Environment Canada Environnement Canada

Consultation Document

Revisions to the Proposed *Volatile Organic Compound (VOC) Concentration Limits for Certain Products Regulations*

Environment Canada

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Canada

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1 Introduction

The Government of Canada published the proposed *Volatile Organic Compound (VOC) Concentration Limits for Certain Products Regulations* in the *Canada Gazette*, Part I, on April 26, 2008. Environment Canada consulted with stakeholders on these proposed Regulations, which included approximately 100 product categories and sub-categories. Comments regarding the 2008 proposed Regulations and further suggestions submitted through subsequent consultations have resulted in additional revisions, which are being proposed and are outlined in detail in Section 4 of this document.

This consultation document provides background information and outlines the proposed path forward with respect to revising these proposed Regulations, with a view to developing a new regulatory proposal.

More specifically, this consultation aims to

- inform the public and interested stakeholders of the revised proposed Regulations for VOCs in certain products;
- give the public and interested parties an opportunity to provide input with regard to the proposed
    - product categories and subcategories and proposed maximum concentration limits,
    - permitting schemes for VOC concentration and VOC emissions, and
    - averaging and trading program, which includes a third permitting scheme;
- discuss proposed administrative requirements, such as reporting and record keeping;
- discuss the feasibility and timelines for the implementation of the proposed regulatory requirements; and
- allow Environment Canada to consider any questions or concerns from the public and interested stakeholders on the proposed path forward.

It is the intent of the Government of Canada to publish proposed Regulations for certain products in the *Canada Gazette*, Part I, in the summer of 2014. The final instrument would then be published in the summer of 2015.

Additional objectives of this consultation are to

- discuss the next steps in the regulatory development process;
- solicit information with respect to the economics associated with the proposed revised Regulations; and
- solicit further information on the challenges and needs of small businesses that would be impacted.

2 Background

2.1 VOCs

Volatile organic compounds (VOCs), along with nitrogen oxides (NO_x), are precursor substances that, through a series of complex photochemical reactions,[1] can result in the formation of ground-level ozone (O_3). Ground-level ozone is a respiratory irritant and one of the major components of smog, a noxious mixture of air pollutants—consisting primarily of O_3 and particulate matter (PM)—that can often be seen as a haze over urban centres.

Air pollution has been shown to have a significant adverse impact on human health; it can contribute to premature death and increased hospital admissions and emergency room visits. Studies indicate that air pollution is associated with an increased risk of lung cancer and heart disease (Krewski *et al.* 2005a, 2005b). Moreover, scientific evidence indicates that O_3 can also have detrimental impacts on the environment, including reduced agricultural crop and commercial forest yields; impaired growth and survivability of tree seedlings; and increased plant susceptibility to disease, pests and other environmental stresses (e.g. harsh weather) (U.S. EPA 1997).

The use of certain products results in the emission of VOCs. In 2007, urban VOC emissions (excluding emissions from upstream oil and gas, oil sands development and forest fires) in Canada were estimated to be 858.6 kilotonnes. Solvent use accounted for 421.9 kilotonnes of these emissions, with products accounting for 42.2 kilotonnes.

The Government of Canada has undertaken a number of actions to protect the environment and the health of Canadians by reducing VOCs from consumer and commercial products. Some of these actions are summarized below.

2.2 Actions in Canada

In 1999, scientific assessments of PM and O_3 found that these substances met the criteria set out in section 64[2] of the *Canadian Environmental Protection Act, 1999* (CEPA 1999) (HC and EC 1999; EC and HC 2000); PM and O_3 were therefore added to Schedule 1 (List of Toxic Substances). In addition, as a result of these scientific assessments, those VOCs that contribute to the creation of PM and O_3 were also found to meet the criteria set out in section 64 of CEPA 1999 and were added to the List of Toxic Substances in 2003 (Government of Canada 2003). This made available the full range of risk management instruments under CEPA 1999 for managing VOCs, including regulations under subsection 93(1).

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[1] Chemical reaction activated by sunlight.

[2] As per section 64 of CEPA, VOCs were found to be toxic, as they were entering the environment in a quantity or concentration, or under conditions that (*a*) have or may have an immediate or long-term harmful effect on the environment or its biological diversity, and (*c*) constitute a danger in Canada to human life or health.

To address the environmental and health concerns associated with VOCs, the Government of Canada has taken a number of actions to encourage voluntary reductions in VOC emissions, including publishing *Guidelines for Volatile Organic Compounds in Consumer Products* in November 2002 (Environment Canada 2002). The Guidelines recommend VOC content limits for 23 consumer product categories and are equivalent to limits established by the United States Environmental Protection Agency (U.S. EPA). These voluntary measures have resulted in some reductions; however, given the continued contribution of VOC emissions to air pollution and the impact of air pollution on the environment and human health, significant additional reductions are still needed and are technologically and economically feasible.

In April 2007, as part of the national Clean Air Regulatory Agenda (CARA) (Environment Canada, The Clean Air Regulatory Agenda), the Government of Canada released the *Regulatory Framework for Air Emissions* and committed to reducing VOC emissions from products (Environment Canada 2007). The key components of the Regulatory Framework as they relate to products include

- reducing emissions of VOCs and other smog precursors from products;
- bringing forward regulations between 2007 and 2010 to limit the VOC concentration in automotive refinishing products, architectural coatings and certain products; and
- aligning VOC concentration limits, where appropriate, with similar requirements in the U.S.

As a result, the Government of Canada made the *Volatile Organic Compound (VOC) Concentration Limits for Automotive Refinishing Products Regulations* on July 8, 2009 (Environment Canada 2009a), and subsequently the *Volatile Organic Compound (VOC) Concentration Limits for Architectural Coatings Regulations* on September 30, 2009 (Environment Canada 2009b).

The Government of Canada also proposed *Volatile Organic Compound (VOC) Concentration Limits for Certain Products Regulations* in 2008 (Environment Canada 2009c), these proposed Regulations are being revised to better align with California's current *Consumer Products Regulations*. The proposed requirements of the revised proposed Regulations are discussed further in Section 4 of this document.

2.3 Actions in the United States

A number of actions have been taken in the United States to control VOC concentrations in consumer products, and these are described in the following sections.

2.3.1 California Air Resources Board

California was the first jurisdiction to enact rules for VOC concentration limits for consumer products in an effort to address the smog problem affecting many of its

cities. In order to achieve reductions in VOC emissions that would help California meet state and federal ambient air quality standards, the state developed regulations that prescribed VOC concentration limits for antiperspirants and deodorants (adopted in 1989) and consumer products (adopted in 1991). Since these initial regulations, California has made numerous amendments on a regular basis.

California state law requires the Air Resources Board to achieve the maximum feasible reduction in VOCs from consumer products. As technology and information become available, more reductions become feasible. As such, California continuously adopts standards for new product categories and implements more stringent standards for existing product categories. California's latest amendments became law on December 10, 2011, and include limits for approximately 130 non-pesticide categories and subcategories of products (CARB no date).

2.3.2 United States Environmental Protection Agency

In 1998, the U.S. EPA promulgated the *National Volatile Organic Compound Emissions Standards for Consumer Products* (U.S. EPA 1998) under the *Clean Air Act* (CAA). This rule specifies VOC concentration limits for 25 product categories and is applied nationwide to manufacturers, importers and distributors of consumer products manufactured after December 10, 1998. The U.S. EPA has stated that it is working towards amending its national rule to include product categories and VOC concentration limits similar to those set out in California's current regulations (U.S. Office of Information and Regulatory Affairs no date).

2.3.3 Ozone Transport Commission

The Ozone Transport Commission (OTC) is a multi-state organization created under the U.S. CAA with the responsibility of developing regional solutions to ground-level ozone in the northeast and mid-Atlantic regions of the United States. In 2000, the OTC developed a model rule for consumer products based on California's regulations at the time. The model rule provides a framework for regulations governing concentrations of VOCs for states within the OTC regions. The OTC amended the model rule in 2006 to provide concentration standards for approximately 100 consumer product categories and subcategories; these standards apply to all products manufactured for sale or use within those states that have adopted the model rule. The OTC has proposed new amendments, which would come into force on January 1, 2014, to bring the model rule into closer alignment with amendments made by California in 2009 (OTC 2012).

3 Possible Benefits of Regulations

3.1 *Health and Environmental Benefits*

Given that VOC emissions are precursors to ground-level ozone and smog, continued action on the reduction of VOC emissions is required in order to improve air quality in Canada. Emission reductions resulting from Regulations

would generate environmental and health benefits that have positive economic impacts. For example, health benefits could be translated into avoided costs to the health care system as well as improved individual well-being.

Environment Canada had estimated that the cumulative incremental VOC emission reductions resulting from the 2008 proposed Regulations—with only approximately 100 product categories and without an averaging and trading program—would have been 602.5 kilotonnes over 25 years from 2011 to 2035 from certain products, with an average annual reduction of 33%. These reductions, combined with other VOC emission reduction initiatives proposed under the Government of Canada's Regulatory Framework, would have been expected to result in an incremental reduction in human and environmental exposure to O_3 and PM, benefitting

- human health, through reduced incidence of premature death, hospital admissions, doctor visits, emergency room visits, lost work and school days, etc.;
- agriculture and forestry, through improved yields; and
- the environment, through reduced damage to ecosystems.

3.2 *Alignment with the United States*

One of the intentions of these proposed Regulations is to align where possible with regulations existing in the United States, specifically the California Air Resources Board *Consumer Products Regulations*.

During the period from 2003 to 2006, Environment Canada collected VOC concentration data for a broad range of products sold in Canada. These data were modelled against various VOC concentration limits in certain U.S. jurisdictions. The model indicated that the greatest potential reduction in Canada would be achieved by establishing VOC concentration limits similar to the California regulations. Other jurisdictions in the U.S., such as the U.S. EPA and the OTC, have either adopted the limits established by California or are in the process of progressively moving towards those limits. Therefore, aligning Canada's regulations with those of California will facilitate consistency across North America and avoid varying requirements across jurisdictions.

In order to update the data used in this analysis, Environment Canada will be working with industry in 2013 to gather recent technical and socio-economic data. Information-gathering efforts are discussed in further detail in Section 5.1.

3.3 *Level Playing Field*

The proposed Regulations could help to provide a "level playing field" for manufacturers and importers of certain products. A regulatory approach provides assurance, for the purposes of business decision making, that all manufacturers and importers must meet the same requirements for the products to be regulated.

4 Revised Proposed Regulations

This regulatory proposal aims to prevent or reduce VOC emissions to the environment from the use of certain products.

The proposed Regulations would be made under section 93 of CEPA 1999. Section 93 enables the making of regulations with respect to a substance specified on the List of Toxic Substances in Schedule 1, including regulations regarding concentration limits, and requirements for sampling, analyses, record keeping, administration and information submissions.

4.1 Interpretation and Definitions

The proposed Regulations would apply to VOCs that participate in atmospheric photochemical reactions and that are not excluded under item 65 of Schedule 1 of CEPA 1999. Environment Canada is in the process of examining options for amending the list of substances defined as VOCs under CEPA 1999; in the interim, for the purposes of these Regulations, VOCs would not include acetic acid, 1,1-dimethylethyl ester ($C_6H_{12}O_2$) (TBAc), as Environment Canada recognizes the importance of TBAc as a possible ingredient in compliant formulations. For more information regarding the amendments to the list of substances defined as VOCs under CEPA 1999, contact VOCInfo@ec.gc.ca.

The proposed Regulations would establish concentration limits for products including personal care, automotive and household maintenance products; adhesives, adhesive removers, sealants and caulks; and other miscellaneous products (hereinafter collectively referred to as products). These products are used by household, institutional and commercial consumers and contribute to Canadian VOC emissions.

Environment Canada intends to align product categories with California's regulations, where appropriate. Canadian regulatory drafting conventions do not always allow for verbatim adoption of the product category definitions as found in California's regulations. Canadian regulations are drafted in two languages, and must be drafted in a way that can be interpreted in both languages and under both the common and civil systems of law. Canada does not define commonly known terms or dictionary definitions. Additional text may be added to the product categories for clarification where necessary.

4.2 Application and Prohibitions

While Environment Canada had previously proposed to include sellers in the application of these Regulations, it is now proposed to cover only manufacture and import in order to reduce the administrative burden.

The VOC concentration limits for the approximately 130 product categories and sub-categories would not apply to the following:

- Products that are identified as pesticides and managed by Health Canada's Pest Management Regulatory Agency (PMRA) under the authority of the *Pest Control Products Act* (PCPA). These products would continue to be managed by the PMRA.
- Products that are designed to be used solely in a manufacturing or processing activity.
- Products manufactured or imported for the purpose of export only, on the assumption that these products would be subject to the relevant VOC requirements in the countries to which the products are exported.
- Adhesives to be sold in containers of 0.03 L or less. No viable alternative currently exists for these products and only small quantities are used for each application. These products result in low levels of VOC emissions and represent a low risk to the environment and to human health.
- Products to be used as a solvent in a laboratory for analysis, for scientific research, and as a laboratory sample or an analytical standard. The quantity of these products used and the associated VOC emissions are very small and are considered of low environmental and human health risk.
- Special-purpose contact adhesives, construction/panel/floor covering adhesives, general-purpose contact adhesives, and sealants and caulking compounds that are sold in units weighing more than 454 g less packaging or having a volume of more than 475 mL less packaging. These products may be addressed through future regulatory or non-regulatory measures to reduce VOC emissions from adhesives used in the commercial and industrial sectors.

Subject to the above exceptions, the proposed Regulations would prohibit the manufacture and import of certain products for use in Canada with concentrations of VOCs in excess of their respective category-specific limits, unless a permit is obtained. Note that with respect to products that require dilution prior to use, the VOC concentration limits would apply to the product once it has been diluted as per the manufacturer or importer's written instructions.

In addition, if a person manufactures or imports a product that falls into more than one category, the product would be required to meet the concentration limit for the category with the most stringent VOC concentration limit, unless the product falls under one of the following product categories: Antiperspirant for the human axilla, Deodorant for the human axilla or General-purpose cleaner, in which case it would be exempted from this provision.

4.3 Product Categories and Sub-categories

The product categories and sub-categories proposed to be regulated, along with their respective VOC concentration limits, are included in Annex 1 of this consultation document. Product categories and sub-categories that have been added since the 2008 publication of the proposed Regulations are marked with

an asterisk (*); updated categories and/or limits are marked with a double asterisk (**).

4.4 Averaging and Trading Program (ATP)

Environment Canada is proposing to include an averaging and trading program (ATP) similar to the California Air Resources Board's *Alternative Control Plan Regulation for Consumer Products and Aerosol Coating Products*. This program is designed to promote an overall reduction of VOC emissions in Canada with minimal administrative burden.

An averaging and trading program would provide an alternative method for complying with VOC limits by allowing companies to manufacture or import products that exceed limits, either by balancing their own product(s) that exceed the concentration limit(s) with credits earned from products that were reformulated to have a VOC concentration lower than the regulatory limits (averaging) or by purchasing credits from other companies (trading).

To apply to this program, companies would have to provide information, including

- contact information;
- the trade name, VOC concentration and applicable category/sub-category of the product for which the company is applying for inclusion in the ATP; and
- projected quantities of these products manufactured in, imported into and exported out of Canada.

Companies accepted into the program would be required to report information—including the actual quantities of ATP products manufactured in, imported into, and exported from Canada as well as their respective VOC concentrations—to Environment Canada by January 31 of the following year. The figure below depicts how the averaging and trading program would work with respect to application and reporting dates and credit building and use.

Companies would participate in this program on an annual basis. Environment Canada is seeking feedback on the proposal that each low-VOC product would only earn credits for a one-year period in the year following reformulation. The aim of this proposal is to ensure that the Regulations continue to reduce VOC emissions in Canada. Therefore, in order to earn credits in subsequent years, companies would be required to achieve additional reductions through reformulation to levels lower than the regulatory limits.

The application deadline for inclusion in this program is October 1; applications received after this date will not be considered for that year.

Credits would be issued subsequent to the analysis of data reported by companies and would expire by December 31 of the following year. As per Figure 1 below, credits earned could be used in the following year.

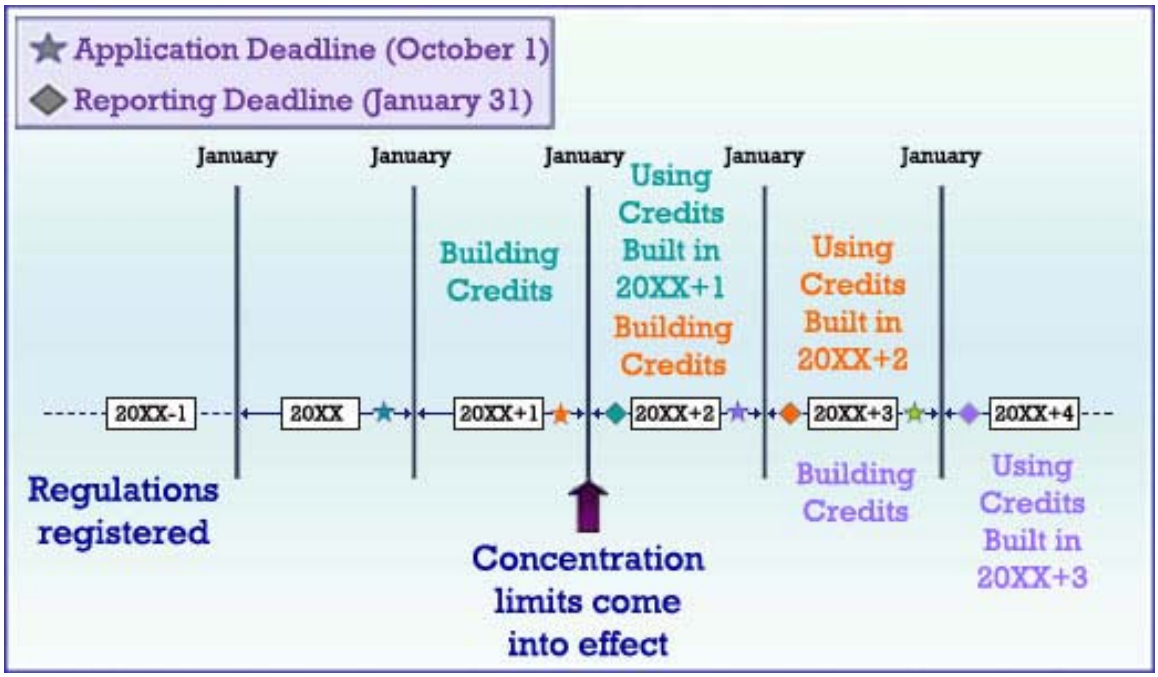

Figure 1: Proposed Averaging and Trading Program

4.4.1 Averaging

Manufacturers and importers can use earned credits, during the year for which they were issued, to average out VOC emissions from products that have a VOC content that is above the regulatory limits.

4.4.2 Trading

VOC emissions credits earned could be sold or traded to another company within the ATP. This element of the program may be beneficial to one-product businesses or small businesses with limited product lines who would otherwise be unable to balance or decrease VOC emissions by averaging their products.

In order to participate in trading, companies would be required to adhere to requirements similar to those laid out in the *Solvent Degreasing Regulations*, published in the *Canada Gazette*, Part II, on August 13, 2003 (Environment Canada 2003). The company trading its unused credits and the company receiving the credits must jointly apply to the Minister in order for a trade to be approved. Companies would need to provide the Minister with information including the year to which the issued credits apply, the number of credits to be traded, the name of the companies selling and purchasing the credits, and the effective date of transfer.

If a company depends on trading to balance overall its VOC emissions, written certification confirming that trading will take place would have to be submitted from both companies at the time of application.

4.4.3 Variations from California's Program

The ATP is similar to California's Alternative Control Plan Regulations, with certain differences that take into consideration the Canadian context and help reduce the administrative burden:

- Emissions will be calculated based on quantities of VOCs in products manufactured in and/or imported into Canada (less exports) rather than on retail sales. This is expected to simplify reporting for companies in the ATP.
- Reporting will be based on Canadian data.
- Calculations of emissions and reporting will be based on the calendar year.
- Environment Canada would issue ATP permits only for products that exceed the VOC limits. Permits for products that exceed regulated limits would be cancelled if overall the company's participation in the ATP did not result in the product becoming emissions-neutral or better.
- Consistent with other CEPA 1999 regulations, public hearings would not be required if the Minister chooses to cancel or refuse a permit.
- To promote transparency with respect to the administration of this program, the names of companies gaining credits by reducing their overall VOC emissions through the ATP would be made public. Additionally, ATP permits issued for products that exceed the limits would also be made public.
- ATP products could only earn credits for the year for which the company applies to participate in the program.

4.5 Permitting Schemes

Three permitting schemes are proposed: averaging and trading permits, VOC emissions permits, and VOC concentration permits. Under all three permitting schemes, any information that is submitted to the Minister under the Regulations would need to be dated and signed by the person to whom the Regulations apply in order to certify that the information is accurate and complete. In processing the application the Minister may, if needed, request further details concerning the information submitted by the applicant.

Permits issued would be made public in order to promote transparency. Information to be made public would include the company name and product name. Confidential information such as product formulations would not be made public. Additionally, pursuant to section 313 of CEPA 1999, any person who provides information in a permit application may submit, with the information, a written request that the information or part of it be treated as confidential.

4.5.1 Averaging and Trading Permit

Environment Canada is proposing to include a provision for a permit that allows products to exceed the VOC concentration limits if the company is using ATP

credits to balance the VOC emissions so that overall emissions are the same or lower than if all products were compliant.

Permit applications would need to be submitted to the Minister of Environment by October 1 as outlined in Figure 1 above. Permits may then be issued to allow applicants to continue manufacturing or importing products that exceed the VOC concentration limits, provided the conditions of issuance are met.

Conditions of issuance would require companies to provide, at the time of application to the ATP, a plan showing how the company will achieve a balance or decrease in total VOC emissions for products to be included in this program compared to compliant products in the same product category, by either earning or trading credits.

It is proposed that the permit be valid for a period of one calendar year (January 1 to December 31). Companies could re-apply annually, provided they submit their application no later than October 1 of the year preceding the year in which they wish to participate. The conditions under which a permit renewal may be granted would be the same as those for the original permit.

4.5.2 VOC Emissions Permit

Environment Canada is proposing to include a provision for a permit that allows products to exceed the VOC concentration limits, if as a result of product design, formulation, delivery or other factors, the total VOC emissions from that product would be lower than those from a comparable compliant product when used in accordance with the manufacturer's written instructions. Permit applications would need to be submitted to the Minister of the Environment. Such permits may be issued to allow applicants to continue manufacturing or importing these products as long as the conditions of issuance are met, which includes providing the following information:

- contact information
- the trade name, VOC concentration and applicable category/sub-category of the product
- the estimated quantity to be manufactured or imported in a calendar year
- evidence that establishes that the use of the product in accordance with the manufacturer's written instructions results in VOC emissions that are lower than those that would result from the use of a product belonging to the same category whose VOC concentration complies with the regulatory limit for that product.

It is proposed that the permit be valid for a period of four years from the date it is issued and could be renewed every four years, provided the application is submitted at least 90 days prior to the expiry of the previous period.
The conditions under which a permit renewal may be granted would be the same as those for the original permit.

4.5.3 VOC Concentration Permit

Environment Canada is also proposing to include a provision for temporary permit applications for products that would otherwise be unable to meet the regulatory requirements for technical or economic reasons. The temporary permits would be issued to product manufacturers and importers to allow them to continue manufacturing or importing these products provided the conditions of issuance are met. Permit applications are to be submitted to the Minister of the Environment and may be granted provided that the applicant

- provides evidence to show that it is not technically or economically feasible to reduce the concentration of VOCs in the product at the time of application;
- prepares a plan identifying the measures that will be taken to ensure that the product will meet the VOC concentration limit; and
- specifies the period within which the above-mentioned plan will be fully implemented, which shall not exceed two years from the date the original permit is issued.

The permit would be valid for a period of up to two years from the date it is issued, and could be extended once for an additional period of up to two years, provided the application is submitted at least 90 days prior to the expiry of the first period. The conditions under which a permit renewal may be granted are the same as those for the original permit.

4.6 Test Methods

Following comments received from stakeholders, the method for the determination of VOC concentration in the 2008 proposed Regulations has been removed. The intent of referencing the test method in the 2008 proposed Regulations was to inform the regulated community of the test method that Environment Canada would use to verify regulatory compliance. While the regulated community would still need to ensure that their products are in compliance, no mandatory testing requirements will be included in the revised proposed Regulations. In order to reduce confusion, references to the specific test method will not be included in the regulatory text. However, Environment Canada will publish guidance materials to identify the test methods that will be used for enforcement purposes.

4.7 Labelling

Any person that manufactures and/or imports products that would be subject to the proposed Regulations would have to indicate, on the container in which the product is to be sold, either the date on which the product was manufactured or a code representing that date. If a code is used, the person shall provide an explanation of it to the Minister upon request. This is in alignment with the labelling requirements of the architectural coatings and automotive refinishing VOC regulations.

4.8 Reporting

No general reporting requirements are proposed. However, companies accepted into the ATP would have reporting requirements as discussed in Section 4.4.

4.9 Record Keeping

Any person that manufactures and/or imports products that would be subject to the Regulations would have to maintain records at their place of business in Canada. The information would be required to be retained in Canada, for a period of at least five years. Documents may be retained in electronic format.

The records would need to contain the following information and any supporting documents:

For manufacturers:

- quantity of the product manufactured at each manufacturing plant
- trademark and trade name of the product manufactured
- date on which the product was manufactured

For importers:

- quantity of product imported
- trademark and trade name of the products
- port of entry where the product was imported
- name, civic and postal addresses, telephone number, and fax number and email address (if any) of the principal place of business of the sender of the product
- date on which the product was imported
- Harmonized Commodity Description and Coding System number for the product
- importer number for the product shipped
- copies of the bill of lading, invoice and all documents submitted to Canada Border Services Agency for the product shipped.

4.10 Coming into Force

The Regulations are proposed to come into force on January 1 two years after the day on which they are registered.

5 Next Steps

5.1 Information Gathering

The estimated costs and benefits of the 2008 proposed Regulations were partially based on a 2005 voluntary survey. In order to fill in gaps and to update the cost-benefit information needed to finalize the revised proposed Regulations, a survey to assess the current situation, including the level of compliant products in the Canadian market, is planned for early 2013. This will consist of a voluntary

survey requesting a representative sample of the affected stakeholders to submit data about their products. It is expected that this mechanism will provide the necessary information while minimizing the burden on industry.

The information that is being sought is needed to

- update 2005 survey data for the approximately 100 product categories/sub-categories that were included in the 2008 proposed Regulations;
- obtain data for the approximately 30 new product categories/sub-categories that will be added for consistency with California's regulations;
- determine the appropriate measures for managing VOC content in these categories; and
- provide data to support the cost-benefit analysis (CBA) and regulatory impact assessment statement (RIAS), including the number of products needing reformulation and the size of enterprises affected.

The table in Annex 2 provides more detail regarding the information that is required from manufacturers and importers.

We are also seeking the following information from companies that would be interested in applying for an ATP under these Regulations:

- company name and contact information
- the products for which the company anticipates applying for inclusion in the ATP
- relevant product categories
- VOC concentration of these products
- quantities of products manufactured in, imported into and exported out of Canada
- any other pertinent information

If you are interested in the ATP, please provide the above-listed information to the Environment Canada contact at the end of this document. Indicate "Averaging and Trading Program Information" as your subject line.

5.2 Regulatory Reform

As part of the regulatory reform, the Government has introduced a One-for-One Rule and the Small Business Lens (Government of Canada, Red Tape Reduction Commission). In moving forward with the proposed Regulations, Environment Canada will apply these two programs to ensure that the administrative burden is reduced where possible and that small businesses are taken into account with respect to any administrative and compliance challenges.

5.2.1 One-for-One Rule

The One-for-One Rule is aimed at reducing the administrative burden on business and at limiting the growth in the number of federal regulations. The One-for-One Rule will require regulators to remove a regulation each time they introduce a new regulation that imposes an administrative burden. When a new or amended regulation increases the administrative burden on business; the Government will also offset—from existing regulations—an equal amount of administrative burden costs on business.

This rule is intended to be implemented in a manner that does not compromise environmental or health protection objectives. As such, it is one of several requirements that must be considered when deciding on the most appropriate risk management instrument for a given situation.

5.2.1.1 Combining VOC Regulations

In order to address the One-for-One Rule, Environment Canada is proposing to combine the Certain Products Regulations with the *Volatile Organic Compound (VOC) Concentration Limits for Architectural Coatings Regulations* and possibly with the *Volatile Organic Compound (VOC) Concentration Limits for Automotive Refinishing Products Regulations* as well.

Combining two or three of the VOC regulations would provide ease of reference to stakeholders who fall under more than one VOC regulation and would thus reduce the administrative burden on regulatees. In addition to combining regulations, Environment Canada may make certain refinements to the Architectural Coatings Regulations and/or the Automotive Refinishing Regulations, which may include the following:

- revising the permit validity to a period of up to two years instead of the current two-year period, as some industry stakeholders require a permit for a period of less than two years
- making available to the public information about permits issued in order to ensure transparency
- removing sellers from the list of regulatees where possible

Further targeted consultations are planned with stakeholder groups that may be affected by any of these changes.

5.2.2 Small Business Lens

The purpose of introducing a small business lens is to ensure that the specific needs of small business are considered and that the least burdensome but most effective approach to addressing these needs is identified. A small business is defined as any business, including its affiliates, that has fewer than 100 employees or has between $30,000 and $5 million in annual gross revenues.

If the proposed revisions have a significant impact on small businesses, Environment Canada will take special care to ensure that small business needs

and capacities are considered. This will be achieved through the analysis of small business realities and consultation at the earliest stages of regulatory design. Consideration will be given to approaches that minimize costs for small business.

The purpose of this consultation is to generate discussion and ideas on the proposed Regulations and to solicit comments from stakeholders. As no decisions have been made at this point, a full understanding of the administrative burden and impacts on small businesses is not yet available. Once the revisions have been finalized, Environment Canada will consult with certain affected small-business stakeholders and consider approaches that could minimize the burden, if required, before publishing the proposed Regulations in the *Canada Gazette*, Part I.

5.3 Comment Period

Environment Canada welcomes the distribution of this consultation document to any interested and affected parties. A copy of this consultation document will be available on the CEPA Environmental Registry (http://www.ec.gc.ca/lcpe-cepa/default.asp?lang=En&n=D44ED61E-1).

The consultation will be followed by a 60-day comment period. Comments received during this period may be taken into consideration while drafting the proposed Regulations. Please submit comments in writing no later than March 22, 2013.

Pursuant to section 313 of CEPA 1999, any person who provides information to the Minister of the Environment under CEPA 1999 may submit with the information a written request that it be treated as confidential. Please address comments to the Products Division with the subject “Consultation on Revisions to the Proposed VOC Certain Products Regulations”. Comments can be submitted by mail, email or fax:

By mail: Products Division
Environment Canada
Place Vincent Massey, 9th Floor
351 St-Joseph Boulevard
Gatineau, Quebec
K1A 0H3

By email: VOCInfo@ec.gc.ca

By fax: 819-953-3132

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Annex 1: Proposed VOC Certain Products Regulatory Categories and Limits[3]

Part 1: Personal Care Products

Product Category - Sub-category	EC Proposed Limit (w/w%[4])
1. Astringent/toner*, not including medicated astringent/toner	35*
2. Hair mousse	6
3. Hair shine, products designed for the primary purpose of creating a shine when applied to the hair, not including products whose purpose is to condition or hold the hair	55
4. Hair spray, not including spray products that aid in styling without holding the hair	55
5. Temporary hair color*, products designed to add colour or glitter to hair or fur or to cover thinning/balding areas - Aerosol*	 55*
6. Any other hair styling products - Aerosol and pump spray - All other forms	 6 2
7. Heavy-duty hand cleaner or soap, for cleaning the hands with or without the use of water. Heavy-duty hand cleaner or soap does not include prescription drug products, antimicrobial hand or body cleaners or soaps, general-use hand or body cleaners or soaps, hand dishwashing detergents or rubbing alcohol. - All forms* - Non-aerosol*	 8 1*
8. Nail polish remover	1
9. Personal fragrance products, not including a) medicated products designed to alleviate fungal or bacterial growth on feet or other areas of the body; b) lotions, moisturizers, powders or other skin care products used to alleviate skin conditions such as dryness and irritations; c) products for use on genitalia; and d) soaps, shampoos and other products for cleaning the body - Products containing 20% or less fragrance - Products containing more than 20%	 75 65
10. Shaving cream	5
11. Shaving gel	4**
12. Antiperspirant for the human axilla - Aerosol - Non-aerosol	 40** (High volatility compound[5]) 10**(Medium volatility compound[6]) 0

[3] Product categories and sub-categories that have been added since the 2008 publication of the proposed Regulations are marked with an asterisk (*); updated categories and/or limits are marked with a double asterisk (**)

[4] Proposed VOC concentration limit (Percentage of product weight excluding container and packaging)

[5] High volatility compound: any organic compound that exerts a vapour pressure greater than 10.67 kPa when measured at 20°C

[6] Medium volatility compound: any organic compound that exerts a vapour pressure greater than 0.267 kPa and less than or equal to 10.67 kPa when measured at 20°C

13. Deodorant for the human axilla - Aerosol - Non-aerosol	 0** (High volatility compound[5]) 10** (Medium volatility compound[6]) 0

Part 2: Maintenance Products

Product Category - Sub-category	EC Proposed Limit (w/w%)
1. Air freshener - Liquid or pump spray - Double-phase aerosol - Single-phase aerosol - Solid or semi-solid - Dual-purpose air freshener/disinfectant aerosol	 18 20** 30 3 60
2.Anti-static product - Aerosol - Non-aerosol	 80 11
3. Bathroom and tile cleaner - Aerosol - Non-aerosol*	 7 1*
4. Carpet and upholstery cleaner, not including vinyl or leather cleaners, dry cleaning fluids or products for use solely at industrial facilities engaged in furniture or carpet manufacturing - Aerosol - Non-aerosol (to be diluted) - Non-aerosol (ready-to-use)	 5** 0.1 1**
5. Disinfectant*, products covered by the *Food and Drugs Act* and the *Food and Drug Regulations*, not including pre-moistened towelettes designed solely for use by medical, convalescent or veterinary establishments or products designed solely for (a) use on humans or animals; (b) agricultural use; (c) use in swimming pools, therapeutic tubs or hot tubs; (d) use on heat-sensitive critical or semi-critical medical devices or medical equipment surfaces; or (e) use on food-contact surfaces and which are not required to be rinsed - Aerosol* - Non-aerosol*	 70* 1*
6. Dusting aid, products that assist in the removal of dust and other soils from any surface without leaving a wax- or silicone-based coating - Aerosol - Non-aerosol	 17** 3**
7. Pressurized gas duster*	1*
8. Electrical cleaner, products designed for the removal of heavy soils such as grease or oil from electrical equipment, including electric motors, armatures, relays, electric panels and generators. Electrical cleaner does not include energized electrical cleaner or products for cleaning the casings or housings of electrical equipment.	45

Product Category - Sub-category	EC Proposed Limit (w/w%)
9. Electronic cleaner, products designed for the removal of dirt, moisture, dust, flux or oxides from the internal components of electronic or precision equipment such as circuit boards and the internal components of electronic devices, including radios, compact disc (CD) players, digital video disc (DVD) players and computers. Electronic cleaner does not include energized electrical cleaner or products designed to clean the casings or housings of electronic equipment.	75
10. Fabric protectant, products for protecting from soiling or absorption of liquid. Fabric protectant does not include products designed to repel water or labelled for use solely on leather.	
- Aerosol	60
- Non-aerosol*	1*
11. Fabric refresher, products for neutralizing or eliminating odours on soft surfaces including fabric, rugs and carpeting footwear and athletic equipment. Fabric refresher does not include disinfectants or products labelled for application to both fabric and human skin.	
- Aerosol	15
- Non-aerosol	6
12. Fabric softener*, products designed to be used in a clothes dryer for a one-time use	≤ 0.05 g/use*
13. Floor maintenance product*, not including products designed solely for use on marble floors	1*
14. Floor polish or wax, products for polishing, waxing, conditioning, protecting, temporarily sealing or otherwise enhancing floor surfaces by leaving a temporary protective finish. Floor polish or wax does not include products that clean and polish/wax wood floors	
- For flexible flooring	1**
- For non-resilient flooring	1**
- For wood flooring	70**
15. Floor wax stripper, not including products designed for removal of wax or polish solely by abrasion	
- Non-aerosol (to remove light or medium build-up of polish or wax)	3
- Non-aerosol (to remove heavy build-up of polish or wax)	12
16. Footwear or leather care product, products designed for application to footwear or to other leather articles to maintain, enhance, clean, protect or modify the appearance, durability, fit or flexibility of the footwear or article. Footwear or leather care product does not include products solely for deodorizing, sealant products with adhesive properties used to create external protective layers greater than 2 mm thick or vinyl, fabric, leather or polycarbonate coatings.	
- Aerosol	75
- Solid	55
- All other forms	15
17. Furniture maintenance products, products for polishing, protecting or enhancing finished surfaces. Furniture maintenance product does not include products designed to leave a permanent finish such as stains, sanding sealers and lacquers.	
- Aerosol	12**
- Non-aerosols except for solid or paste*	3*
18. General-purpose cleaner	
- Aerosol	8**
- Non-aerosol	0.5**

Product Category - Sub-category	EC Proposed Limit (w/w%)
19. General-purpose degreaser, not including products designed for use solely in solvent cleaning tanks or related equipment	
- Aerosol	10
- Non-aerosol	0.5
20. Glass cleaner, not including products designed solely for the purpose of cleaning eyeglasses and lenses used in photographic and scientific equipment and photocopiers	
- Aerosol	10**
- Non-aerosol	3**
21. Graffiti remover	
- Aerosol	50
- Non-aerosol	30
22. Laundry pre-wash	
- Aerosol or solid	22
- All other forms	5
23. Laundry starch/sizing/fabric finish product**	4.5**
24. Lubricant, not including automotive power steering fluids, products for use inside power generating motors, engines and turbines and their associated power-transfer gearboxes, two-cycle oils or other products designed to be added to fuels	
-Anti-seize lubricant*	
- Aerosol*	40*
- Non-aerosol*	3*
- Cutting or tapping oil*	
- Aerosol*	25*
- Non-aerosol*	3*
- Gear, chain or wire lubricant*	
- Aerosol*	25*
- Non-aerosol*	3*
- Multi-purpose lubricants	10**
- Penetrants lubricants, products designed primarily to loosen metal parts that have bonded together	25**
- Rust preventative or rust control lubricant*	
- Aerosol*	25*
- Non-aerosol*	3*
- Silicon-based multi-purpose lubricants	60
25. Metal polish or cleanser, not including products solely for automotive and marine detailing or products designed for use in degreasing tanks	
- Aerosol*	15**
- Non-aerosol*	3*
26. Multi-purpose solvent*, not including products (a) used in cold cleaners, vapour degreasers, conveyorized degreasers or film cleaning machines; (b) designed solely for the clean-up of application equipment used for polyaspartic and polyurea coatings; (c) designed solely to clean a specific contaminant, on a single substrate, in specific situations	3*
27. Odour remover/eliminator*	
- Aerosol*	25*
- Non-aerosol*	6*
28. Oven or grill cleaner**	
- Aerosol or pump spray	8
- Non-aerosol*	4*

Product Category - Sub-category	EC Proposed Limit (w/w%)
29. Paint remover or stripper, not including paintbrush cleaners or hand cleaners for removing paints and other related products from skin	50
30. Paint thinner*, not including artist's solvent/thinner or products designed solely for thinning industrial maintenance coatings, zinc-rich primers or high temperature coatings	3*
31. Rubber and vinyl protectant - Aerosol - Non-aerosol	 10 3
32. Spot remover - Aerosol - Non-aerosol	 15** 3**
33. Toilet or urinal cleaning or deodorizing products - Aerosol - Non-aerosol	 10 3
34. Wood cleaner, not including products solely for preserving or colouring wood - Aerosol - Non-aerosol	 17 4
35. Automotive brake cleaner	10**
36. Automotive carburetor or fuel-injection air intake cleaner, not including products designed solely for introduction into a fuel line or a fuel storage tank or pressurized products designed for introduction directly into air intake vacuum lines during engine operation by using a sprayer wand	10**
37. Automotive rubbing or polishing compound, products designed for removal of oxidation, old paint, scratches or swirl marks and other defects from the painted surfaces of motor vehicles without leaving a protective barrier	17
38. Automotive wax, polish, sealant or glaze, products for sealing out moisture, increasing gloss or otherwise enhancing the painted surfaces of motor vehicles. Automotive wax, polish, sealant or glaze does not include automotive wash and wax products, surfactant-containing car wash products or products for use on unpainted surfaces such as chrome, glass, plastic or bare metal - Hard paste wax - Instant detailer - All other forms	 45 3 15
39. Engine degreaser, products designed for removal of grease, oil and other contaminants from the external surfaces of engines and other mechanical parts - Aerosol - Non aerosol	 10** 5
40. Insect and tar remover, products designed for removal of the following from the painted surfaces of motor vehicles: (a) biological residue such as insects and tree sap; or (b) road grime, such as tar, paint markings and asphalt	40
41. Motor vehicle wash* - Non-aerosol*	 0.2*
42. Tire or wheel cleaner*, not including products designed solely for use on locomotives or aircraft - Aerosol* - Non-aerosol*	 8* 2*
43. Tire sealant and inflator	20

Product Category - Sub-category	EC Proposed Limit (w/w%)
44. Undercoating, products for imparting a protective, nonpoint layer to the undercarriage, trunk interior or firewall of motor vehicles to prevent the formation of rust or to deaden sound. Undercoating includes rubberized, mastic and asphaltic products. - Aerosol*	40
45. Windshield washer fluid*, pre-mixed liquid in a container with a capacity greater than 0.95 L or less than 37.85 L or a dilutable liquid in a container with a capacity of 37.85 L or more or 0.95 L or less. Windshield washer fluid does not include any fluid which is placed in a new motor vehicle at the time of manufacture.	25*
46. Windshield water repellent*	75*

Part 3: Adhesives, Adhesive Removers, Sealants and Caulks

Product Category - Sub-category	EC Proposed Limit (w/w%)
1. Aerosol adhesive, products with a spray mechanism permanently housed in a non-refillable can designed for hand-held application without the need for ancillary hoses or spray equipment	
- Mounting adhesive, adhesives for permanently affixing photographs, artwork and any other drawn or printed media to a backing such as paper, board or cloth	70
- Automotive engine compartment adhesive, adhesives for use in under-the-hood applications that require oil and plasticizer resistance and high shear strength, at temperatures of 90°C to 135°C	70
- Flexible vinyl adhesive, adhesives for bonding non-rigid polyvinyl chloride plastic with at least 5%, by weight, of plasticizer content to substrates	70
- Polystyrene foam adhesive	65
- Automotive headliner adhesive	65
- Polyolefin adhesive, adhesives for bonding polyolefins to substrates	60
- Laminate repair and edgebanding adhesives, adhesives for (a) the touch-up or repair of items laminated with laminates that are sheet materials that consist of paper, fabric or other core materials and that have been laminated at temperatures exceeding 129°C and at pressures between 6850 kPa and 9650 kPa; or (b) the touch-up, repair or attachment of edgebanding materials, including other laminates, synthetic marble, veneers, wood moulding and decorative metals	60
- Mist spray adhesive	65
- Any other aerosol adhesive (web spray)	55
2. Non-aerosol adhesive, adhesive, less packaging, that weighs 454 g or less or has a volume of 475 mL or less unless otherwise specified	
- Construction, panel and floor-covering adhesive, single-component adhesive for (a) structural and building components, including beams, trusses, studs, panelling, moulding and countertops; or (b) floor or wall coverings. Construction, panel and floor covering adhesive does not include floor seam sealers for installed flexible sheet flooring.	7**
- General-purpose contact adhesive	55
- Special-purpose contact adhesive, products (a) for bonding melamine-covered board, unprimed metal, unsupported vinyl, fluoropolymers, ultra-high molecular weight polyethylene (UHMWPE), rubber, high-pressure laminate or wood veneer 1.5875 mm	80

Product Category - Sub-category	EC Proposed Limit (w/w%)
or less in thickness to any surface and has a volume greater than 236 mL less packaging; or (b) for use in the following applications: (i) under-the-hood applications requiring resistance to heat, oil or gasoline, or (ii) body-side molding, weatherstrip or decorative trim - General-purpose adhesive	10
6. Structural waterproof adhesive	7**
7. Adhesive remover - Floor or wall covering adhesive remover - Gasket or thread locking adhesive remover, including products for use as both a paint stripper and a gasket or thread locking adhesive remover - General-purpose adhesive remover, products designed for removal of cyanoacrylate adhesives, non-reactive adhesives or residue from a substrate. General-purpose adhesive remover includes products that remove thermoplastic adhesives, pressure-sensitive adhesives, dextrine- or starch-based adhesives, casein glues, rubber- or latex-based adhesives, as well as products that remove stickers, stencils or other materials. - Specialty adhesive remover, products designed for removal of reactive adhesives from substrates. Reactive adhesives include adhesives that require a hardener or catalyst in order for the bond to occur such as epoxies, urethanes and silicones.	 5 50 20 70
8. Sealants and caulking compounds, product that, less packaging, weighs 454 g or less or has a volume of 475 mL or less, not including (a) pipe thread sealants or pipe joint compounds; (b) roof cements and roof sealants; (c) insulating foams; (d) removable caulking compounds that temporarily seal windows or doors; (e) clear, paintable and water-resistant caulking compounds; (f) floor seam sealers; (g) products designed solely for automotive uses; or (h) sealers that are to be applied as coatings - Chemically curing non-aerosol* - Non-chemically curing non-aerosol*	 3** 1.5*

Part 4: Miscellaneous Products

Product Category - Sub-category	EC Proposed Limit (w/w%)
1. Charcoal lighter materials, any combustible material designed to be applied on, incorporated in or used with charcoal to enhance ignition. Charcoal lighter materials does not include (a) electrical starters and probes; (b) metallic cylinders using paper tinder; (c) natural gas; (d) propane; or (e) wood kindling with naturally occurring levels of sap or resin that enhance ignition of the kindling	9 g/start
2.Non-stick cooking spray	18

Annex 2: Data Gaps and Rationale for Information Needed

DATA GAP	RATIONALE
COMPANY INFORMATION	
Company name, address	To ensure up-to-date contact information for development of stakeholder lists and to allow follow-up on data submitted
Industry association affiliations	
Company contact person, contact's title, telephone number, fax number, email address	
Number of employees	Used in the CBA to evaluate economic impacts on organizations of various sizes
PRODUCT INFORMATION	
Name of product	Data to support RIAS: Used to evaluate which products would be in compliance with proposed limits, and to estimate potential reductions in VOC emissions
Applicable product category or subcategory	
Respective customer types: consumer and/or industrial/institutional	
Average VOC content (weight %) of each product	
Dilution ratios during use of the product (if applicable)	
Total low vapour pressure volatile organic compound (LVP-VOC)[7] content, fragrance, inorganics and exempted compounds	
Sales-weighted average VOC content	
MANUFACTURER INFORMATION (INCLUDES FORMULATORS)	
Total annual quantity of each product manufactured in Canada	Data to support RIAS: Used to assess economic impact of regulation and quantities in Canada
Production cost ($/product)	
Total annual quantity of products exported and country(ies) of destination	
IMPORTER DATA	
Total annual quantity of products imported and country or countries of origin	Data to support RIAS: Used to assess economic impact of regulation, trade implications and quantities in Canada
Total annual quantity of VOCs contained in imported products	
Average import price ($/product)	

[7] A LVP-VOC has one of the following characteristics:
(a) Its vapour pressure is less than 0.013 kPa at 20°C, as determined in accordance with California Environmental Protection Agency, Air Resources Board Method 310, entitled *Determination of Volatile Organic Compounds (VOC) in Consumer Products and Reactive Organic Compounds in Aerosol Coating Products* (CARB 2011)
(b) Its boiling point is greater than 216°C, as determined in accordance with California Environmental Protection Agency, Air Resources Board Method 310, entitled *Determination of Volatile Organic Compounds (VOC) in Consumer Products and Reactive Organic Compounds in Aerosol Coating Products* (CARB 2011)
(c) It contains more than 12 carbon atoms per molecule