



CONTACT:

llavoie@cdnpaint.org • jquick@cdnpaint.org

## Regulatory Bulletin

### HEALTH AND SAFETY

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# *Canadian VOC Concentration Limits for Architectural Coatings In Effect*

The *Volatile Organic Compound (VOC) Concentration Limits for Architectural Coatings Regulations*, were registered on September 9<sup>th</sup> and scheduled to appear in Canada Gazette, Part II on September 30, 2009. The enactment of these regulations starts on the date they are registered.

### Implementation Process and Timeline

The manufacture and import prohibitions take effect **12 months** after the Regulations are registered: **September 9, 2010**

A sell-through period of 2 years was agreed to suppliers, wholesalers and retailers along with the specific labelling requirements applicable to them. The due date for stop-selling is **September 9, 2012**.

**A specific extension to the stop manufacturing and importing date is agreed to four categories:**

For interior wiping stain, exterior wood stain, clear or semi-transparent, floor enamels (a high-gloss opaque floor coating for application to surfaces that may be subject to foot traffic), all prohibitions fall on the third anniversary date of the coming into force of the regulations: **September 9, 2012**.

For recycled coatings (not less than 10% of the total weight consisting of post-consumer paint, not less than 50% of a secondary coating), all stop-manufacturing prohibitions take effect on the fifth anniversary date or on **September 9, 2015**.

## Coverage

Fifty-three (53) categories of Architectural products are targeted with specific VOC limits in Schedule 1. The VOC limits and stop-manufacturing prohibitions apply on the first anniversary day for all categories unless an extended compliance date is specified in the Schedule, a special permit is issued, and/or any of the products belong to the following categories:

- Products or components applied in or on the premises of a factory or a shop, as part of a manufacturing, processing and repairing activity;
- Products manufactured or imported for sales in scientific research, as laboratory samples or standards, or sold only for exports;
- Adhesives, antifouling coatings, wood preservatives, and aerosol coatings used for hand-held applications and zone-marking.

In addition, one-liter exemptions are given to seven categories: faux-finish, low solids coatings, lacquers & lacquer sanding sealers, varnish, quick dry enamels, interior wiping stains, exterior wood stain and any other stains, rust preventive coatings, and high temperature coatings.

Traffic paints exceeding 150 g/L must not be used between May 1<sup>st</sup> and October 15<sup>th</sup>. This prohibition will take effect three years after the regulations come into force (September 9, 2012).

For any coatings indicating on the label or in the accompanying documentation that they may be used for the purpose of more two or more categories defined in the Schedule, the most restrictive VOC category limit applies (unless the other categories belong to 18 of the 53 categories).

Some products can exceed the limits if a dilution is required and all necessary instructions are given on the labels or accompany the products in both official languages. For greater certainty, the instructions cannot provide for any dilution of the coatings before its use to a VOC concentration exceeding the limit. Similar requirements apply to multiple component coatings.

## Permits Application

An application for the use of coatings requiring dilution or multi-component coatings exceeding the VOC limits before use, must be submitted to the Minister. The permit will expire 24 months after issuance. **Conditions:** Evidence that it is not technically or economically feasible to reduce the VOC concentration must be provided. The applicant must submit a plan for compliance that does not exceed 4 years after the day the first permit is issued. All information must be certified. The Minister can refuse or revoke a permit at any time after the applicant is notified and an opportunity to be heard is given.

## Testing Methods

Specifications on test methods are given with respect to drying times (the set-to-touch, tack-free and dry-hard times of a quick-dry enamel must be determined according to ASTM D-1640-03 with a few exclusions which include the reference standards ASTM D823 and D1005) and surface chalkiness by the application of a specialty primer, sealer or undercoater (the conditioning must be done using ASTM D4214-07 with a few exclusions which include referenced standards ASTM D 622 and ASTM E1347).

## Accreditation Laboratory

Any laboratory that performs an analysis for the purposes of these Regulations (testing of conformity by the Government) must be accredited under ISO/IEC 17025:2005, as amended from time to time, and its accreditation must include the analysis in question within its scope of testing.

## Labeling Requirements

On the stop manufacturing date for manufacturers and on the stop-selling date for sellers, all coatings set out in the Schedule should contain the following information on the container's label or lid (and displayed legibly in both official languages):

- i) The date of manufacture or a code representing that date (explanation behind the code should be provided to the Minister).
- ii) A statement to the effect that the coatings should be applied without dilution or thinning. Should it not be the case, instructions regarding dilution with solvents other than water must be added.
- iii) One or more of the following statements should be added to industrial maintenance coatings "For industrial use only", "For professional use only", "Not for residential use" or "Not intended for residential use".
- iv) In the case of a clear brushing lacquer, should appear the statement "For brush application only" and either "This product must not be diluted or sprayed" or "This product must not be thinned or sprayed".
- v) In the case of a rust preventive coating, should appear the following statements: "For metal surfaces only" or "For metal substrates only"
- vi) In the case of specialty primers, sealers, or undercoaters, the following statements must be added: "For blocking stains", "For fire-damaged surfaces" or "For fire-damaged substrates", "For smoke-damaged surfaces" or "For smoke-damaged substrates", "For water-damaged surfaces" or "For water-damaged substrates", "For excessively chalky surfaces" or "For excessively chalky substrates".
- vii) In the case of quick dry enamels, the dry-hard time and words "Quick dry" must appear on the label or lid
- viii) In the case of a high gloss coatings, add the words "High gloss"
- ix) In the case of traffic marking paint with a VOC concentration in excess of 150g/L, the following statement should be apposed "Not for application for the period beginning on May 1 and ending on Oct 15".

## Record-Keeping Requirements

**For all manufacturers of the 53 categories** must keep records of the quantity manufactured, the trade names or trade marks, and date of manufactures.

**For all importers of the 53 categories** must keep records on the quantity imported, the trade names and trade marks imported, the date of imports, the port of entry, all business coordinates of the sender, the Harmonized Coding Description or Coding System number of the coating, the importer number for

the coating shipped, copies of the bill of lading, invoice and all documents submitted to the Canada Border Services Agency.

**For all sellers (suppliers, wholesalers, retailers) of the 53 categories** must keep records of the quantity sold, the trade marks or trade names sold, the date of sale, the delivery date, all coordinates of where the coating was sold.

All records and supporting documents must be kept for a period of at least five years after the day on which they are submitted.

**Location:** At the person's principal place of business in Canada or at any other place in Canada where they can be inspected. When it is not the person's principal place of business, the person must provide to the Minister the civic address of the place where they are kept.

For any questions or comments on the regulatory text, please do not hesitate to contact Jim Quick ([jquick@cdnpaint.org](mailto:jquick@cdnpaint.org)) prior to the end of comment period (**October 29<sup>th</sup>**).