

REGULATORY RADAR

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



The Regulatory RADAR is a comprehensive advocacy report for **CPCA Members Only**.

ADVOCACY REPORT



CPCA is your partner in Compliance — *Trusted Advocacy. Proven Results.*

Members receive access to CPCA advocacy activities, regulatory news, and compliance alerts to facilitate staying ahead of the many changes in Canadian Regulations.

- CPCA Comments on Health Canada's Intent to Remove the Consumer Product Exclusion from the HPA
- CPCA Opposes Proposal to Include Coatings Under 'Construction Materials' in Tightened US 'Buy America' Requirements; Meets with Canada's Global Affairs Officials to Discuss
- Bill S-5 Passes Debate by ENVI Committee; Third Reading in the House and Royal Assent in Senate to Follow
- CPCA Urges MPs to Push Through the Passage of Bill S-5 As-Is at Third Reading
- CPCA Supports Revised Regulatory Fees for HSP Materials (A & B)
- CPCA to Follow-up with ECCC DG Regarding Concerns with AIM VOC Regulations Expected in CGI Later This Year
- Coatings and Adhesives Working Group (CAWG) to Meet with PMRA Officials on April 4th
- ECCC Postpones PCWG Meeting to June 6, 2023
- Proposed Regulation Banning All Coal Tar-based Sealants Expected in Summer 2023; Final Implementation in Fall 2024
- Science Approach Document on the Assessment and Management of PFAS Exposure Expected in April 2023
- Government Publishes Risk Assessment Publications Plan for April - June 2023 & Risk Management Plan for Spring 2023 - March 2024
- Additional Risk Characterization Published Confirms Toxicity of Two Furans: FSAR Expected in Fall 2023
- Members Invited to Participate in Inaugural Multi-stakeholder Workshop on Workplace Health & Safety Issues Taking Place May 24 and 25

- Final Screening Assessment for Cyanides Recommends All Ten Substances be Added to Schedule I
- Online Consultation on Canada's Voice - International Legally Binding Agreement on Plastic Pollution



Canadian Paint
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Association

Association canadienne
de l'industrie de la peinture
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Sustainable Coatings are the Future!

Coatings are *reliable, responsible, and recyclable*. They are also key to *protecting, preserving and providing* for our future. Contact CPCA to share how your coatings product is helping to build back better.

Share my story

Canadian REGULATORY REPORT

 **Member Action Required**  *Engage with CPCA to Maximize Results*

 **Chemicals Management in Canada**

NPRI 2022 Reporting Application Launch

The Single Window NPRI application is now available. The deadline for filing the report for the 2022 calendar year is **June 1, 2023**.

Online ECCC Consultation: Canada's Voice – International Legally Binding Agreement on Plastic Pollution

Canada prepares for the second session of the Intergovernmental Negotiating Committee (INC-2) in Paris from **May 29 to June 2, 2023**. Environment and Climate Change Canada (ECCC) wants to hear from stakeholders on how Canada can support global efforts to end plastic pollution. Your comments will help inform Canada's voice towards the development of a new international legally binding agreement.

Ministerial Condition No. 19916a Published as a Variation to Ministerial Condition No. 19916 Targeting CASRN 68955-56-6

The ECCC Minister previously imposed Ministerial Condition pertaining to CASRN 68955-56-6 in 2019 and received new information in 2022. The Minister Condition No. 1996a now imposes that the notifier shall not import or manufacture the substance to manufacture a consumer product unless the **substance is chemically reacted into a stable matrix** and cured during the manufacture or import of the consumer product.

CMP-3

CMP Risk Assessment Publications Plan for Spring 2023

Government shared the [Risk Assessment Publications plan](#) for the period of April to June 2023. The updated DSARs on NMP and selected C3-5 Alcohols will be of interest to CPCA members. The draft "State of PFAS" report is also much expected.

CMP Risk Management Publications Plan - Spring 2023 to March 2024

The [RM Publication Plan](#) includes the Proposed Ban on Coal Tar-based Sealant Products in Summer 2023 to be finalized in CGII in Fall 2024. The plan indicates that the proposed Code of Practice for Benzophenone (CASRN 119-61-9) has been pushed back to the summer or later. There are also SNAc provisions to expect for TMTD (CASRN 137-26-8) and 2-Ethylhexyl-2-ethylhexanoate (CASRN 7425-14-1) later this year, both of which could impact the coatings sector, as well as the *Final Regulations Prohibiting Certain Toxic Substances*.

Government Publishes Additional Risk Characterization Document for the Furan Compounds Group

An [Additional Risk Characterization](#) for the CMP-3 Furan Compounds Group was recently published well after the DSAR. The document pertains to additional sources of exposure to furfuryl alcohol (CASRN 98-00-0) and tetrahydrofuran (CASRN 109-99-9). Both substances are now found to pose harm to human health. An Addendum to the RM Scope was also published, including additional measures to reduce air exposure to these substances in the vicinity of facilities in sectors of concern. At the last CPCA PCWG meeting, officials informed CPCA to expect the FSAR for this group in Fall 2023.

Publication of the Final Screening Assessment Report (FSAR) for Cyanides

The CMP-3 group contains 10 cyanides which are all recommended for addition to Schedule 1. There is a risk of harm to the environment under paragraph 64(a) of CEPA while all substances do not meet the criteria 64(b) and (c). The comment period ends on April 26th. [Members using any of the ten cyanides should identify themselves to ECCC.](#)

Proposed Order Adds Free Cyanide, Cyanide Salts, and Cyanide Complexes to Schedule 1 of CEPA

The proposed order adding 10 substances to Schedule 1 is available for public comment until May 17. The proposed order targets the metal mining, road salts, and iron and steel manufacturing sectors but does not mention paint and coatings. Some cyanide complexes may have low-volume uses in coatings available to consumers, therefore [members should inform CPCA of any concerns.](#)

CMP Post-2020

Government to Publish a "Science Approach Document" on the Assessment and Management of PFAS Exposure in April 2023

The ["Science Approach Document"](#) on PFAS Exposure is planned for publication in April while S.71 survey on 107 PFAS should follow during the coming weeks.

CEPA Regulatory Review

CPCA Bulletin: Bill S-5 Passes Debate by ENVI Committee; Third Reading in the House and Royal Assent in Senate to Follow

The Bill S-5 on CEPA Reform has passed debate by the House ENVI Committee and is referred back to the House of Commons for Third Reading for March 22, 2023. CPCA is generally pleased with the outcome of debate in the ENVI Committee which overturned and/or softened many problematic amendments introduced by the Senate. The Bill is now much closer to its original form. Timelines are still up in the air but Bill S-5 is now well positioned to receive [Royal Assent](#) before the summer parliamentary recess. [See other CPCA updates made during ENVI meetings.](#)

CPCA Urges the Passage of Bill S-5 As-Is at Third Reading

CPCA wrote to the **Leader of the Government in the House of Commons** to encourage the Government to move forward on protecting the environment and human health now, while reducing the uncertainty for all those involved in regulations on chemical risk assessment in Canada, that is, government officials and industry.



Workplace Health and Safety

WHPP's Multi-stakeholder Workshop Scheduled for May 24-25, 2023

The first **Workplace Hazardous Products Program** (WHPP) multi-stakeholder workshop will take place virtually on May 24 and 25, from 1:00 to 4:00 PM each day (EDT). Members can confirm their intent to participate.

CPCA Submission: Comments on Health Canada's Intent to Remove the Consumer Product Exclusion from the Hazardous Products Act

CPCA members generally supported the removal of the CPE exclusion from the HPA which only asks to provide an SDS upon request from any employers using 'hazardous' consumer products in the workplace and **does not require full WHMIS labelling**.

CPCA Makes Recent Health Canada Webinar Materials Available

The **February 22 and 23 webinars** were given to fully explain the Amendments to the *Hazardous Products Regulations* GHS Rev 7 and part of Rev 8.



Biocide Preservatives

CPCA Coatings and Adhesives Working Group (CAWG) to Meet with PMRA Officials on April 4th

CPCA along with several industry member experts plans to discuss the needs for more transparency and predictability in the PMRA evaluation/re-evaluation processes, for aligning PMRA with the EPA approaches for pesticide review in terms of data, timelines and regulatory information sharing, current issues with trade articles, and the impacts to expect from the PMRA product stewardship plan on the PMRA assessment and mitigation measures.



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Canadian
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Chemicals Management in Canada

Government to Hold Webinar for Upcoming Meetings of the Conferences of the Parties to the Basel, Rotterdam and Stockholm Conventions

Members are invited to participate in a webinar hosted by **ECCE/HC** on **March 28, 2023** from **1:00-3:00 pm EST** ahead of the COPs meetings scheduled for May 1-12, 2023 in Geneva.

Publication of Final Science Assessment of Benzene Releases from Gasoline Stations and Implications for Human Health

Benzene, a recognized human carcinogen, is of particular concern in gasoline. The objective of this assessment is to estimate the contribution of benzene emissions to inhalation exposures for communities living in proximity to gasoline stations. Two emission pathways are considered: long-term continuous emissions via evaporative losses from gasoline station operations and short-term emissions during tanker truck fuel unloading. The short-term inhalation exposures to emissions of benzene from gasoline unloading by tanker trucks result in MOEs for **developmental hemotoxicity effects**.

Order 2023-87-03-02 Deletes 19501-9 from the NDSL & Final Order 2023-87-03-01 Simultaneously Adds it to the DSL and Applies a SNAC

A **Final Order added** 19501-9 N-S to the DSL by applying a SNAC in Part 4 targeting cosmetic product uses.

Ministerial Condition No. 21280 Published Regarding CASRN 691400-36-9

The condition applies restrictions on this substance in **cosmetics or leave-on cosmetics**.

CMP-2

Canada Publishes Guidelines for Drinking Water Quality – Boron

The Minister of Health recently gave notice of the **final guidelines for Canadian drinking water** quality for boron providing a maximum acceptable concentration. Boron compounds are found in many consumer products, such as in swimming pool and spa products; and cleaning products. HC/ECCE's revised DSAR for the Boron and its compounds subgrouping is expected in Summer 2023.



Trade Policy and Regulations

Competition Bureau Consulting on Their New Compliance Portal

The Competition Bureau operates as an independent law enforcement agency to ensure that Canadian businesses and consumers prosper in a **competitive and innovative marketplace**. It investigates anti-competitive practices, business arrangements or agreements, and deceptive marketing. The Competition Bureau promotes compliance with the **Competition Act**, the **Consumer Packaging and Labelling Act**, the **Textile Labelling Act**, and the **Precious Metals Marking Act**.



International Initiatives

CPCA Comments on OMB Guidance to Add Construction Materials to the Buy America Scope

The **US Office of Management and Budget** (OMB) proposed revisions in the scope to support implementation of the Build America, Buy America provisions. The Act requires that by May 14, 2023 "none of the funds made available for a Federal financial assistance

program for infrastructure may be obligated for a project unless all of the iron, steel, manufactured products, and construction materials used in the project are produced in the United States.” CPCA is strongly opposed to including coatings in the proposed revisions as it goes against CUSMA.

US EPA “Reimagining” the Way It Conducts TSCA Risk Evaluations, with Plans to Move Towards a “Leaner” and more Expedited Process

The agency has a **June deadline** for finalizing its next 20 risk evaluations for existing chemicals, but has yet to release a single draft.

OECD Publishes 2nd Edition of Its Cross Country Report Titled “Approaches to Support Alternatives Assessment and Substitution” and Study on Economic Instruments to Incentivize Substitution of Chemicals of Concern

The 2nd edition document summarizes approaches used to support alternatives assessments and substitution by countries and lessons learned. The separate economic study report aims to give an overview of economic instruments (taxes, fees, subsidies, tradable permits, etc.) used in chemicals management and in other environmental domains that governments could consider to **incentivize substitutions**.

EU: Ten Biocidal Active Substances Including DBNPA Have BPR Approval Cancelled for Product-Type Four and Reaction Mass of TiO₂ and Silver Chloride in Product-Type 7

The EC is **cancelling approvals** for the use of DBNPA to disinfect food and feed areas (Product-Type 4) and is cancelling the approval of 18 active substance/product-type combinations because applicants have withdrawn their support. One of those refers to Reaction mass of TiO₂ and silver chloride for use in film preservatives (Product-Type 7).

Reminder: EU Consultation on Proposed Restriction of Bisphenol A and Other Bisphenols

The proposal focuses on restrictions to place on the market of mixtures and articles containing **BPA, other bisphenols and derivatives** (BoSC – BPB, BPS, BPF and BPAF). This regulatory development can influence Canada’s later approach with **Bisphenols** structural analogues and functional alternatives. Also, **PlasticsEurope** lost its latest appeal as the EU Court of Justice recently ruled that Echa was right to identify bisphenol A (BPA) as an SVHC.



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CPCA's 110th Annual Conference
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*CPCA's cornerstone event provides
insights on industry advances in R&D
and technology, business challenges,
and the economic outlook ahead.*

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2023-2024 Fees Adjustment of 6.8% for the New Substances Program

See the fee table from [April 1, 2023 to March 31, 2024](#).

Retail Payment Activities Act: Draft Regulations Published for Comment

Last February, draft regulations were published under the *Retail Payment Activities Act* proposing significant and fairly prescriptive requirements to be applied to all payment service providers (PSPs), regardless of the overall size and complexity of the PSP.

Competition Bureau Provides Recommendations to Improve Competition Law in Canada

The CB has presented a submission in response to the [Government of Canada's consultation](#) on the future of [competition policy](#) in order to help modernize and strengthen the *Competition Act*. See the [recommendations on deceptive marketing](#) and new recommendations for CASL provisions.

2022 Greenhouse Gas (GHG) Reporting Period is Now Open

ECCC's [GHG Reporting Program](#) is accepting reports for the 2022 calendar year through the [Single Window system](#) by June 1, 2023.

Consider Canada's Zero-emission Trucking Program

The ZETP received \$75.8 million over five years to support [ZE vehicle deployment](#).

CCOHS

- [New Workers' Basic Rights Poster Available in 4 Languages](#)
- [Workplace Impacts from Climate Change](#)

Guidelines Published for Using Recycled Plastics in Food Packaging

[Download the Guide](#)

Access to a Complete Guide to UN Model DG for Transport Labels

[Download the Guide](#)



Ontario

Modernization of Ontario's *Consumer Protection Act* Proposed

In the consultation *Modernizing Consumer Protection in Ontario*, the core rules would apply to most consumer contracts with additional rules considered for certain contracts (timeshare, direct sales, etc.). Businesses will have to disclose specified info before a consumer agrees to a contract. The Ministry proposes to list examples of prohibited unconscionable conduct and false, deceptive or misleading representations.

RPRA Amends the HSP Regs To Remove Promotion and Education Requirements Related to Visible Resource Recovery Fees

The Ontario government has amended four regulations under the Resource Recovery and Circular Economy Act, 2016 (RRCEA) including the Hazardous and Special Products (HSP) Regulation to remove promotion and education requirements related to visible resource recovery fees. Businesses will continue to have discretion over whether they charge a fee to recover the cost of recycling their products. However, with this amendment, if they charge a fee, they are no longer required to provide information about who is charging the visible fee and what it will be used for. Effective immediately, RPRA has ceased its

enforcement of promotion and education requirements for visible fees across all materials.

Ontario Tightening Rules Around Mass Layoffs

The changes would **protect remote and precarious workers**.



Quebec

Containers Outbound from Montreal Undergoing Extra CBSA Scrutiny Since March 1

Delays and costs should be expected if an export container is selected for a full de-stuffing and inspection. **Import containers are not impacted.**

Reminder: Your Brand and the Charter of the French Language: What to Do to Comply?

The new rules coming into effect on **June 1, 2025**.



Alberta

Hazard Assessment and Control: a Handbook & Tool Kit for Emergency Response Planning

A **step-by-step approach** that employers can customize.

Re-energizing Alberta's Minerals Sector

Important steps are taken to help grow **Alberta's mineral sector** and position it to meet increasing global demand.



British Columbia

Guideline Addressing Ill-fitting PPE

Employers are reminded that **PPE should fit properly for all workers**, regardless of their gender.



Covid-19 Update

Since March 17, Air Travellers Arriving from China, Hong Kong or Macao No Longer Required to Show a COVID-19 Test Prior to Boarding Flight

[Learn More](#)

For more information on Regulatory Development in the US, EU, or Internationally consult the International Regulatory RADAR!



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