

REGULATORY RADAR

Canada's No° 1 Source for Regulatory Updates,
Enhancing Compliance & Mitigating Risk.



ADVOCACY REPORT

CPCA is your partner in Compliance — Trusted Advocacy. True Results.

- CPCA **Advocates Strongly for Retaining the Consumer Product Exclusion in the HPA**
- Important Bulletin on **Final Paint Recycling Regulation in Ontario**
- Members Participate in **Product Care Webinar** Providing Final Details for Producers on Ontario's HSP Recycling Regulation
- CPCA Obtains Clarification on the **Scope of Proposed Prohibition of Coal tar-based Sealant Products** in Canada
- New Bulletin and **Compliance Alert on the Coming into Force** of the Formaldehyde Emissions from Composite Wood Products Regulations
- CPCA Shares **ECCC's Mid-year Update on the Adhesives and Sealants in Upcoming VOC Regulations** for Certain Products Expected by Year-end
- CPCA Publishes Updated Summary of Evaluation **Timelines for Biocides in Canada**
- EHS Committee Members Reminded of Key Comment Deadlines for the Talc, Monocyclic Sesquiterpenes, Triazines and Triazoles, and Chlorocresol Groups in CMP-3
- Canada to Consult on **Border Carbon Adjustments for Carbon-Intensive Imports** in Fall 2021
- Canada Publishes **Stakeholder Notice on Use of Flame-Retardant Chemicals** in Certain Consumer Products
- European Commission Working on a **Digital Product Passport** for Supply Chain Transparency



MEMBER ACTION **REQUIRED**



CPCA is NOW Gathering
Member Feedback

Several Alerts were sent to members regarding current or emerging issues that require your attention or action. Please consult the detailed listing below and check the CPCA Compliance Calendar regularly for important dates, deadlines, and monitor these resources within the Canada CoatingsHUB. These resources contain detailed information on the potential impact to your business. If you have any questions on these or other related industry resources contact CPCA today!

If you do not yet have a Canada CoatingsHUB account contact CPCA to set one up.

CONTACT CPCA



CHEMICALS MANAGEMENT IN CANADA

Coal Tars: FSAR, RM Approach & Order Propose to Add Six Substances to Schedule 1

The FSAR concludes that all **six substances** are **CEPA-toxic** while the Risk Management (RM) Approach proposed instruments that would prohibit the import, manufacture, and sale of coal tar-based sealant products in Canada along with a P2 Plan for emissions from coal tar refining. CPCA contacted ECCC regarding the status of potential RM action towards certain industrial adhesives and sealants. ECCC indicated that a consultation document on the proposed RM approach will be published in Fall 2021. Officials reiterated what is indicated in the Approach re: prohibition of sealants products. CPCA intends to submit comments by August 25. We encourage any members to review their current industrial/consumer uses of coal tars and share technical comments.

Final Formaldehyde Emissions from Composite Wood Products Regulations Published in *Canada Gazette, Part II*

The Regulations prohibit the import, sale or offer for sale of composite wood products that emit formaldehyde above established limits and **come into force on January 7, 2023**.

Canada Considers Border Carbon Adjustments for Carbon-Intensive Imports

BCAs adjust the import prices of carbon-intensive goods to match the cost of locally produced goods impacted by carbon pricing regimes. **Consultation will follow in Fall 2021**.

Ministerial Condition No. 20654 Targets CAS RN 97862-59-4

The substance 1-propanaminium, 3-amino-N-(carboxymethyl)-N,N-dimethyl-, N-C8-18 acyl derivs., inner salts, is toxic or capable of becoming toxic. **Its manufacture or import is subject to certain conditions** of use in product and of handling/disposing/releasing to the environment.

CMP Phase 2

Performance Measurement Evaluation Published for DEHP (CASRN 117-81-7) Published

Overall, this performance evaluation report shows that **RM tools are meeting their intended goals**. Ongoing biomonitoring data collected by the Canadian Health Measures Survey (CHMS) will continue along with ongoing reporting of DEHP concentrations in medical devices.

CMP Phase 3

Additional Risk Assessment Data Published in Support of DSAR for Zinc and Its Compounds

This document supports the [finalization of the screening assessment](#) and includes data identified or generated after the DSAR publication.

FSAR Confirms Three Substances in the Triazines and Triazoles Group Non-toxic

All three substances do not meet the toxicity criteria but follow-up activities could be considered if use or import volumes were to increase. Only CASRN 3089-11-0 is known to be used in the CASE sector.

CMP Post-2020

Feds Published [Two New Fact Sheets](#) on Risk Assessment of Chemical Substances at the End of June

One relates to the use of margins of exposure and risk quotients in risk assessment, and the other one to Canadian exposure factors used in human health risk assessments.



VOCs & AIR QUALITY

Mid-Year Update on VOC Limits for Certain Products Regulations with a Focus on Adhesives and Sealants

ECCC reiterated their stance on maintaining the [coming-into-force period at 2 years following registration of the regulations](#). It still intends to publish the Regs by the end of 2021. The implementation will then start on Jan 1, 2022 and end on Jan 1, 2024. If not published before the end of year due to elections delays, the coming-into-force date will be postponed to Jan 1, 2025.

US EPA Initiates Amendment Rulemaking for National VOC Emission Standards for Aerosol Coatings

The EPA proposal will amend the national VOC emission standards for the aerosol coatings (aerosol spray paints) category under section 183(e) of the CAA. It will update the coating category product-weighted reactivity emission limits, add compounds and corresponding reactivity factors, and amend reporting requirements. [In May, Canada proposed to address aerosol coatings in its Federal VOC Agenda 2021-2028](#) and is now likely to follow the US in aligning with California limits.



WORKPLACE HEALTH & SAFETY

Feedback on Health Canada's Two-day Workshop on Potential Removal of Consumer Product Exemption under the HPA

If passed, this *Hazardous Product Act* (HPA) amendment would require [special labelling of consumer products](#) used in the workplace along the lines of SDS-type labelling. Participants explored several options to advance the current thinking on the issue such as maintaining the status quo, removing the exemption completely, along with several hybrid approaches such as alignment with the US or adding special statement on labels. CPCA advocated strongly against removal of the exemption. CPCA's preferred option was to maintain current practices with increased employer and worker education and further alignment with the US where an SDS is only required if purchases are made by a commercial account. There was a strong push from Labour and Provincial/Territorial representatives against the status quo. Immediately after the workshop, CPCA met directly with senior Health Canada officials and was reassured that any decision taken towards an amendment would be based on weight-of-evidence of the current issue and that a cost-benefit analysis will be carried out to justify any regulatory actions taken.

Ahead of Joint Meetings with OSHA, Health Canada Asking Industry Sectors to Rank Top 5 Variances in GHS Rev 7 Amendment Prior to July 30

Health Canada (HC) has prepared a list of "variances" between its own proposal to amend the HPR and OSHA's to amend the HCS for GHS Rev7. The CPCA submission already identified certain variances of concerns to our sector but did not rank those in order of importance. Health Canada would like to gather further industry input on which variances will pose the most significant burden. Members are asked to review the HC variance document, rank the Top 5 most burdensome for their business and share their views with CPCA before July 30.



POST-CONSUMER PAINT RECYCLING

Product Care Webinar Provides Final Details for Producers on Ontario's Hazardous and Special Products (HSP) Regulation

The HSP regulation 449/21 came into force on July 1, 2021, and obligated producers must register with RPRA by October 31. The Product Care's webinar for members on June 29th provided final details on the upcoming paint recycling regulations in Ontario.

CPCA Bulletin Updates Members on Paint Recycling Regulation in Ontario

CPCA issued a press release reminding the Ministry of the importance of this regulation and the commitment to not increasing administrative and cost burden for industry. Some important gains were achieved by industry before the final regulation was announced including improved definitions; removal of parallel events; limited site offsets; treatment of empty paint cans. The paint recycling program is operated on behalf of the manufacturers in Ontario by Product Care Association, as a collective, thereby fulfilling all legal obligations of all manufacturers with respect to the new HSP requirements in Ontario. See all key dates for Product Care's registration and other requirements.

More details on these and other industry issues are available for members on the Canada CoatingsHUB.

[Login to the HUB](#)



CANADIAN PAINT
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ASSOCIATION CANADIENNE
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PRESERVING PAINT FORMULATIONS IS PARAMOUNT!

CPCA is committed to helping members understand Canadian regulations, pending changes, and what that means for product formulations. The Compliance Calendar helps members stay ahead of changes that may impact their products & business.

[OPEN THE CALENDAR](#)



ISSUE TRACKING



INFORMATIONAL

Below are informational resources not requiring further member action directly at this time, but provided as an update for 'members only' as your companies still need to be aware of the issues to ensure full compliance and to mitigate risk as warranted.



CHEMICALS MANAGEMENT IN CANADA

Stakeholder Notice on the Use of Flame-Retardant Chemicals in Certain Consumer Products in Canada

The notice encourages Canadian manufacturers, importers, advertisers, and sellers of consumer products to **achieve compliance with the flammability performance requirements** for certain consumer products under Canadian Consumer Product Safety Act (CCPSA) without using flame-retardants. Health Canada encourages industry to voluntarily disclose the chemicals used in Canadian consumer products, including any flame-retardant chemicals, upon request from distributors, retailers, or the general public.

Climate Accountability with First Net-zero Emissions Law Legislated

This new law establishes legal requirements that will set the path forward to net-zero emissions by or before 2050. The 2030 **GHG emissions target of 40-45 percent below 2005 levels**. In the coming months, the ECCC Minister will publish an emissions reduction plan to meet the 2030 target.

New Instrument Choice Framework for the Canada Consumer Product Safety Act

The **Instrument Choice Framework** (ICF) describes the Program's approach to decision-making when addressing consumer product risks by setting out five principles to mitigate risks.



BIOCIDE PRESERVATIVES

Updated Summary of Evaluation Timelines for Biocides in Canada

CPCA recently provided **updated timelines** regarding the ongoing reviews of several biocidal active ingredients in Canada by the PMRA. For more insight on CPCA's position on Biocides see the **latest article from Gary LeRoux**.



SUPPLY CHAIN MANAGEMENT

2019-2021 Roadmaps Published from Round 2 of Regulatory Reviews

Three themes were recommended to the Treasury Board and three Roadmaps layout published plans to advance regulatory modernization over 30 initiatives. They seek to support economic growth and innovation in key sectors: **Clean Technology Roadmap, Digitalization and Technology Neutrality Roadmap, and International Standards Roadmap**. Roadmap progress reports will be posted annually.

Transport Canada Consulted on Proposed Changes to the Means of Containment Facilities Registration Program

Transport Canada recently consulted on proposed regulations that will introduce new fees for companies, which are required to be registered under the TDG Directorate's Containment



INTERNATIONAL INITIATIVES

US EPA Expects Methylene Chloride (CASRN 75-09-2) Evaluation by August 2022

This action by the US EPA will **delay risk management action** by more than a year.

Prop 65 Notice to List Four Substances, Two of CASE Interest

The **four substances are** Tetrahydrofuran (CAS RN 109-99-9), 2-Ethylhexyl acrylate (CAS 103-11-7), Methyl Acrylate (CAS 96-33-3), and Trimethylolpropane Triacrylate, Technical Grade. The two CASE-implicated substances are part of the current CMP review.

Registration of Polymers under EU REACH to Become a Reality

Polymers are currently **exempted from registration under REACH**. The current proposal aims to impose EU registration to 6 percent of 200,000 polymers targeting polystyrenes, polyacrylamides, polyesters for their uses in textiles and polyolefins (both of the latter polymers for their degradation in microplastics).

EU Industry Groups Oppose Introduction of Mixture Assessment Factor in REACH

The **EU's chemicals strategy for sustainability** sets out plans for the EC to consider options for addressing the risks of exposure to several substances (combination effects) by introducing one or more MAFs to account for additional risks that may arise from unintentional mixtures of chemicals.

International Panel of Scientists Working on the 'Essential Use' Concept Designed a Template

A new paper from the **Global PFAS Science Panel** that first framed 'essential use' for phasing out per- and polyfluoroalkyl substances, could heavily influence the development of criteria under the EC's chemicals strategy with respect to what could be exempted from future restrictions. The EU executive has pledged to finalize these criteria by 2022.

European Commission Working on a Digital Product Passport for Supply Chain Transparency

CEFIC members recommend a sectoral approach in designing a Digital Product Passport.



FEDERAL-PROVINCIAL UPDATE

Canada Releases National Issues Report on Climate Change Adaptation

In ECCC's Canada in a **Changing Climate: National Issues Report**, the Minister provides a national perspective on how climate change is impacting our environment, economy and many aspects of our daily lives — and how we are adapting to these impacts.

Canada Eyes 2035 Ban on Gas-powered Vehicle Sales

Ottawa's recent announcement moves up by five years the date for the transition to sales in Canada of **zero-emission light trucks and vehicles exclusively**. The Feds' intention is to **ban sales of new gas-powered light vehicles in 2035**.

Upcoming Canadian Occupation Safety Webinar

This webinar is entitled "ESG Compliance: New Imperative for Safety Professionals" and will be held on July **28, 2021 1 PM EDT**.

CBSA Consultation: Value for Duty Of Imported Goods

[Read More...](#)

Preparing for the Transition of ESG from "Soft Law" to "Hard Law"

[Read More...](#)

CCOHS

- [Podcast: Substance Use on the Jobsite: Challenges and Support Measures](#)

CMP Publications of Lesser Potential Interest for Our Sector

- [FSAR for Corn, Steep Liquor](#)
- [SNAC Notice of Intent for 15 Living Organisms](#)

TRANSCAER® Launches a New Virtual Reality Tool in July

A new web-based virtual reality experience of the CCPX 911 safety training tank car will provide first responders with familiarization and awareness with railway equipment, emergency response and safety procedures, and TDG.

Ontario

Appointment of New Ministers to the Ontario Cabinet

Dave Piccini is new Minister of the Environment, Conservation and Parks. Nina Tangri is appointed Associate Minister of Small Business and Red Tape Reduction, reporting to Minister Fedeli. See new president of the [Treasury Board and minister of Infrastructure](#).

GFL Announces the Formation of the Resource Recovery Alliance and the Definitive Agreement to Acquire CSSA

On July 7, GFL Environmental Inc. announced that it has formed the [Resource Recovery Alliance \(RRA\)](#) in response to the Government of Ontario's extended producer responsibility regulation requiring product and packaging producers to operate and fully finance Ontario's Blue Box program. Through RRA, producers will have the benefit of a proven, reliable, and experienced partner that can leverage economies of scale and efficiencies, positioning them to meet their responsibilities under the modern and consolidated Blue Box Program, which will phase in between 2023-25.

Occupational Exposure Limit Consultation Ended on July 2nd

The consultation was on [new or revised OELs](#) based on the ACGIH recommendations for 2018 and 2019. There are changes for silica and hydrogen sulfide.

Ontario Supporting Auto Manufacturing Worker Through APMA Project

[\\$7 million will be invested](#) to deliver training and paid job placements in the automotive manufacturing sector for up to 800 people from underrepresented groups. The project will help develop a new talent pipeline to reinvigorate a sector with an aging workforce.

Bill 213: Changes to the Business Corporations Act to be Proclaimed into Force

[Read More...](#)

Commercial Vehicle Crashes Up in Ontario

[Read More...](#)

Quebec

Feds Nix Laurentia Port Project for Environmental Concerns

The Laurentia Project is one of five port terminal expansion projects proposed in the province in the last several years. Two are currently undergoing a federal environmental assessment. Two others were approved in March 2021 and October 2018.

Completion of New Biologics Manufacturing Centre on the NRC Site in Montréal

[Read More...](#)

Government Plans to Enact Regulations under Bill 65 by End of 2021

Full implementation of the reform regarding the operation of the selective collection and deposit systems **is expected in 2025**. Companies that market products in containers and packaging would be well advised.

New Brunswick

Unpaid Waiting Period Completely Eliminated on July 1

The 25-year old unpaid waiting period whereby an employee who experienced a work-related injury or illness was not eligible for compensation for the first three days of the claim **was recently repealed**.

Alberta

Alberta 2030: Expanding Work-integrated Learning

Alberta is helping fund **new on-the-job learning opportunities** for post-secondary students to build job-ready skills and increase access to talent for employers.

British Columbia

B.C. Hydrogen Strategy to Decarbonize Heavy Transportation to Achieve Net-zero Carbon Emissions by 2050

The government plans to establish **regional hydrogen hubs** to supply fuel and increasing the numbers of medium and heavy-duty vehicles powered by hydrogen on highways.

Heavy-duty Hydrogen Fueling Station Powers Clean Energy Transition

A fleet of 65 heavy-duty trucks will be able to make the **switch from diesel to hydrogen** in northeastern B.C. with support from the Low Carbon Fuel Standard.



COVID-19 UPDATE

Federal

- **CB Investigates Canada Tax Reviews' Marketing Practices Regarding Pandemic Benefit Programs (CERB, CRB)**
- **Free Rapid Test Kits Available**
- **Free CCOHS: COVID-19 Workplace Risk Assessment and Safety Plan**
- **Discussion on Enforceability of Mandatory COVID Vaccination in Canadian Workplaces**
- **CSA Looking for Input and Participation in Research Study Survey on Psychological Health and Safety Response During COVID-19**

Ontario

- [Step Three of Roadmap to Reopen Starts on July 16](#)

Quebec

Social Distancing Lowered to 1 Meter, Both Outside and Inside Since July 12

The **1 meter social distancing** is **only allowed for outdoor work** in the workplace. For indoor work, mask is not mandatory where the 2-meter social distancing is duly respected. There will **no longer be capacity restrictions** in retail stores.

Alberta

- [Manitoba Announces the Healthy Hire Manitoba Program](#)
- [Alberta Hits 70% Threshold, Restrictions Eased in Stage 3 Since July 1](#)
- [More Albertans to Receive \\$1,200 Critical Worker Benefit](#)
- [Employer's Toolkit for Vaccination](#)

B.C.

- [One-time Refundable Tax Credit for Impacted B.C. Employers Impacted](#)
- [Employers No Longer Required to Maintain a COVID-19 Safety Plan](#)
- [WorkSafeBC Guidance on the Step 3 Transition from COVID Safety Plan to Communicable Disease Prevention](#)

ORR & Boss is CPCA's Partner of Choice for Real Insights on the Canadian Paint and Coatings Industry and the Canadian economy. Read the latest updates on the Canada CoatingsHUB.



Read the Report



UNITED STATES UPDATE

Chemical Management

EPA Announces Path Forward for TSCA Chemical Risk Evaluations for the First 10 Priorities

[Read More...](#)

ACA: EPA Health and Safety Study Reporting Requirement for 20 High Priority Chemicals and Organohalogen Flame Retardants

EPA issued a **final reporting rule** under TSCA Section 8(d), requiring manufacturers and importers submit copies of specified unpublished health and safety studies or lists identifying them by September 27, 2021. The rule applies to all manufacturers and importers and reporting applies to studies identifying the substance and/or the substance as a component of a mixture. Regarding the high priority chemicals, **EPA will use collected information** to inform ongoing risk evaluations and to develop categories and analogue data when assessing new chemicals. Regarding organohalogen flame retardants, the studies will support prioritization and evaluation activities

for Section 6(b) risk evaluations. The CPSC has also started their evaluation and the US EPA proposed a PFAS rule that require to supply extensive information 1,300+ substances over the last ten years.

National Flammability Standard for Upholstered Furniture Takes Effect on June 2022

[Read More...](#)

Update on PFAS

- [EPA Proposed Electronic Reporting](#)
Manufacturers/importers that currently or have used/produced/disposed PFAS since January 1, 2011, are required to [report exposure and hazard information](#). Comments are due before August 27, 2021
- [House Panel Advances PFAS Bill Despite Calls for New Hearings](#)
- [Maine Advanced Legislation to the Governor's Desk to End Unnecessary PFAS Use in Consumer Goods](#)
- [Minnesota Joins Growing List of States to ban PFASs in Food Packaging](#)

What to Expect if EPA Changes TSCA Risk Review Process

[Read More...](#)

US EPA Scientists Say Agency Downplays New Chemical Risks

[Public Employees for Environmental Responsibility](#) (PEER) submitted a complaint to the EPA's Office of Inspector General on June 28, on behalf of four EPA risk assessors alleging these altered new chemical risk evaluations.

Environment

N.J. Weighs Advanced Recycling, Recycled Content Bills

The New Jersey Senate [voted 22-14 to establish recycled content standards](#) for rigid plastic containers and other products.

Louisiana Becomes 14th State to Support Reduction of Plastic Waste Through Advanced Recycling Technology Legislation

[Read More...](#)

Report Examines Biden Administration's Goal of Achieving a 50 Percent Emissions Reduction by 2030

[The report discusses:](#)

- The US' new international policy on climate change
- The EPA specific actions to counteract regulatory rollbacks from the Trump administration
- What does this environmental renaissance mean for companies?

Trade

U.S. House Approves US\$715B Infrastructure Bill

[It will provide \\$343 billion for roads, bridges and safety programs](#), \$109 billion for transit, \$95 billion for rail and nearly \$170 billion for water and wastewater projects

CPCA is a regular contributor to several well recognized industry magazines and news outlets.



Find the Articles in CPCA's Blog!

HAVING THE RIGHT DATA IS HALF THE BATTLE

CPCA provides members with quarterly statistics on import and export figures and important industry trends based on the Canadian paint and coatings industry and market sectors in Canada.

If you want to receive this data contact CPCA today.

[SEND ME STATISTICS](#)

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



EUROPEAN UPDATE

EU to Introduce Rolling List for Restrictions, Classification Intentions

The EC has proposed a 'rolling list' of proposals under a new restrictions 'roadmap', which would comprise all "planned, prepared and progressed" restrictions – including substances set for harmonized classification or candidate listing under CLP."

Highlights from Enforcement Forum-38 Meeting

The EU-wide enforcement project (REF-11) will look at the quality of SDS information in 2023.

Upcoming Changes to REACH Information Requirements

The changes will start to apply in early 2022 and companies need to start preparing. ECHA will publish updated guidance and more advice in late 2021.

Implementation of the EU BPR Plagued by Delays and Capacity

Authorities 'cannot function properly'. This reflects industry's concerns.

Echa Added Eight SVHC Substances to its REACH Candidate List

It includes UVCB medium-chain chlorinated paraffins, 1-4 dioxane, 4,4'-(1-methylpropylidene)bisphenol, and orthoboric acid, sodium salt.

Silicones Industry Loses EU Legal Bids to Scrap SVHC Designations and Restriction

The European General Court has resoundingly rejected two separate legal appeals by companies and trade bodies based on REAC and SEAC opinion last year. The US-based trade body, the Global Silicones Council, wanted the court to annul Echa's decision to include D4-D5-D6 on the candidate list.

EU OHS Strategy Targets Reprotoxics, Legislation Interface

[Read More...](#)

Norway Submits Restriction Proposal for Dechlorane Plus™

[Read More...](#)

More details on these and other industry issues are available for members on the Canada CoatingsHUB.

[Login to the HUB](#)



INTERNATIONAL UPDATE

New OECD Test Guideline No 497 on Skin Sensitization

This guideline is the first to include advice on computer tools predictions (i.e. QSAR Toolbox). ECHA is also working on related guidance for registrants to be published after the summer.

EHS and Sustainability: An Evolving Relationship

[Read More...](#)

CPCA is a founding member of the World Coatings Council and continues to provide insight and guidance on policy and sustainable development for the paint and coatings industry.

worldcoatingscouncil.org



CANADIAN PAINT
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ASSOCIATION CANADIENNE
DE L'INDUSTRIE DE LA PEINTURE
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NOW LIVE CPCA's 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.

[LOGIN](#)

***Thank You For Reading!
We'll See You Next Month.***

Got a Question? Contact CPCA at anytime for answers to your regulatory questions or concerns. We appreciate member feedback, so should you have suggestions for improving the RR or other aspects of the Hub please let us know.



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edition of INSIGHT?

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INSIGHT
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Where DIY Painters
go to get the job done!

*Find inspiration, tips,
and tutorials!*

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CPCA's CoatingsTECH
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