with comments identifying data gaps and problems with EPA's data screening methods. EPA itself notes that its exposure estimates and hazard assessment are of high uncertainty. For Industrial and commercial use in paints and coatings for automobiles, [EPA assumes workers use respirators with APF 25.](#)

Due to its low vapour pressure, PV-29 is not expected to volatilize from consumer watercolour and artistic colour and inhalation is not identified as a route of exposure.

1,4-Dioxane: Supplemental Analysis to the Draft Risk Evaluation Published

[Read More...](#)

Final Risk Evaluation of Trichloroethylene (TCE) Published

[Read More...](#)

Spray Foam Industry Finds No Viable Alternatives to MDI: Trial Set for January 2021

A coalition of spray polyurethane foam (SPF) manufacturers has continued to make the case that there are **no viable alternatives to SPF products** containing unreacted methylene diphenyl diisocyanate (MDI). The industry coalition made the argument in a revised abridged alternatives analysis (AA) submitted to DTSC.

US Extends Deadline for Chemical Data Reporting to January 29, 2021

[Read More...](#)

ACA Publishes Reminders:

1. [California Listing of TiO₂ Nanoparticles and 21 Other Chemicals as Reproductive Toxicants](#)
2. [EPA Consultation on Proposed Cancellation of Biocide Irgarol in Anti-fouling Paint Ends on December 22](#)
3. [Washington Draft PFAS Phase out Action Plan](#)

A ban is proposed for all products with long-chain PFAS. Purchasing policies will be set for PFAS-free paint and other products.

EPA to Allow 'Incremental Payments' for TSCA Fees

The EPA has started sending out invoices to companies responsible for paying a share of the \$1.35m fee that comes with each of the next 20 TSCA evaluations. Manufacturers/importers have until January 2 to meet the payment deadline.

Prepare for Increased Focus on Environmental Justice Issues in the Biden Administration

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The Next Four Years: What Will the Clean Air Act Bring? [PODCAST]

[A conversation with former OPPT Director Jeffery T. Morris, Ph.D.](#)

Environment/Waste Management

ACA VOC Compliance Update

- New York State AIM Rule Compliance Date is 1/1/2021
- New Jersey AIM Rule: OTC Phase II Not Yet Adopted
- Ohio/LADCO to Investigate Future VOC Reduction Strategies in 2021

- Recently Adopted California District AIM Rules
- The compliance date is 1/1/2022 for San Joaquin, Monterey Bay Air Resources District, Mojave
- The compliance date is 7/1/2021 for Ventura
- CA Districts AIM Rules to be Adopted in 2021 for San Diego, El Dorado, Feather River, Placer County, Sacramento, and Yolo-Solano

EPA Issues Draft Guidance Interpreting Water Ruling on Groundwater Discharge

Facilities that use a waste storage or treatment system may not be required to obtain permits to discharge waste into groundwater.

Industry Working on Proposal to Pay for California Recycling

An industry coalition is working on a \$1 billion proposal to help pay for additional plastic recycling as an alternative to a ballot referendum that would tax plastics packaging.

Plastics Industry Emphasizes Solutions to Eliminate Plastic Waste and Drive the Circular Economy Forward

[Read More...](#)

Study: U.S. Pollution Regulations Saved North America's Birds

Improved air quality under reduced ozone pollution may have averted the loss of 1.5 billion birds during the past 40 years. That's nearly 20% of birdlife in the United States today.

INTERNATIONAL REGULATORY UPDATES

German Chemical Industry Slams Hazard-based Emphasis of EU Risk Assessment Strategy

On October 14, the EU Commission published its “Chemicals Strategy for Sustainability – Towards a Toxic-Free Environment”, which is part of the Green Deal whose primary goal is to bring about climate neutrality for Europe by 2050. On November 9, the German chemical industry body VCI heavily criticized the hazard-based approach to risk assessment proposed in the new chemicals strategy. VCI argues that a hazard-based approach ignores the potential for safe use of chemicals. Industry will have the opportunity to weigh in on the strategy at a planned stakeholder roundtable with the European Commission on January 13, 2021.

NIA Response to the EU Chemicals Strategy for Sustainability Towards a Toxic-Free Environment

NIA has been asking for clarification on the use of the nanomaterial definition across legislative frameworks for a number of years and was pleased to see that reflected in the Strategy.”

ECHA Update

- Consults on 36 New Testing Proposals

- [Publishes Manual to Support Registration Dossiers Containing Nanoforms](#)
The comprehensive guide includes the specific requirements for single or sets of nanoforms, composition and analytical requirements (Annex VI), endpoint sections (Annex VII-X), and opt out scenarios.
- [New Evaluation for Vinyl Acetate](#)

Global Banks Launch Standard to Report Financed Emissions

The Partnership for Carbon Accounting Financials launched its methodology enabling banks to measure and [disclose the emissions associated with their financed activities](#).

Update: COVID-19 Impact on Latin America

With only 8.2 per cent of the world population, the region had 28 per cent of cases and 34 per cent of deaths, [by end-September](#).

Scotland Consulting on Ban of Single-use Plastics

[Read More...](#)

GHS Implementation Update

- Colombia GHS Rev 6 transition for Mixtures ending in 2021
- Brazil Rev 7 for SDS to be Published in 2021
- Australia Rev 7: Transition ends on January 1, 2023
- New Zealand Rev 7 Start April 30, 2021 followed by a 4-year transition
- REACH 14th ATP Adopted Oct 2021
- REACH 15th ATP including 60 new entries expected on March 1, 2022
- China MEE Order No 12 and guidance for new substances in effect Jan 1, 2021

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