

September 19, 2019

By e-mail: [eccc.substances.eccc@canada.ca](mailto:eccc.substances.eccc@canada.ca)

Executive Director  
Program Development and Engagement Division  
Environment & Climate Change Canada  
351 Boul. St. Joseph  
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**Re: Proposed Regulation – *Volatile Organic Compound Concentration Limits for Certain Products Regulations* [Canada Gazette, Part 1 – Volume 153, No. 27, Canadian Environmental Protection Act, 1999] Published July 6, 2019**

Dear Sir/Madam:

Food & Consumer Products of Canada (FCPC) and the member companies we represent wish to thank you for this opportunity to comment on Environment and Climate Change Canada's proposed *Volatile Organic Compound Concentration Limits for Certain Products Regulations*.

FCPC is the largest national industry association in Canada representing companies that manufacture and distribute food and consumer products. As the country's largest employer in the manufacturing sector, our industry employs approximately 300,000 Canadians in 6,000 manufacturing facilities located in both urban and rural areas across the country. Our member companies have facilities in more than 170 federal ridings in every region across the country. Please find attached a list of our members and our current Board of Directors.

We have been highly engaged with both Environment and Climate Change Canada and Health Canada on Canada's approach to chemicals management including our participation in consultations, meetings, symposia, and workshops. In addition we work closely with other stakeholder associations such as the Canadian Consumer Specialty Products Association (CCSPA), Cosmetics Alliance Canada (CAC), and through our membership with the Industry Coordinating Group (ICG).

First and foremost, we recognize the importance of evidence-based sound management of chemicals to ensure the health and well-being of our environment and Canadians. We wish to commend the Government of Canada's decision to establish practically achievable limits for better managing volatile organic chemicals. We also wish to thank the Government of Canada for the proposed coming into force schedule which recognises the manufacturing and importing activities rather than the traditional use of the term "sell". This will minimise disruptions to the supply chain and allow importers and manufacturers to conduct an orderly transition.

There are a few statements in the *Regulatory Impact Assessment* about which we wish to express concern:

- "*Regulated parties will already have experience in complying with the proposed standards*" as not all manufacturers conduct business in California.
- "*Department has harmonized product category definitions with the 2010 CARB Regulations, except for a few specific product categories required in Canada*". As it is unclear to us which products are referenced in the statement, It would be helpful if

ECCC could identify these product categories to help us better understand this provision.

With regards to the regulatory text, we believe there is considerable opportunity to better achieve the objective of closely aligning with the limits established under the State of California's "2010 Consumer Product Regulations" as managed by the California Air Resources Board (CARB 2010). In particular we are concerned that some of the proposed product categories are too vaguely defined which could lead to misinterpretation, scope creep, and overlap. Products listed as hair mousse, hair shine, hair spray, temporary hair colour, other hair styling products, personal fragrance products, and disinfectants, as outlined in the draft, are not implicitly defined in the *Food and Drug Regulations*. The distinctions between products would therefore need to be clearly identified in guidance. This would also help reduce the possibility of misalignment with the intent of CARB 2010.

With consideration for the proposed categorical exclusions, we believe that requirements existing under the *Canadian Environmental Protection Act* already recognize exclusions for impurities and unintentionally added constituents.

In addition to careful distinction between product categories, we believe the definition of VOC should be adjusted to align with the scope and exclusions in CARB 2010.

We are also particularly concerned with the onerous and impractical record-keeping requirements proposed in the draft. With the complexity of the global supply chain, and the ready access to information that information management solutions provide, maintaining physical records in Canada is an unnecessary requirement. Other commodities overseen by the *Food and Drugs Act* and their supporting *Regulations*, such as food, are permitted to keep records offshore, so long as there is ready access defined as 24 hours. We believe that adopting a similar requirement will be far more practical while maintaining the health and safety of Canadians.

Finally, we also recommend that concentration limits adopted from CARB 2010 should be technologically and commercially feasible and will contribute to the regulatory objective of a net reduction on ozone-impact.

We wish to thank you once again for this opportunity to provide feedback, and look forward to discussing this with you in the near future.

Regards,

Susan Abel  
Vice President Safety and Compliance

cc  
Michael Graydon, Chief Executive Officer, FCPC  
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