

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 Comments on Health Canada's Proposed Amendment to the Hazard Statement for Combustible Dusts (Schedule 5 of the HPR)
- CPCA Submits Comments on RPRA's Consultation on Administrative Monetary Penalties
- Final "VOC Concentration Limits for Certain Products" Regulations to Come into Force on January 1, 2024
- CPCA Seeking Member Input on Proposal to Ban Coal Tar-based Sealants
- CPCA Provides Members with Additional Guidance on How to Respond to S.71 Survey on Bisphenol A Analogues and Functional Alternatives
- CEPA Reform and Private Member Bill C-219 Expected in Parliament in Q1 2022
- CPCA Reviews Government's CMP Implementation Plan for 2021-2024
- Government Details CMP Risk Assessment and Risk Management Plans for Q1 2022 and Calendar Year 2022 Respectively
- Draft Screening Assessments for the Acids and Bases and Select Hydrocarbons Groups Propose All Substances Not Toxic
- Members Updated on Several Key Presentations at Last CPCA Paint and Coatings Working Group Meeting: Flame Retardants, Benzophenone, LC-PFCAs
- Members Alerted on Proposal to Ban Uses of CASE-implicated UVCB Phenol, Methylstyrenated (MSP)



 **MEMBER ACTION REQUIRED**



Did You Know?



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

Changes to the "Prohibition of Certain Toxic Substances Regulations, 2012" Delayed to March

Besides changes related to **PFOS, PFOA LC-PFCAs, PBDEs and HCBP**, the regulations also propose to prohibit the manufacture, import, use, sale and offer for sale of two Flame Retardants: DP and DBDPE.

Proposed Single-Use Manufacturing Plastics Items Prohibition Regulations Published on December 25

The ban targets six product categories: checkout bags, cutlery, foodservice ware made from or containing problematic plastics, ring carriers, stir sticks, and straws. **Comments are due by March 5.** The final publication is not expected before the end of 2022.

Final Order Add SNAc to Graphene (CAS RN 1034343-98-0)

The **significant use activity** (SNAc) applies to the manufacture in a consumer product of graphene possessing certain characteristics and to be released as a spray, mist or aerosol, in a concentration exceeding 1% w/w as well as when used at 100 or more Kg/year as respirable particles but excluding products releasing the substance as a spray, mist or aerosol. The SNAc also applies to imports of consumer products at 10 Kg/year or more and other activities.

CMP Phase 1

CPCA Bulletin Warns Members of Consultation Document Proposing to Ban All Coal Tar-based Sealants

The RM scope proposed a wide ban of all **coal-tar based sealants** sold in Canada containing six substances in the CMP group. The consultation closes on February 10.

CMP Phase 3

CPCA Bulletin Summarizes DSAR and Risk Management Scope on Phenol, Methylstyrenated

UVCB MSP (CAS RN 68512-30-1) is **proposed toxic** to the environment and meets the criteria for virtual elimination. (VE) will mean that all current SNAc and ministerial orders will be rescinded. Members using or selling MSP should share their views with CPCA, prior to the extended deadline

of March 7.

CMP Risk Assessment Publications Plan: Q1 2022 & RM Publications Plan for 2022

Members should watch for the **Q1 DSAR** of the 1-nitropropane, Alcohols, Esters, Alkyl Halides groups and the **RA Framework for Manufactured Nanomaterials**. The published RM actions will include the Prohibition of Certain Toxic Substances Regulations, a Code of Practice for Chemicals, Plastics and Rubber Sectors; and, the Order applying SNAc for 2-Ethylhexyl-2-ethylhexanoate.

DSARs Recently Proposed Not CEPA-toxic All Substances in Two Groups

- “Selected Hydrocarbons” Group
- Acids and Bases Group

Updates on Key Government Presentations at Recent CPCA PCWG Meeting

- FSAR for Ketones Expected this Fall: MEK, MIB, and 2,4 PD Targeted
- FSAR, RM Approach for Flame Retardants Expected Late in 2022
- RM Instrument for Benzophenone Discussed with Implicated Stakeholders in 2022
- Canada Proposed to List LC-PFCAs, Their Salts and Related Compounds to the Stockholm Convention
- Performance Measurement Evaluation of Inorganic Cadmium Compounds Scheduled for Spring 2022
- ECCC Compliance Promotion Activities for 2022

CMP Post-2020

CPCA Bulletin on Mandatory Survey on Bisphenol A Structural Analogues and Functional Alternatives

Manufacturers, importers and users of **188 substances need to respond to the survey by March 16**. ECCC also answered specific CPCA questions and provided a link to the online guidance material.

Government Publishes CMP Implementation Plan 2021-2024

Last December, **330 substances still remained to be assessed in Phase 3**. A modernization of the IRAP process will identify priorities related to emerging issues such as cumulative risk assessment and vulnerable populations and will introduce an additional 1200 existing substances for further scoping in the new Ministers' plan to be published within 2 years of Royal Assent of the CEPA Reform. The S.71 survey for nanoscale substances is expected in 2023. For the first time ECCC/HC adds specific CMP plans for other acts (FDA, PCPA). Going forward, more coordination and follow-up are to be expected for substances governed by other Acts.

CEPA Legislative Review

Parliamentary Updates on CEPA Reform and Private Member Bill C-219

NDP introduced a **Private Member Bill proposing to amend the Bill of Rights** to advance the ability of Canadians to make a claim to protect their health and the environment. The Bill currently low on the order of precedence could give insight as to the NDP's position on upcoming CEPA reform regarding the "right to a healthy environment". Additionally, indications are that CEPA Reform will soon be re-tabled. Legislative changes will include making ingredient labeling mandatory in certain consumer products.



VOCs & AIR QUALITY

Final VOC Concentration Limits for Certain Products Regulations Published

The VOC regulations target adhesives, adhesive removers, sealants and caulks, thinners, multipurpose solvents sold in Canada (used by household, institutional and commercial consumers). The limits come into force in two years (January 1, 2024), except for disinfectants.

CPCA Bulletin: PCWG Update on Five ECCC VOC Files

- Proposed 2022-2030 Federal VOC Agenda expected in CGI in Spring 2022
- ECCC regulators drafting a consultation paper on the Revised Architectural VOC Regulations and to launch a multi-stakeholder consultation later in 2022
- RFP re-launched at the end of 2021 to study VOC emissions from industrial and commercial adhesives and sealants: Final completion anticipated for March 2023
- ECCC supported the development and offering of a new AR training course



POST-CONSUMER PAINT RECYCLING

CPCA Submission: RPRRA Consultation on Administrative Monetary Penalties

The MECP seeks to delegate the fee setting to RPRRA and wishes to do the same for administrative monetary penalties, when it rightfully belongs under the MECP as noted in the RRCEA and as noted in the Drummond Report.

Hazardous and Special Products Producers Required to Submit a Report on Their Collection Services by January 31

Producers and producer responsibility organizations (PROs) of category A (oil filters and non-refillable pressurized containers), category B (oil containers, antifreeze, pesticides, refillable pressurized containers, solvents, paints and coatings) and category C (mercury-containing barometers, thermometers and thermostats) are required to submit a 2022 Interim Report to RPRRA by January 31, 2022.



WORKPLACE HEALTH & SAFETY

CPCA Submission: Health Canada's Proposed Amendment to the Hazard Statement for Combustible Dusts (Schedule 5 of the Hazardous Products Regulations)

HC and OSHA officials are taking steps to address top variances, including this one. In general, CPCA supports HC's proposal in this effort to harmonize GHS Rev 7 with OSHA but raised a major concern.

B.C.: New and Revised Exposure Limits Based on the 2016, 2017, and 2018 ACGIH TLVs for Selected Chemical Substances Take Effect in March

New TLVs include ones for ethyl and phenyl isocyanate as well as some newly aligned TLVs.

Ontario: Industrial Establishments Regulation (Reg 851) Amendment Requires Pre-start Health and Safety Reviews in Factories Since January 1

The PSRs integrate health and safety early—at the design stage and before the equipment is used—as a cost-effective and proactive way to prevent worker illness or injury.

Ontario Auditor General Report on Non-Hazardous Waste in the IC&I Sector

The report found that the province's regulations for IC&I waste apply to less than 2 percent of all IC&I establishments.



TRADE POLICY & REGULATION

Proposed Amendments to Enhance Safety for TDG across Canada

The amendments will promote more consistent training and certification for employees who handle and transport DGs in Canada:

1. Introduce a competency-based approach to training and assessment
2. Incorporate by reference the new training standard developed under CGSB guidance
3. Align training requirements with a series of international codes.

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

Login to the HUB



CANADIAN PAINT
AND COATINGS
ASSOCIATION

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

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****Explosives Regulations: NRCAN Registering License Renewals for Sellers of Listed Precursors**

Those members using acetone and other precursors and using the electronic [License Management System](#) will be expected to register to [new NRCAN software](#) and to wait for renewal approval.

ECCC Substances Search Tool Updated on December 6

CPCA also publishes on the [CMP Substances Database HUB](#) the latest [DSL](#), [NDSL](#), [SNAc](#) lists.

Sixth Report on Human Biomonitoring of Environmental Chemicals in Canada Published

Please see the latest results on bisphenol A, phthalates, metals and PFAS.

Final Orders Added Substances/Living Organisms to the DSL and/or to Apply SNAc to Current Ones

Several Orders added:

- [20 Chemicals and Polymers \(10 in Part 1, 10 in Part 3\)](#)
- [11 Substances: 3 in Part 1, 8 in Part 3](#)
- [Five Substances in Part 1, Three in Part 3](#)
- [SNAc Requirements to Aluminium Magnesium Vanadium Oxide](#)
- [SNAc Requirements to CAS RN 1661012-65-2](#)
- [Four Substances in Part I, 10 in Part 3](#)
- [Aluminosilicate or Kaolinite to Part I](#)

[Four Orders](#) added several living organisms and/or SNAcs to a few other living organisms.

**BIOCIDE PRESERVATIVES****PMRA Consulting on Label Template for Pest Control Products**

The PMRA updated the [USC definitions to improve the clarity of the definitions](#), especially for non-agricultural pest control products.

**TRADE REGULATIONS****Canada Considers Tougher GHG Rules for Shipping**

Canada is considering to support an international proposal **doubling the ambition of GHG emission targets** from shipping.



INTERNATIONAL INITIATIVES

ACA to Comment on OECD Draft Report on PFAS in Coatings, Paints, and Varnishes with CPCA

ACA provided comments **prior to January 7**, as the OECD report was planning for its publication in the OECD Series on Risk Management at that time.

U.S. and Canadian Fleets Could Eliminate 100 Million Metric Tons of CO2 Emissions by Adopting EV

The **NA Council for Freight Efficiency** released a report on real-world electric trucking data that encourage its deployment in fleets.



FEDERAL-PROVINCIAL UPDATE

Mandate Letters Published in December

ECCC Minister's mandate: Many requirements relate to climate change and refer to CEPA Reform and related issues such as the **"right to a healthy environment"**.

Health Minister's mandate: To jointly implement a comprehensive action plan to protect Canadians, including firefighters, from exposure to toxic flame retardants, to introduce mandatory labelling of chemicals in consumer products, to end testing on animals, to increase testing of products for compliance with Canadian standards, and to modernize and strengthen the Pest Control Products Act.

Consultation on Canada's 2030 Emission Reduction Plan

The comment period ends on **January 21**.

Reminder: GHG Emissions Reporting Due June 1, 2022

The notice applies to 2021.

NOI to Amend Delete One Living Organism on the DSL

This organism **accession number is 13637-2**.

Final Guidelines for Canadian Drinking Water Quality Issued for Dicamba

Dicamba is a selective systemic herbicide registered for use on lawn and turf on industrial sites.

Consultation Launched on Modern Labour Standards

The comment period ends on **February 21**.

Health Canada's 2020-2021 Consumer Product Safety Enforcement Summary Reports

Two of four **Compliance Verification Projects**, are **CASE-related**:

- Flame Jetting: Verification of industry's compliance of containers of pourable alcohol-based fuels with CCCR and CCPSA.

- Children's Jewellery Regulations: Verification of compliance of lead and cadmium content subject to the Children's Jewellery Regulations.

CFIA-AIRS Updated on January 1, 2022

Importers and exporters using the HS codes in the [Automated Import Reference System \(AIRS\)](#) should review the 2022 HS Code structure table for updates and/or use the Verification Tool.

Additional Funding for Trade Corridor Development

The funding of [\\$1.9 billion over four years](#) support projects that improve connections to global markets and internal transport corridors.

2022 Transportation Buying Trends

Transportation backlogs and capacity constraints across all modes are [expected to persist for another year](#).

SCC to Develop a National Standards Strategy

The NSS will set the future direction of [Canada's standards system](#).

Minimum Wage for Federally Regulated Entities Is Set for \$15.00/hour

[Learn More...](#)

Ontario

New Fund Announced to Promote Advanced Manufacturing in Ontario

The [Advanced Manufacturing and Innovation Competitiveness program](#) focuses on providing \$40M over 2 years to companies with the tools, technology and talent needed to grow, compete and innovate in the global market. First Round of applications opened until February 10.

Consultation: Proposed Changes to Environmental Assessment Requirements for Advanced Recycling Facilities

[Advanced recycling and energy recovery technologies](#) use heat and pressure to break down hard-to-recycle plastics and other waste into materials that can be reused to create new products or replace fossil fuels. The deadline to comment is February 28.

Minimum Wage Is Now of \$15/hour

[Learn More...](#)

Quebec

MELCC REAFIE Update

New rules apply concerning information and document to transmit under the [Regulations Respecting the Regulatory Scheme Applying to Activities](#) on the Basis of their [Environmental Impact](#).

2022 Immigration Plan Welcomes Flexibility for Employers in the Manufacturing Sector

[See a summary of the plan here.](#)

MELCC Update on Statutes and Regulations in Effect

[Learn More...](#)

Nova Scotia

Up to 250 Level-2 EV Chargers Throughout NS

The project is provided through the NRC's [Zero-Emission Vehicle Infrastructure Program](#). Canada aims to ensure all passenger vehicles sold by [2035 are zero emission](#).

New Brunswick

NB Proposes OSHA Amendment

Consultation ends on [March 14](#).

Saskatchewan

Amendments to [The Saskatchewan Employment Act Effective January 1](#)

1. Workplace harassment prohibitions protect independent contractors, students, and volunteers
2. "Supervisory employees" have access to collective bargaining
3. Mandatory vaccination policies need to include an option for employees

Alberta

Alberta Enables Captive Insurers as a Risk Management Option

The [captive insurance model](#) may assist those businesses that are facing challenges in obtaining insurance due to claims history, business decisions by insurers, or premiums being high.

B.C.

Five Paid Sick Days Introduced on January 1

Eligible employees must be covered by the [Employment Standards Act](#), and have worked for their employers for 90+ days. Employees have up to 8 days/year: five paid, three unpaid.

WorkSafeBC Consultation on First Aid Curriculum

See how the service offering of the [occupational first aid curricula](#) should evolve to improve OHS.

Proposed Regulation to Manage Emissions from Open-air Burning of Vegetative Debris from Land Clearing

[Learn More...](#)

Proposed Asbestos Licensing Rules

For contractors, employers and workers undertaking [abatement work](#).



COVID-19 UPDATE

Federal

- [On January 15, Only Fully Vaccinated Canadian Truck Drivers Permitted to Cross the Canada-US Border: US Enforcement Slated for January 22](#)
- [Canadian Interim Order Regarding Certain COVID-19 Requirements in Civil Aviation](#)
- [January 17, Statistics on Canada and US Vaccination Rates](#)

Ontario

- [Infectious Disease Emergency Leave Extended to July 31](#)
- [Retail Stores Operate at 50% Capacity; Remote Work Mandatory for Businesses](#)

Alberta

- [Changes to COVID-19 Testing Eligibility](#)

B.C.

- [Safety Plans Reinstated for Employers](#)

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

Biden Orders Government to Prioritize Purchase of PFAS-free Products

All agencies should prioritize [substitutes for PFAS-containing products](#) to the “maximum extent practicable”.

EPA to Strengthen Science Used in Chemical Risk Evaluations

A draft [TSCA Systematic Review Protocol](#) was published in December. Candidate reviewers accepted.

EPA Proposed Consent Decree to Address Chemical Plant Emissions Regulations

The EPA will address a lawsuit that has missed [Clean Air Act deadlines addressing hazardous emissions](#) from chemical plants.

'Louisville Charter' Pushes for US Chemicals Industry Overhaul

More than [100 US NGOs and firms](#) have signed the Charter.

Draft Scope for Asbestos Part 2 Released

Asbestos chrysotile was one the first ten chemicals. In 2019, EPA pushed to further evaluate other types of [asbestos fibers](#) and their conditions of use in talc and talc-containing products.

1-BP Added to Air Toxics List & OEHA Drafts Reference Exposure Levels for 1-BP

EPA's current HAPs roster totals 187. While EPA has dropped several over the years, this is a first-time addition that could be seen as precedent-setting. OEHA drafted reference levels exposure of 1-BP.

EPA's Chemical Office Severely Understaffed

Employees have to meet a number of [statutory deadlines and directives](#) while revisiting the risk reviews for the first 10 substances and assessing 33 chemicals.

EPA Drops Goal to End Mammalian Testing by 2035 from Workplan

An [updated workplan](#) of the new approach methods (NAMs) removes all mentions.

Industry Urges Transparent Review of Cumulative Risk Guide for TSCA Use

EPA's forthcoming cumulative [risk guidance for assessing chemicals](#) will mark a major policy shift. Industry calls for a full peer review of the guidance prior to using it for decision-making.

Comments Sought on Draft Revised Risk Determination for HBCD

HBCD is used as an [additive](#) in building materials, recycled plastics, and automobile replacement parts.

TRI Reporting Requirements Expanded for Ethylene Glycol

Last December, TRI reporting was extended to [29 facilities releasing EtO and ethylene glycol](#).

NTP Report on Di(2-ethylhexyl) Phthalate

Two chronic carcinogenicity assessments were [conducted for DEHP](#).

EPA to Order Chemical Makers to Test 24 PFAS for Toxicity

[Learn More...](#)

California Update

- [OEHA; Six Substances Added to Prop 65](#): PFASs, PFNA and PFOS, tetrahydrofuran, and three acrylates including CAS 103-11-7 and 96-33-3.
- [Prop 65 List Updated on December 31](#)

Health

Supreme Court Blocks Vaccine Requirement for Businesses

[Learn More...](#)

NY Bans 2024 Sales of Consumer Electronic Goods and Other Categories Containing FR Including Nanoscale Forms in Plastic Enclosures

The new law bans their [sales as of 2024](#).

FDA Sued over Inaction on Phthalate Food Contact Materials Petition

The legal action could force the agency to make determination on the continued use of [phthalates in FCM applications](#).

OMB's Approval Sought for 13 Carcinogens Standard Information Collection Requirements

Comments are due by [February 14](#).

Requirements for Employers to Submit 2021 Injury and Illness Data by March 2

Electronic submissions are for **establishments with 250+**.

Environment

EPA Implementing Toughest Emissions Standards for Light-Duty Fleets

The standards are for model **years 2023 through 2026**. Separate rules will be set for model years 2027 and later.

Transportation

CVSA Adopts NA Fatigue Management Program for Truckers

This program aims at preventing fatigue-related risks and crashes and **cultivating a CS culture**.

Trade

Supply Chains and Sustainability Strategy Predictions for 2022

According to OnShape, **“operations will start to normalize”** by Q3 2022, driven by new PPPs and government funding. Mitigation strategies will include substituting the “just-in-time model” with a “just-in-case” model.

“Sustainable” Companies Face Increased Pressure to Justify the Sustainability Label

There is significant momentum for companies to provide sustainability disclosure that is reliable, consistent, and comparable. **Demand for ESG products is soaring**—but so is scrutiny.

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](#)

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



EUROPEAN UPDATE

EC Lays out Plans to Accelerate Mandatory Classifications

In Q2 2022, EC and member states will discuss in [Caracal](#) the regulatory options for a list of the most hazardous substances to be mandated and regularly updated by ECHA. Once mandated, ECHA would prepare the CLH dossier and consult. A second option would involve ECHA screening the incoming CLH dossiers from member states and companies, and prioritizing them in a 'roadmap' for proposals.

75% of Inspected EU Products Sold Online Breach EU Chemicals Laws

5 000+ enforcement actions have followed.

CAS RN 79-94-7 May be Added as SVHC

Four substances added to Candidate List, two used in adhesives and sealants.

Renewable Carbon Initiative Outlines Support for Alternative Carbon Sources

The RCI aims to speed up the transition from fossil carbon to renewable carbon for all organic chemicals/materials by creating sustainable carbon cycles.

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

[Login to the HUB](#)



INTERNATIONAL UPDATE

OECD Publications

- [Reports on Nanomaterials](#)
OECD proceeded with in-depth analyses of 54 NM tools/models, and recommended 10 occupational, 7 consumer and 6 environmental for assessing exposure.
- [Guidance on Key Considerations for the Identification and Selection of Safer Chemical Alternatives](#)
- [Environment at a Glance Indicators, January 2022](#)

China Proposes Mandating QR Codes for Hazardous Chemicals Labels & Published Final Guidance for Priority Assessment Chemical Screening

A draft regulation was released, which presents issues for importers and clients. The new guidance sets out selection principles, procedures and technical requirements for the screening of priority assessment for new and existing substances.

Colombia Publishes Overarching Chemicals Regulatory Framework

Decree 1630/2021 outlines plans for the creation of a TRI, a key early step in building a regulatory framework before 2026.

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

CANADA COATINGS HUB™

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

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.

Have you read this year's edition of INSIGHT?
Contact CPCA to have a copy mailed to you

CPCA's DIY Centre
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