



Welcome

Regulatory Update in the U.S. and Canada

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Canadian provinces stuffed article labeling

- Ontario has repealed the Upholstered and Stuffed Articles regulation under the Technical Standards and Safety Act, 2000 as of July 1, 2019
- Manitoba is repealing their regulation
 - Manufacturers who intend to sell their articles in Manitoba are required to use either a Manitoba, Ontario or Quebec label until January 1, 2020, the effective date of repeal of the Bedding and Other Upholstered or Stuffed Articles Regulation.
 - Manufacturers may continue to use Ontario labels and registration numbers to sell their articles in Manitoba, despite the repeal of Ontario's regulation, between July 1, 2019 and January 1, 2020
- Quebec continues to require stuffing labels

Health Canada product enforcement

- Health Canada has posted a number of Consumer Product Enforcement Summary Reports their website, including:
 - Cyclical Enforcement Project 2017-2018: Consumer Chemicals and Containers Regulations
 - Cyclical Enforcement Project 2017-2018: Cosmetic Regulations (Fragrances)
 - Cyclical Enforcement Project 2017-2018: Glazed Ceramics and Glassware Regulations
 - Cyclical Enforcement Project 2017-2018: Phthalates Regulations
 - Cyclical Enforcement Project 2017-2018: Surface Coating Materials Regulations
 - Cyclical Enforcement Project 2017-2018: Textile Flammability Regulations (Halloween Costumes)
 - Cyclical Enforcement Project 2017-2018: Toys Regulations
 - Cyclical Enforcement Project 2017-2018: Toys Regulations (Boric acid and salts of boric acid requirement)
 - Cyclical Enforcement Project 2017-2018: USB Chargers
 - Sixty-seven USB charger products that did not have a recognized certification mark were sampled for electrical testing
 - Standard used: CSA Standard C22.2 No. 60950-1-07 - Information Technology Equipment - Safety - Part 1: General Requirements
 - Electrical strength test resulted in 40 recalls and 27 products referred to the provincial/territorial Electrical Safety Authorities.

Ontario electrical waste proposal

- Current Ontario Electronic Stewardship OES program will cease operations as of December 31st, 2020
- Ontario Ministry of the Environment, Conservation and Parks are proposing new electronic waste regulations
- The proposed regulations would require:
 - producers to establish free collection networks for consumers
 - producers to achieve resource recovery (i.e. reduction, reuse and recycling) targets
 - producers to provide promotion and education materials to increase consumer awareness
 - producers and service providers to register, report and keep records and meet other requirements
- It is proposed that producers of all categories of batteries and certain categories of EEE (i.e. information technology, telecommunications and audio visual equipment, and lighting) will be subject to all of the responsibilities relating to collection, management, promotion and education, registration, reporting and auditing

Cosmetic Ingredient Hotlist consultation

- Canada held a consultation for proposed changes to the Cosmetic Ingredient Hotlist
- Proposed amendments:
 - Dihydrocoumarin (CAS 119-84-6) from the prohibited substance list to allow up to a maximum of 0.035% in a leave-on product and up to 3.5% in a rinse-off product
 - Combination of Disulfiram, Thiuram, Thiuram disulfides, and Thiuram monosulfides to a single entry for Thiurams (CAS 97-77-8; 137-26-8) with a maximum use of 14% in latex products
 - Adding warning for Eucalyptus oil (CAS 8000-48-4): "This product contains eucalyptus oil which is poisonous.", "Keep out of reach of children", and "If swallowed, call a Poison Control Center or doctor immediately."
 - Sodium bromate (CAS 7789-38-0) to a prohibition for all Bromates
 - New conditions regarding hair products and products for use in the area of the eye will be considered for Thioglycolic acid and its salts

Proposed amendment to Tents Regulations

- Health Canada has proposed to update the flammability and labelling requirements set out in the Tents Regulations
- Proposal would replace the existing flammability and labelling requirements set out in the Tents Regulations with requirements set out in a new National Standard of Canada entitled CAN/CGSB-182.1, Flammability and Labelling Requirements for Tents
- CAN/CGSB-182.1 does not apply to certain play tents, therefore new requirements for these products are being proposed to be set out in the Toys Regulations

Formaldehyde Emissions from Composite Wood Products Regulations

- Proposed Regulations to align Canadian requirements for composite wood products with similar requirements in the United States
- Proposed Regulations would establish the following maximum emission levels for formaldehyde emissions from composite wood products:
 - 0.05 parts per million (ppm) for hardwood plywood;
 - 0.09 ppm for particleboard;
 - 0.11 ppm for medium-density fiberboard;
 - 0.13 ppm for thin medium-density fiberboard; and
 - 0.05 ppm for laminated products.
- Composite wood products that emit formaldehyde gas above these levels could not be sold in, offered for sale in, or imported into Canada under the proposed Regulations unless they are exempted from the Regulations

Action Plan on plastic waste

- Canadian Council of Ministers of the Environment, published Canada-wide Action Plan on Zero Plastic Waste Phase 1
- It identifying six priority action areas in Phase 1. These action areas include:
 1. extended producer responsibility
 2. single-use and disposable products
 3. national performance requirements and standards
 4. incentives for a circular economy
 5. infrastructure and innovation investments
 6. public procurement and green operations



Proposed VOC limits

- Proposed Volatile Organic Compound Concentration Limits for Certain Products Regulations were published in the Canada Gazette, Part I, on July 6, 2019
- Regulations would establish VOC concentration limits for products in approximately 130 product categories and subcategories
- Manufacturers and/or importers of a regulated product would be required to indicate, on the product container, the date on which the product was manufactured or a code representing that date.
- Proposed Regulations would not include mandatory testing requirements to be conducted by regulated parties to ensure regulated products meet the proposed VOC concentration limits

Significant New Activity Notices

- New Significant Activity Notices have been issued for:
 - Nickel, [1,3-dihydro-5,6-bis[[[(2-hydroxy-1-naphthalenyl)methylene]amino]-2H-benzimidazol-2-onato(2-)-N5,N6,O5,O6]-, (SP-4-2)
 - 2-Propenoic acid, 2-methyl-, 3-[1,1bis[[dimethyl[2-[3,3,3-trimethyl-1,1-bis[(trimethylsilyl)oxy]disiloxanyl]ethyl]silyl]oxy]-3,3-dimethyl-3-[2-[3,3,3-trimethyl-1,1-bis[(trimethylsilyl)oxy]-1-disiloxanyl]ethyl]1-disiloxanyl]propyl ester, polymer with butyl 2-propenoate and methyl 2-methyl-2-propenoate, Chemical Abstracts Service Registry No. 262299-63-8
 - 2-propenoic acid, 2-methyl-, eicosyl ester, polymer with hexadecyl 2-methyl-2-propenoate, isooctyl 2-propenoate, octadecyl 2-methyl-2-propenoate and 2-propenoic acid, Chemical Abstracts Service Registry No. 133167-76-7
- For each proposed significant new activity, the listed information must be provided to the Minister at least 90 days before the day on which the activity begin

Washington State chemical law

- Washington Department of Ecology (WSDE) with the State's Department of Health (DOH), will provide a list of priority chemicals
- Every five years the WSDE must designate a minimum of five additional priority chemicals or chemical classes
- Prioritizes five chemical classes for action: PFAS, organohalogen flame retardants, phthalates, alkylphenol ethoxylates and bisphenols, and PCBs
- WSDE will have until June 1, 2022 to determine the regulatory actions to be taken on the priority products they identify and accept rules to implement regulatory actions by June 1, 2023

Washington State law on degradability of products

- No manufacturer or supplier may sell, offer for sale or distribute for use in this state a plastic product that is labeled with the term "biodegradable," "degradable," "decomposable," "oxo-degradable" or any similar form of those terms, or in any way imply that the plastic product will break down, fragment, biodegrade or decompose in a landfill or other environment
- A product labeled as "compostable" that is sold, offered for sale, or distributed for use in Washington by a supplier or manufacturer must:
 - (i) Meet ASTM standard specification D6400;
 - (ii) Meet ASTM standard specification D6868; or
 - (iii) Be comprised of wood, which includes renewable wood, or fiber-based substrate only.
- Law takes effect 1 July 2020

Washington State law on management of plastic packaging

- By October 31, 2020, the Department of Ecology must submit a report on the evaluation and assessment of plastic packaging to the appropriate committees of the legislature. The report required under this subsection must include:
 - Findings regarding amount and types of plastic packaging sold into the state as well as the management and disposal of plastic packaging;
 - Recommendations to meet the goals of reducing plastic packaging, including through industry initiative or plastic packaging product stewardship, or both, to:
 - a) Achieve one hundred percent recyclable, reusable, or compostable packaging in all goods sold in Washington by January 1, 2025;
 - b) Achieve at least twenty percent postconsumer recycled content in packaging by January 1, 2025; and
 - c) Reduce plastic packaging when possible optimizing the use to meet the need; and
 - For the purposes of legislative consideration, options to meet plastic packaging reduction goals, that are capable of being established and implemented by January 1, 2022

New Jersey law prohibiting asbestos-containing products

- No person shall sell, offer for sale, or distribute in the State any product that contains asbestos
- “Asbestos” means the same as the term is defined in section 3 of P.L.1984, c.173
 - Asbestos is defined as asbestiform varieties of actinolite, amosite (cummingtonitegrunerite), anthophyllite, chrysotile (serpentine), crocidolite (riebeckite) and tremolite
- Prohibition takes effect 1 September 2019

Rhode Island flame retardant level increased

- Rhode Island amended flame retardant requirements increasing amount of flame retardant chemicals contained in residential upholstered bedding/furniture manufactured/ sold in state from 100 ppm to 1,000 ppm
- Non-polymeric organohalogen flame retardant chemical including any chemical containing the element bromine or chlorine bonded to carbon that is added to a plastic, foam, fabric, or textile
- Internal electric and electronic components of residential upholstered furniture or bedding or residential furniture or bedding sold for use in commercial or public spaces are not subject to the restrictions in this section.
- Effective January 1, 2020

Minnesota flame retardant scope broadened

- Any organohalogenated flame retardant chemical 1,000 parts per million in any product component
- Applies to children's products, upholstered residential furniture, residential textile, or mattress
- Allows for certain exemptions, including:
 - an electronic component of a children's product, mattress, upholstered residential furniture, or residential textile or any associated casing;
 - a children's product, mattress, upholstered residential furniture, or residential textile for which there is a federal or national flammability standard;
 - thread or fiber when used for stitching mattress components together; or
 - components of an adult mattress other than foam. As used in this clause, "adult mattress" means a mattress other than toddler mattress, crib mattress, or other infant sleep product.
- Effective for manufacturers or wholesalers July 1, 2021, and retailers July 1, 2022

Vermont reporting law amended

- Requires manufactures of children's products containing chemicals on the list of Chemicals of High Concern to Children (CHCC) to report to the state every year, beginning on July 1, 2020, instead of the biennial reporting requirement under the law previously
- Reports must provide, in addition to existing requirements, the brand name, the product model, and the universal product code if available
- Commissioner of Health is required to adopt, by January 1, 2020, a rule on procedures for notice by a manufacturer of children's product containing a CHCC that is introduced between reporting deadlines
- Entered into force on July 1, 2019

Maine enacts packaging bill

- Beginning January 1, 2022, a manufacturer, supplier or distributor may not offer for sale or for promotional purposes a food package or a packaging component of a food package that includes inks, dyes, pigments, adhesives, stabilizers, coatings, plasticizers or any other additives to which phthalates have been intentionally introduced in any amount greater than an incidental presence
- Department of Environmental Protection may by rule prohibit a food package or a packaging component of a food package to which PFAS have been intentionally introduced in any amount greater than an incidental presence
- Manufacturer that has less than \$1,000,000,000 of total annual national sales of food and beverage products are exempt
- Manufacturers shall develop a certificate of compliance

Maine PFOS proposal

- Propose to designate perfluorooctane sulfonic acid (PFOS) as a priority chemical and requires reporting for certain children's products that contain PFOS
- Manufacturers or distributors of children's products that contain intentionally added amounts of PFOS, and fall into the list categories would must submit information: Child care article; Children's clothing; Children's footwear; Children's sleepwear; Children's toy; Cookware, tableware, reusable food and beverage containers; Cosmetics and personal care products; Craft supplies; Electronic device; and, Household furniture and furnishings.
- Required to be reported within 180 days after the effective date of the final rule

Illinois passes bill on animal testing

- It is unlawful for a manufacturer to import for profit, sell, or offer for sale in this State any cosmetic, if the cosmetic was developed or manufactured using an animal test that was conducted or contracted by the manufacturer, or any supplier of the manufacturer, on or after January 1, 2020
- A violation of this Section shall be punishable by an initial civil penalty of \$5,000 for the first day of each violation and an additional civil penalty of \$1,000 for each day the violation continues
- This Act was effectively upon becoming law

FDA published Final Rule for Antiseptic Rubs

- Final rule applies to active ingredients used in consumer antiseptic rub products that are sometimes referred to as rubs, leave-on products, or hand “sanitizers,” as well as to consumer antiseptic wipes
- Deferred further rulemaking on three active ingredients: benzalkonium chloride, alcohol (also referred to as ethanol or ethyl alcohol), and isopropyl alcohol
- Category II (not generally recognized as safe and effective or misbranded) active ingredients include, but are not limited to: Benzethonium chloride, Chloroxylenol, Cloflucarban, Fluorosalan, Hexachlorophene, Hexylresorcinol, Sodium oxychlorosene, Tribromsalan, Triclocarban, Triclosan, Triple dye, Undecoylium chloride iodine complex, Salicylic acid, Sodium hypochlorite, and Tea tree oil
- Effective from 13th April 2020

Proposed Sunscreen Rule

- Zinc oxide and titanium dioxide – are GRASE for use in sunscreens
- PABA and trolamine salicylate – are not GRASE for use in sunscreens due to safety issues
- Public record does not contain sufficient data to support a positive GRASE determination for cinoxate, dioxybenzone, ensulizole, homosalate, meradimate, octinoxate, octisalate, octocrylene, padimate O, sulisobenzene, oxybenzone or avobenzone at this time.
 - These ingredients were proposed as Category III
- Proposes new sunscreen product label requirements to assist consumers in more easily identifying key information
- All sunscreen products with SPF values of 15 and above satisfy broad spectrum requirements
- Products that combine sunscreens with insect repellents are not GRASE

CPSC requested information on spandex

- United States (US) Consumer Product Safety Commission (CPSC) requested information about possible changes to the Commission's Standard for the Flammability of Clothing Textiles to expand the list of fabrics that are exempt from testing under the standard.
- CPSC was interested in receiving information about the possibility of adding spandex to the list of fabrics that are exempt from the testing requirements.

Possible amendment of Leather Guides

- Federal Trade Commission (FTC) held consultation on whether it should repeal, amend or retain the Guides for Select Leather and Imitation Leather Products (Leather Guides)
- Considered whether deceptive or unfair advertising and marketing practices are still used to sell leather and imitation leather products and whether the Guides should cover products that are not currently included—such as automotive and furniture upholstery products

Proposed California jewelry amendment

- California is proposing to amend its Metal-Containing Jewelry law
- Would reduce the lead content limits for electroplated metal, unplated metal, and a dye or surface coating to 0.05% of lead by weight, and would reduce the lead content limit for plastic or rubber to 0.02% of lead by weight
- Would revise the definition of “children” to mean persons 15 years of age
- Would require the manufacturer or supplier certification to include additional detail about the jewelry covered by the certification, including, among other things, the date or dates on which, and the location or locations where, the jewelry was tested for purposes of certification

Prop 65 bill

- AB 1123 would requiring each party, in an appellate proceeding in which a violation of Proposition 65 is alleged or the application or construction of Proposition 65 is at issue, to serve a copy of the party's brief or petition and brief on the Attorney General, as provided

California plastics bill

- Bill would enact the California Circular Economy and Plastic Pollution Reduction Act
- Bill would require the department, before January 1, 2024, to adopt regulations that require covered entities, as defined, to source reduce, to the maximum extent feasible, single-use packaging and priority single-use plastic products, as defined, and to ensure that by 2030 all single-use packaging and priority single-use plastic products in the California market are recyclable or compostable.
- Bill would require those regulations to achieve, by 2030, a 75% reduction of the waste generated from single-use packaging

Microplastics update

- California and Connecticut removed labeling requirements from bill
- NYS Assembly had a bill 1549 that would have required additional labels on clothing composed of more than fifty percent synthetic material to notify consumers such clothing sheds plastic microfibers when washed
 - "This garment sheds plastic microfibers when washed. Hand washing recommended to reduce shedding."



compliance & risks

Thank You

