



CPCA

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SUBMISSION OF COMMENTS

**BEFORE THE STANDING COMMITTEE ON GENERAL GOVERNMENT
OF THE
LEGISLATIVE ASSEMBLY OF ONTARIO**

RELATING TO

**BILL 167
AN ACT TO PROMOTE REDUCTIONS IN THE USE AND CREATION OF TOXIC
SUBSTANCES AND TO AMEND OTHER ACTS**

Submitted by:
Canadian Paint and Coatings Association
170 Laurier Avenue West
Suite 1200
Ottawa, Ontario K1P 5V5
E-mail: cPCA@cdnpaint.org

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Mr. Chairman, thank you for the opportunity to appear and comment on Bill 167: an Act to promote reductions in the use and creation of toxic substances.

Let me begin by saying, CPCA and our members support the responsible management of chemicals. We have made a fundamental decision to be proactive with chemical management as we are committed to protection of the environment, enhancing human health and the quality-of-life through the responsible formulation, production and sale of high-quality, safe products.

CPCA contends that any new toxics reduction or chemicals management strategy in Canada must build on the proven, science-based approach for chemicals assessment and risk management at the federal level. We believe that any provincial approach should align with what is already being done federally as well as with existing voluntary initiatives in the marketplace, and should not create unnecessary regulatory or administrative burdens on industry.

We are pleased to see initiatives establishing a framework for toxics reduction plans and the building of centers to promote green chemistries. We are also pleased to see the focus on the development of expertise through universities and academia and other programs.

While we are supportive of the objectives of the Bill, we would like to comment on 4 key areas of the legislation where we have concerns.

1) Putting the National Regulatory Framework at Risk

The proposed Bill gives the authority to the Minister of the Environment to ban or restrict the manufacture and sale of product, including those that may be deemed safe thorough scientific review by the Federal Government. Expanding or mandating administrative activity to products, with no scientific basis or transparency and with no health, safety or scientific rationale, would seriously undermine the Canadian regulatory system.

We are concerned that provincial efforts to categorize 'toxic' substances, may differ from the science-based, risk approach of the federal government - resulting in substances deemed safe at the federal level but deemed 'toxic' in Ontario.

In fact, there is a great deal of existing legislation and regulation in Canada (Appendix A) that the paint and coatings industry meets and or exceeds that are aimed at delivering on the same environment or health and safety objectives. They provide consistency for the safe use of chemicals in products and if required, they can be properly risk managed including removal from the marketplace.

CPCA and member companies would suggest that additional provincial legislation would put the national regulatory framework at risk; create confusion and duplication in the marketplace; add costs to an already economically stressed manufacturing sector; and hurt Canadian competitiveness.

2) The Need to Include a Rigorous, Science-based Approach for Assessing Chemicals

It is well-established nationally and internationally that a scientific evaluation of a chemical substance to determine the potential harm or danger takes both exposure and the hazard into consideration.

The definition for a chemical substance in Canada to be called "toxic" takes into account the likelihood and magnitude of releases into the environment and the harm it may cause to human health or ecosystems. If a substance is found to be "CEPA-toxic, the federal government is bound to work with the provinces, territories, industry, non-government organizations and other interested parties to develop a management plan to reduce or eliminate the harmful effects the substance has on the environment and the health of Canadians. This process is working.

Ontario however, defines toxic as “anything that can cause harm”, regardless of how or how much of the substance is used. This proposed definition covers essentially every substance, natural or manmade.

CPCA and our Members recommend that Ontario harmonizes its ‘toxic’ definitions with the ‘CEPA’ definition, and avoid legislation that may be at odds with the federally legislated definition of ‘toxic’.

The proposed Bill would also require collecting and reporting uses – even when the material is not emitted to the environment or present in finished products.

There are no scientific criteria provided for how the list of substances was developed, and how substances will be removed from the lists. Ontario should harmonize toxic lists with the CEPA Schedule 1. This list is expected to grow substantially in the coming months and years through the CMP progress.

3) Using the Canadian Chemical Management Program (CMP) as a Starting Point

The federal Government’s Chemical Management Plan (CMP) is comprehensive, touching all chemicals in commerce. Through the CMP all 23,000 existing substances in Canada are being systematically reviewed, and controlled as appropriate.

There has been full Canadian stakeholder engagement in the CMP process. The CMP draws extensively on national and international government, scientific, academic, non-governmental organization, and industry resources. It is upheld internationally as a positive example of Chemicals Management policy, and is considered a world-leading approach.

Mr. Chairman, it is important that Ontario not create a different, parallel process. CPCA and our Members urge the Government of Ontario to work collaboratively and effectively with the federal CMP – it is a world-leading approach and should be basis for any approach the province might consider.

4) Avoiding a Climate of Regulatory and Economic Uncertainty in Ontario

It is important that businesses have confidence in a regulatory system, so they can build their industrial processors to ensure high levels of compliance. Although the proposed Bill requires a detailed administrative reporting for Ontario-based manufacturing facilities, no specific results or actions are mandated; these would be voluntary.

While some of these administrative requirements are already in place for sound management of chemicals, the proposed measures are a marked increase from current national NPRI reporting. The new Ontario procedures would require accounting for materials used or consumed in a production process or in creating finished products – not just emissions and releases.

These activities will increase non-value added costs for companies. These activities will also compromise confidentiality and drive reporting of out-of-context information for locally made products.

These procedures would also not recognize internationally accepted programs such as our Coatings Care (Appendix B) which defines health, safety and environmental management best practices. It would not recognize those reductions already implemented over the years by many industries such as our lower VOC targets, as well as reductions made over the years through implementing long term voluntary stewardship programs.

All regulations should take into consideration and respect the goals and objectives of other government initiatives such as the Open for Business campaign and budget commitments such as the 25 per cent reduction in regulatory burden.

It is vital to Ontario's economy that we avoid placing undue burdens on industry, especially when another government is already regulating. Legislative and regulatory costs are a significant burden to our industry and can create enormous uncertainty for companies. To compete in the highly competitive global arena, Ontario needs to build on the positive tax changes it recently announced in the Budget by reforming its regulatory structures and processes so that we can achieve economic, environmental and health objectives.

CONCLUSION

Mr. Chairman, any new toxics reduction or chemicals management strategy in Canada must deliver improved health/safety outcomes versus existing regulation.

It should not create unnecessary and counterproductive regulatory or administrative burdens.

It must be well-founded in science, and work in cooperation the world-leading Canadian CMP as a starting point.

It must not increase the climate of uncertainty in Ontario and burden on Ontario-based manufacturing.

And there must be a clear benefit to the protection of the environment and human health of Ontarians.

Clearly, Mr. Chairman, we do not believe that this Bill achieves these objectives.

Thank you.

APPENDIX A

FEDERAL LEGISLATION AND INITIATIVES for the RESPONSIBLE MANAGEMENT OF CHEMICALS AND PRODUCTS

- The ***Canadian Environmental Protection Act (CEPA, 1999)***, under which all substances in consumer products are assessed under either the existing or new substance regulations
- The world-leading **Canadian Chemicals Management Plan (CMP)**, which is actively identifying and reducing CEPA-toxic materials, and providing knowledge to Canadians including to Ontarians
- Continuously improved **CEPA regulation** of new and existing substances, including regulations published April 2008 in Canada Gazette Part I that will reduce and manage **Volatile Organic Compounds (VOC's)** in paint and consumer products
- Continuously improved CEPA regulation of new substances, including recently revised ***New Substances Notification Regulations (NSNR)***
- ***The Hazardous Products Act (HPA) and Consumer Chemical Container Regulations (CCCR 2001)***, require that consumer products be assessed versus specific human safety hazard criteria, and if necessary that they display mandatory cautionary labeling
- Bill C-52, the proposed ***Canada Consumer Product Safety Act***, which is furthering existing national legislation in the area of consumer product safety
- New **2008 Guidance** from the Competition Bureau on **“green” claims**, to ensure that “green” promises actually deliver a safety or environmental benefit, and to discourage and penalize “green washing”

Appendix B

Coatings Care®

The Coatings Industry's Health, Safety and Environmental Programs

In our industry, members ascribe to the Coatings Care® program, which defines health, safety and environmental management best practices. The program gives Members the option of setting up systems of continuous self-evaluation, so that they can improve company efforts. The program's codes address critical areas of transportation and distribution, product stewardship, manufacturing management, and community responsibility.

Coatings Care® represents the paint and printing ink industries commitment to effective health, safety and environmental program management. While Coatings Care is being actively adopted by companies around the globe in different languages and business environments, the program has maintained a remarkable degree of uniformity in form and content. As a result, trade associations and companies from around the world have now come to rely on a uniform approach to Coatings Care® as a means of fostering effective communication with business partners and legislative/regulatory bodies to address health, safety and environmental responsibilities.



Technological advances in the paint and coatings industry over the past 50 years have resulted in a wide variety of durable, highly visible and long-lasting products, which meet customer demand for safety, reliability, and environmental protection. Coatings manufacturers also emphasize environmental protection in new product development, seeking technologies that offer improved product performance along with safety and reduced environmental impact.

While health, safety and environmental requirements have become an integral part of doing business, companies now must effectively integrate these requirements, while at the same time, implementing sound business strategies that will provide for expansion and market growth. That is the focus of Coatings Care®, a landmark initiative.

Coatings Care® provides a framework for companies to incorporate health, safety and environmental decision-making into planning, operations, and practices. This ensures that participating companies:

- More effectively use organizational and management resources for compliance with health, safety and environmental regulations;
- Integrate consideration of health, safety and environmental resource information in organizational planning and operations; and
- Access health, safety and environmental management practices and resources being used or considered on an international basis.

BACKGROUNDER

CANADIAN PAINT AND COATINGS ASSOCIATION

The Canadian Paint and Coatings Association (CPCA) is the national, non-profit trade association for the Canadian paint and coatings industry. CPCA is composed of leading manufacturers of paints and coatings and the key suppliers of raw materials to the industry.

Founded in 1913, CPCA maintains permanent headquarters in Ottawa, Ontario and employs a full-time staff to manage the affairs and the business of the association.

An elected Board of Directors maintains a comprehensive committee structure to establish policies, programs and services dealing with many of the issues facing the industry today including, but not limited to health and safety, environment, transportation, management information, communications, product stewardship and Coatings Care.

The sector has annual sales of more than \$2.5 billion. There are more than 200 paint manufacturing establishments operating in Canada who count on more than 15,000 production and administrative employees.

Vision Statement

As the voice of the industry, the Canadian Paint and Coatings Association acts in the best interests of its members to influence governments at all levels and promote responsible corporate environmental stewardship.

Mission

In keeping with its new vision, the mission of the Canadian Paint and Coatings Association is to:

- Influence governments and regulators at all levels in the best interests of the membership;
- Represent the industry before governments, stakeholders and the public;
- Provide members with relevant and timely information and services;
- Promote corporate social and environmental responsibility within the industry; and
- Provide good leadership and governance.

Sector Approach to Chemical Management

- Marketing safe products is not only the responsible thing to do. It makes good business sense.
- How we work with governments on these critical public policy matters is part of how we market and brand the sector with consumers, the public and governments.
- The paint and coatings industry has made significant investments over many decades in the quality of our products and the reputation of our brands. It only makes good business sense to ensure continued consumer and public trust in the products they use and enjoy.

