

Summary of Public Comments Received on the Challenge Substances Pigment Yellow 34 (CAS No. 1344-37-2) and Pigment Red 104 (CAS No. 12656-85-2) Proposed Risk Management Approach documents for Batch 2

Comments on the proposed risk management approach documents for **C.I. Pigment Yellow 34 and C.I. Pigment Red 104** to be addressed as part of the Chemicals Management Plan Challenge were provided by the Canadian Environmental Law Association, Chemical Sensitivities Manitoba, the Learning Disabilities Association of Canada and the Color Pigments Manufacturers Association.

A summary of comments and responses is included below, organized by topic:

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TOPIC	COMMENT	RESPONSE
Uses	New restrictions of these pigments in the limited uses would likely lead to increased importation into Canada of finished products and articles manufactured outside Canada containing lead chromate pigments.	Imported goods would have to meet the same regulatory requirements as domestically produced goods.
	The Government of Canada should create a system in which existing uses would be described in the regulation and new uses would be those which are not included in the description.	The application of the Significant New Activity provisions under CEPA 1999 to these substances will be recommended. This would require that any proposed new manufacture, import or use be subject to further assessment, and would determine if the new activity requires further risk management consideration. Stakeholders are encouraged to submit voluntary information below the 100 kg reporting threshold.
	Lead chromate pigments, which are almost completely insoluble, are encapsulated in plastic, paint, ink or coating resins effectively eliminating exposure to the pigment. Therefore, the remaining uses of lead chromate pigments do not pose any	As the remaining industrial uses for lead chromate pigments result in negligible exposure to Canadians, there will be no further controls on those existing uses at this time. The Significant New Activity provisions will require that future new uses be notified to the Government of Canada prior to the commencement of activity

	significant risk.	in Canada so that it may be subject to further assessment to determine if the new activity requires further risk management consideration
	Risk management for Pigment Yellow 34 and Pigment Red 104 should prevent their use as a colourant in children’s large plastic toys, playground equipment, and furnishings, to prevent possible exposure to lead from deteriorating plastic.	Item 13(p) of Schedule I (Part II) of the <i>Hazardous Products Act</i> controls the advertising, selling and importing of toys, equipment, and other products for use by a child in learning or play that contain toxic substances, such as lead.
	The Screening Risk Assessment for Pigment Yellow 34 and Pigment Red 104 notes that the use of lead in cosmetic products is prohibited in cosmetics, so it is assumed that this chemical is covered via the Cosmetic Ingredients Hotlist. However this substance was not found on the Cosmetic Ingredient Hotlist.	“Lead and its compounds” are on the Cosmetic Ingredient Hotlist. As Pigment Yellow 34 and Pigment Red 104 are compounds of lead, they are included in this provision of the Cosmetic Ingredient Hotlist.
Consultations	There are concerns that information and decisions pertinent to these pigments as a result of the CMP may not be adequately relayed to other levels of government, occupational and health institutions, unions and the workplace.	The Government has held many public workshops on the Chemicals Management Plan, with broad participation from the full range of stakeholders, to make them aware of the specific elements of the CMP, including the publication process for all associated documents. The process includes numerous opportunities for input on the risk assessment and risk management of these pigments from the public, other levels of government, occupational and health institutions, unions and the workplace. The Government has regular calls with provinces and territories and stakeholders to keep them informed.
	Although the government has indicated that these pigments are not permitted in food packaging materials, the government should consider	The current regulation regarding the prohibition of lead compounds in food packaging materials is sufficient to safeguard human health.

	a regulation to stipulate these restrictions.	
Exemptions	Why are some of these coatings exempt since most will chip and degrade with time?	Both Pigment Yellow 34 and Red 104 have limited solubility, are not used for consumer products and are trapped within the matrix of the paint film. Disposal of items coated with these pigments would take place in industrial facilities or managed landfills which are off limits to the general public.
	The regulations currently outline exemptions for materials used for purposes of arts, crafts or hobbies, other than those materials targeted for use by children. Our concerns focus on the fact that these exemptions do not guarantee that these materials are not used by children, regardless of the warning labels. Such exemptions should not be permitted. It is more protective to prohibit the use of these pigments in all surface coatings to ensure protection to all users, particularly children.	According to the <i>Hazardous Products Act</i> certain art supplies containing Pigments Yellow 34 and Red 104 are clearly labelled as containing lead. Similarly, cleaning supplies and solvents also require labelling so as to be kept out of reach of children. This permits the legitimate use of useful yet hazardous products in a controlled fashion.
Risk Management Actions	The <i>Surface Coating Materials Regulations</i> do not apply to surface coatings on playground structures but the Canadian Standards Association has a voluntary standard that requires the coatings of children's play spaces and equipment to have non-toxic and non-lead-based coating for all new equipment and refinishing of existing equipment. The voluntary requirement should be changed to a mandatory requirement.	The <i>Consumer Products Containing Lead (Contact with Mouth) Regulations</i> prohibit paints containing lead in furniture and other articles for children, toys, equipment and other products for use by a child in learning or play. This also applies to pencils and artists' brushes that have had a surface coating material applied to them that contains more than 90 mg/kg of total lead. The Government of Canada is currently investigating adding children's play structures to the regulations.
	The Government should consult in the drafting stage	Stakeholders are consulted during the drafting stage of a Significant New

	of constructing the SNAc.	Activity Notice of Intent, as well as during the public comment period after the publication of the Notice of Intent to apply the SNAc provisions.
	The Government must have a well founded knowledge of all the applications of the substance. To date the depth of analysis in the CMP has not been adequate.	The Government of Canada has sufficient knowledge that these substances are metallic pigments and as such their only purpose is to colour either paints or plastics. They currently have no other uses.