



# ENVIRONMENTAL UPDATES : RISK MANAGEMENT ACTIVITIES UNDER CEPA

Society of Cosmetic Chemists  
March 10, 2022  
Products Division  
Environmental Protection Branch



# OUTLINE

- What is the role of Environment and Climate Change Canada in relation to cosmetics?
  - Managing Environmental Risks in Cosmetics:
    - Microbeads in Toiletries Regulations
    - Pollution Prevention Planning Notice for Triclosan in Certain Products
    - Volatile Organic Compound (VOC) Concentration Limits for Certain Products Regulations
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# VARIOUS FEDERAL ACTS PROTECT THE ENVIRONMENT AND HUMAN HEALTH



**Pest Control Products Act**  
Registration and re-evaluation (15yrs) of pesticides



**Hazardous Products Act; Canada Consumer Product Safety Act**

Research/risk assessment and risk management of safety hazards of consumer products (e.g. Cosmetics Hotlist)

## **Canadian Environmental Protection Act, (CEPA) 1999**

Risk assessment and risk management of existing chemicals and new chemicals to Canada

(Environment and health)



**Food and Drugs Act (Foods)** Policies, standards and info on food safety (packaging, contaminants, additives)



**Food and Drugs Act (Health products)** Access to safe and effective drugs and health products



**Fisheries Act** Protection of fish habitat essential to sustaining other species

# **CEPA MEASURES TO MANAGE ENVIRONMENTAL RISKS FROM COSMETICS**

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# MICROBEADS IN TOILETRIES REGULATIONS

- Published in June 2017 to prevent the release of plastic microbeads from toiletries that wash down household drains and contribute to plastic pollution in our oceans, rivers and lakes.
  - The regulations prohibit the manufacture, import and sale of toiletries used to exfoliate or cleanse that contain plastic microbeads.
    - The types of toiletries covered include products such as bath and body products, skin cleansers and toothpaste.
    - Listed on CEPA Schedule 1 as plastic microbeads that are less than or equal to 5 mm in size.
  - Link: <https://www.canada.ca/en/health-canada/services/chemical-substances/other-chemical-substances-interest/microbeads.html>
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# Canada's action on **TRICLOSAN**

1

Government of Canada's scientific assessment found current levels of triclosan toxic to fish and plants, but non-toxic to humans.



2

Triclosan is released to water from consumer products such as soap and toothpaste that are washed down the drain.

3

#### OBJECTIVE:

To attain safe levels of triclosan in Canadian waterways.

4

#### HOW?

Reduce the quantity of triclosan from Canadian made and imported products by **30%**.

5

#### Action:

Industry is required to develop and implement **pollution prevention plans** to achieve reductions.

6

#### Pollution Prevention Planning Notices

Are effective, enforceable and require public reporting to make companies accountable.



- Under the *Food and Drugs Act*, Canada regulates cosmetics, non-prescription drugs and natural health products. The maximum amount of triclosan allowed is:
  - 0.03% in mouthwashes
  - 1.0% in non-prescription drugs
  - 0.3% in cosmetics and natural health products
- Since 2014, triclosan has not been registered under the *Pest Controls Products Act* for use in Canada as a pesticide.
- To address the environmental risk, in October 2020 a *Notice requiring the preparation and implementation of pollution prevention plans with respect to triclosan in certain products* was published

# POLLUTION PREVENTION PLANNING NOTICE FOR TRICLOSAN

- Applies to any person who, on October 10, 2020 or anytime thereafter, either:
  - uses **100 kg/yr or more** of triclosan in the manufacture of cosmetics, natural health products or drugs; or
  - imports **100 kg/yr or more** of triclosan contained in cosmetics, natural health products or drugs.
- Requires individuals or companies subject to the Notice to prepare and implement a pollution prevention plan to reduce the quantity of triclosan released to the aquatic environment.
- Link: <https://www.canada.ca/en/health-canada/services/chemical-substances/other-chemical-substances-interest/triclosan.html>

Person Subject	Reduction Target	Reporting Deadlines
Subject in the 2020 calendar year	<b>30%</b> of total mass of triclosan used or imported in a given calendar year from a base year no earlier than 2011	<ul style="list-style-type: none"> <li>• Prepare a P2 Plan no later than <b>Oct. 10, 2021</b> and report by <b>Nov. 9, 2021</b></li> <li>• Implement a P2 Plan no later than <b>Oct. 10, 2023</b>, and report by <b>Nov. 9, 2023</b></li> </ul>
Subject in the 2021 calendar year or thereafter	<b>95%</b> of total mass of triclosan used or imported in the calendar year the person becomes subject	<ul style="list-style-type: none"> <li>• Prepare a P2 Plan no later than <b>1 year</b> after becoming subject and report within the next <b>30 days</b></li> <li>• Implement a P2 Plan no later than <b>24 months</b> from becoming subject and report within the next <b>30 days</b></li> </ul>

# VOC CONCENTRATION LIMITS FOR CERTAIN PRODUCTS REGULATIONS

- VOCs are a main contributor to ground-level ozone and particulate matter, two main components of smog.
- VOCs were added to the List of Toxic Substances (Schedule 1) of the Canadian Environmental Protection Act, 1999 (CEPA) in July, 2003.
  - Defined as compounds that participate in atmospheric photochemical reactions and are not excluded under item 65 of [Schedule 1 to CEPA](#)
- The regulations were published in Canada Gazette, Part II on January 5, 2022
- Part of a set of instruments developed to manage the risks associated with VOCs in consumer and commercial products:
  - *VOC Concentration Limits for Automotive Refinishing Products Regulations* (2009)
  - *VOC Concentration Limits for Architectural Coatings Regulations* (2009)
  - *Code of Practice for the Reduction of VOC Emissions from Cutback and Emulsified Asphalt* (2017)



# SCOPE AND APPLICATION

- Applies to products **manufactured in or imported into Canada**
  - No restriction on sale; products in Canada prior to January 1, 2024 (January 1, 2025 for disinfectants) have no limit on sell-through
- Establishes VOC concentration limits for approximately 130 product categories and subcategories including:
  - Personal care products
  - Automotive, household maintenance and cleaning products
  - Adhesives, adhesive removers, sealants and caulks
  - Other miscellaneous products
- Important dates
  - **January 1, 2023:** companies can start applying for alternative compliance options including permits
  - **January 1, 2024:** limits in effect for all products (except disinfectants)
  - **January 1, 2025:** limit in effect for disinfectants
- Product categories and limits are found in Schedules 1 and 2

# SCOPE AND APPLICATION (CONT'D)

- **Products that fit in more than one category** need to meet the lowest limit
  - Except antiperspirants, deodorants, hair shine products and general purpose cleaners.
- For **concentrated products**, limits apply once diluted as per instructions on the label or accompanying documentation
  - Except multi-purpose solvents and paint thinners
- Manufacturers and importers must **label the product** with date of manufacture (or date code).
- **No mandatory testing** requirements
  - ECCC will publish guidance materials to identify test methods to verify regulatory compliance.
- **No general reporting** requirements
  - Companies choosing to participate in alternative compliance programs may have reporting obligations.

# SCOPE AND APPLICATION (CONT'D)

- **The Regulations exclude products that are:**
  - designed to be used solely in a manufacturing or processing activity
  - to be used solely in a laboratory for analysis, in scientific research or as a laboratory analytical standard
  - regulated under the Pest Control Products Act
  - manufactured or imported for export only
  - adhesives that are to be sold in containers of 30 ml or less
  - regulated by the VOC Concentration Limits Regulations for architectural coatings or automotive refinishing
  - used in or on a new car at the time of its manufacture
  - in transit through Canada, from a place outside Canada to another place outside Canada
- Other product category specific exemptions may be detailed in the Regulations

# RECORD KEEPING

- **Records and supporting documents must be kept at the person's principal place of business in Canada** or any other place in Canada where they can be inspected.
  - If records are not kept at the person's principal place of business, the person must provide the Minister with the civic address in Canada of where they are kept.
- Records and supporting documents must be retained for at least five years after the day on which they are made.
- **Records for Manufacturers need to contain:**
  - Quantity of product manufactured at each plant and date of manufacture
  - Product's common or generic name and trademark and trade name

# RECORD KEEPING (CONT'D)

## **Records for Importers need to contain:**

- quantity of product imported and date of import
- product's common or generic name and trademark and trade name
- name, civic and postal addresses, phone number, fax number and email of the principal place of business of the product's sender
- harmonized Commodity Description and Coding System number for the product
- importer business number assigned by the Minister of National Revenue

# ALTERNATIVE COMPLIANCE OPTIONS

## 1. Permit – Technical or Economic Non-feasibility

- Temporary permit for products that will be otherwise unable to comply when the regulatory limits come into effect for technical or economic reasons.
- Application must include evidence, and a plan and timeline to reach compliance.

## 2. Permit – Product Whose Use Results in Lower VOC Emissions

- Allows innovative products to exceed the VOC concentration limit if, as a result of product design, formulation, delivery or other factors, it results in lower total VOC emissions than a comparable compliant product when used according to manufacturer's written instructions.

## 3. VOC Compliance Unit Trading System(Permit and Credit)

- Allows companies to:
  - Generate compliance units for products reformulated to below the regulatory limits.
  - Transfer unused compliance units to other companies.
  - Balance emissions from products that exceed regulatory limits using compliance units. Permits are needed for products that exceed regulatory limits.
- **Information regarding permits issued and the associated products will be made public to promote transparency**
  - Company and product names.

# PRODUCT CATEGORIES FOR THE COSMETIC SECTOR

Item	Product Category	Subcategory
1	Astringent, toner or clarifier, including astringent, toner or clarifier products that are impregnated in a substrate but excluding any product that is regulated as a drug under the Food and Drugs Act	
2	Antiperspirant for the human axilla	(i) aerosol (ii) non-aerosol
3	Deodorant for the human axilla	(i) aerosol (ii) non-aerosol
4	Heavy-duty hand cleaner or soap, excluding any product that is (a) a prescription drug; (b) an antimicrobial hand or body cleaner or soap; (c) an astringent or toner; (d) a general-use hand or body cleaner or soap; or (e) rubbing alcohol	(i) non-aerosol (ii) all other forms
5	Hairstyling mousse designed to facilitate styling or provide limited holding power	
6	Hair products that are designed for the primary purpose of creating a shine when applied to the hair, excluding any product whose primary purpose is to condition or hold the hair	

# PRODUCT CATEGORIES FOR THE COSMETIC SECTOR (CONT'D)

Item	Product Category	Subcategory
7	Hairspray that is designed to hold or finish styled hair, excluding any product that aids in styling without holding the hair	
8	Temporary hair-colour products that are designed to add colour, glitter or UV-active pigment to hair, wigs or fur or to cover thinning or balding areas	aerosol
9	Any hairstyling product other than those referred to in items 5 to 8	(i) aerosol or pump spray (ii) all other forms
10	Nail polish remover	
11	Personal fragrance products, excluding any product that is (a) designed to alleviate fungal or bacterial growth and regulated as a drug under the Food and Drugs Act; (b) a skin care product that is designed to alleviate skin conditions such as dryness or irritations; (c) designed exclusively to be applied to genitalia, undergarments or sanitary pads; (d) designed for cleaning the body; or (e) designed for use in the mouth	(i) product containing fragrance less than or equal to 20% based on net weight (ii) product containing fragrance greater than 20% based on net weight



# CORRECTION TO ITEM 11 - PERSONAL FRAGRANCE PRODUCTS SUBCATEGORY

## (ENGLISH TEXT ONLY)

### **Product Category:**

Personal fragrance products, excluding any product that is

- (a) designed to alleviate fungal or bacterial growth and regulated as a drug under the Food and Drugs Act;
- (b) a skin care product that is designed to alleviate skin conditions such as dryness or irritations;
- (c) designed exclusively to be applied to genitalia, undergarments or sanitary pads;
- (d) designed for cleaning the body; or
- (e) designed for use in the mouth

### **Subcategory:**

- (i) product containing fragrance less than or equal to 20% based on net weight – 75 % w/w
- (ii) product containing fragrance greater than ~~or equal to~~ 20% based on net weight - 65 % w/w

- **Products containing 20% of fragrance should be captured in the subcategory (i) and therefore excluded from subcategory (ii)**
  - **Text is correct in French**
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# PRODUCT CATEGORIES FOR THE COSMETIC SECTOR (CONT'D)

Item	Product Category	Subcategory
12	Shaving cream or foam	aerosol
13	Shaving gel	aerosol
31	<p>Disinfectant, excluding any product that</p> <p>(a) is a moist towelette designed solely for use by medical, convalescent or veterinary establishments;</p> <p>(b) is designed for use on heat-sensitive critical or semi-critical medical devices or medical-equipment surfaces;</p> <p>(c) is represented to have disinfecting or antimicrobial properties and designed for use as a glass cleaner, toilet or urinal cleaner or deodorizer, metal polish or cleanser, or fabric refresher;</p> <p>(d) is designed for application on food contact surfaces and does not require the surface to be rinsed after use; or</p> <p>(e) is designed solely for use on humans or animals, in agriculture or in swimming pools, therapeutic tubs or hot tubs</p>	<p>(i) aerosol</p> <p>(ii) non-aerosol</p>

# CONTACT US

## Products Division

- Email address: [produits-products@ec.gc.ca](mailto:produits-products@ec.gc.ca)
- Phone number: 819-938-4483 / 1-888-391-3426

## For more information:

Microbeads: <https://www.canada.ca/en/health-canada/services/chemical-substances/other-chemical-substances-interest/microbeads.html>

Triclosan: <https://www.canada.ca/en/health-canada/services/chemical-substances/other-chemical-substances-interest/triclosan.html>

VOCs in certain products: <https://www.canada.ca/en/environment-climate-change/services/managing-pollution/sources-industry/volatile-organic-compounds-consumer-commercial/certain-products.html>