



## Chemicals Management Plan (CMP) Rigorous Assessment of Chemicals in Commerce

CPCA ISSUE BACKGROUNDER

### Government of Canada Context

Under the CMP, substances are assessed and managed much faster in Canada compared to the United States. Canada has committed to addressing 4,300 substances by 2020, whereas the United States under the TSCA Work Plan for Chemical Assessments has committed to assessing about 90 chemicals in the next 6 years. Individual state agencies may also identify substances that may not be part of the TSCA work plan. While coordination between the United States and Canada on chemicals management is limited, there continues to be a close working relationship with US government officials to exchange information and identify opportunities for alignment. However, there are legislative and policy differences that sometimes make coordination very challenging. The Canada-United States Regulatory Cooperation Council (RCC), recently re-signed in the White House in June 2018, seeks to address all areas of non-alignment.

Substances assessed and declared toxic under CEPA 1999, are also subject to legislated timelines. A proposed risk management instrument must be published within 24 months and finalized within 18 months after a substance is found to be toxic under CEPA 1999. Given TSCA does not have similar provisions, opportunities to align on risk management are somewhat challenging and can impact the cross-border movement of goods.

In some instances, Canada and the U.S. may take different approaches on risk management despite the fact that both countries may aim to address the same environmental objectives and outcomes. One example is the Volatile Organic Compound (VOC) Concentration Limits for Automotive Refinishing Products Regulations, where Canada has regulated and the U.S. have only guidelines in-place. Both have similar limits and objectives however. In addition, Canada also has legally binding international obligations to manage substances under several multilateral environmental agreements (Stockholm, Basel, Rotterdam etc.). As such, Canada may need to take actions domestically that differ from the United States.

### What is the Chemicals Management Plan?

Introduced in 2006, the Chemicals Management Plan (CMP) is a federal government initiative administered co-operatively by Health Canada (HC) and Environment and Climate Change Canada (ECCC). The goal is to assess all chemicals in commerce with a view to minimizing impacts on both human health and the environment. Under the authority of the Canadian Environmental Protection Act (CEPA, 1999) the CMP utilizes established evidence-based risk assessment tools as well as important risk management measures such as regulations, pollution prevention plans, Significant New Activity restrictions, Codes of Practice, compliance agreements, etc.

Prior to launching the CMP, the federal government completed a seven-year triage of 23,000 chemicals that had been in commercial use during the 1980s. That triage process identified 4,300 substances for further attention, of these roughly 20-30% are believed to be used or to have been used in paint and coatings formulations. The goal of the CMP is to address those substances by 2020, and the government is on track to complete that objective. Divided into three phases, the CMP has successfully completed two phases, with phase 3 now well underway. New chemicals and new formulations are designed every day and CMP officials are consulting stakeholders to define the Post-2020 work plan once Phase 3 is complete.

Under CEPA, both the Minister of Environment and Climate Change and the Minister of Health are responsible for developing a list of substances, which must be assessed in a timely manner to determine if they are "toxic" or capable of becoming "toxic." This list is known as the Priority Substances List (PSL). CEPA requires that substances on the PSL be assessed within 5 years of their addition to the List. Environment Canada and Health Canada have a legal obligation to determine if these PSL substances are "toxic" as defined in Section 64 of the Act. "Toxic" is defined in terms of risks that substances pose to the environment or to human health.



A substance can be found to be "toxic" through a Priority Substances List assessment of the substance, a screening assessment, or the review of a decision by another jurisdiction. "Toxic" substances are then recommended for addition to the List of Toxic Substances. Substances may also be added to the List of Toxic Substances through section 90 of the Act, without having gone through a Priority Substances List assessment, a screening assessment, or the review of another jurisdiction's decision. This can only happen on the recommendation of the Ministers of Environment and Health, and if the Governor in Council is satisfied that a substance is toxic. A substance is "CEPA-toxic equivalent" if it satisfies the definition of "CEPA-toxic" as a result of a systematic, risk-based assessment.

## Global Standard in Chemicals Assessment and Management

As a global leader in developing toxic substance management initiatives, Canada's multi-phased CMP has introduced the following key approaches:

- A systematic, science-based process for the "Categorization," and prioritized "Screening Assessment" of the roughly 23,000 substances that formed the initial DSL
- An "Industry Challenge" that included mandated and voluntary information gathering programs for collecting hazard and exposure information for hundreds of high, medium and low priority substances
- Regulations that restrict and/or phase out certain substances posing an unacceptable risk to human health and/or the environment
- Restrictions on new substances of high-concern or on the re-introduction of those that are believed to be barely used or no longer in commerce above 10,100, or 1,000 kg/year and have the potential to become toxic
- Rapid screening of lower-risk chemical substances
- Collaborative work between federal and regional governments, academia, industry, and international authorities to support robust information gathering and risk assessment processes
- Collaborative work between government and industry to ensure good stewardship of chemical substances.

The paint and coatings sector established the first sectoral working group on chemicals management in Canada, the Paint and Coatings Working Group, comprised of industry and government representatives. This focused sectoral approach has helped increase the understanding of risk assessments in the context of important data points and possible risk management approaches for the coatings industry. It has also provided important insight on substances implicated for paint and coatings. Government has recognized the benefits of such an approach and has recommended that this approach continue and possibly be applied to other sectors to reduce the administrative burden related to data collection and chemical assessment generally.

## Coatings Industry Commitment to Product Safety and Stewardship

The Canadian paint and coatings industry has been fully engaged on the CMP over the past 12 years in the assessment of substances used in a wide range of paint and coatings products. CPCA has worked diligently with ECCC and Health Canada on all elements of CMP with respect to the required data collection needed for a robust risk assessment approach. Cooperation continues to be critical to ensure that risk assessments clearly represent the toxicity of substances vis-à-vis the associated exposure scenarios. This guarantees that risk management measures imposed by regulations, and other instruments, are appropriate for the protection of human health and the environment. Industry is completely behind this approach for the benefit of all. Using a 'weight-of-evidence' approach in the assessment and regulation of chemicals helps ensure a level-playing field for industry and better outcomes for all. It ensures government objectives are met with respect to human health and the environment by using science as the basis of all decisions.

**Industry is mandated under federal legislation to provide all relevant chemical data in its possession related to volume, exposure and hazard information.** This is supplemented by information from international organizations such as the United Nations Environment Program for Strategic Approach to International Chemicals Management (SAICM), the OECD program supporting hazard and exposure assessment, and many other credible sources. The rigour within the CMP is the reason industry, academia, NGOs, and many governments around the globe view the CMP as the 'best in class' approach to chemicals management. The requirements under CMP have been a heavy burden on the coatings industry, but CPCA members have fully complied with all such requirements and will continue to do so.

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### About CPCA

Since 1913, the Canadian Paint and Coatings Association (CPCA) has represented Canada's major paint and coatings manufacturers, and their industry suppliers and distributors in three primary product categories: architectural paints, industrial products and automotive coatings. In Canada, CPCA members have more than 261 paint manufacturing establishments, own more than 3,000 retail outlets, supply products to another 5,000 retail stores and more than 7,500 auto body shops. This represents annual retail sales of more than \$12.3 billion, employing directly and indirectly 86,300 employees.

**Canadian Paint and Coatings Association**  
900-170 Laurier Avenue West  
Ottawa, ON K1P 5V5

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