

Canadian Consumer Specialty Products Association (CCSPA)

Submission and Recommendations to the Standing Committee on Finance (FINA)

Bill C-31 – Economic Action Plan 2014 Act, No. 1

Who is CCSPA?

CCSPA is a national trade association that represents 37 member companies across Canada, collectively a \$20 billion industry directly employing 12,000 people in over 100 facilities. Our companies manufacture, process, package and distribute consumer, industrial and institutional specialty products such as soaps and detergents, pest control products, aerosols, hard surface disinfectants, deodorizers and automotive chemicals.

CCSPA supports the amendments to the *Hazardous Products Act* and *Regulations* made under the Act, to provide protection of workers in the workplace.

CCSPA supports safeguarding human health in the workplace while minimizing regulatory burden on industry and government. Canada is fortunate to already have a comprehensive system in place for classification and labelling for workplace chemicals. Adopting the Globally Harmonized System (GHS) of Classification and Labelling of Chemicals (GHS), created at the United Nations, will provide the basis for an internationally harmonized approach to communicating hazard information through three key elements:

- a) Hazard classification – using criteria that will be used to develop a harmonized hazard communication system, including labels and safety data sheets and easily understandable symbols.
- b) Safety data sheets – using a standard 16-heading format conveying information needed to develop and implement an effective worker protection program.
- c) Labelling – including standardized labelling elements such as signal words, symbols, and standardized precautionary and hazard statements.

CCSPA supports the harmonized implementation of the GHS within the North American marketplace: One product = One label & One SDS.

CCSPA supports the benefits that harmonization will bring to trade, by minimizing redundant testing and evaluation of chemicals, assisting countries and organizations to establish a global standard of safety for workers, and facilitating international trade with single trade zone inventories wherever possible, thereby increasing North American competitiveness.

On December 7, 2011, Prime Minister Steven Harper and President Barak Obama announced the Action Plan for the Canada-United States Regulatory Cooperation Council (RCC). The RCC Joint Action Plan represents the Canadian and American agreement on 29 initiatives, including GHS, for regulatory cooperation and alignment between Canada and the United States.

CCSPA supports a process that will result in the harmonized implementation of the GHS within the North American marketplace. CCSPA believes that the benefits to Canada of implementing GHS can only be realized with a high level of alignment between the United States Occupational Safety & Health Administration (OSHA) and Health Canada, with respect to hazard classification and communication for workplace chemicals. Canada cannot meaningfully implement the GHS by creating unique Canadian requirements that will result in different and costly labels and will not facilitate trade. Our goal is a harmonized Canada-US approach to GHS that facilitates the development of one safety data sheet and one label for products in the workplace.

This position is shared by US industry associations as well. On February 13, 2014, the Canadian Consumer Specialty Products Association, together with the Consumer Specialty Products Association and the American Cleaning Institute, released a joint statement supporting the Canadian government's intent to amend the *Hazardous Products Act* and implement GHS in North America with modernized legislation, aligned with the US Occupational Safety and Health Administration *Hazard Communication Standard, 2012* (attached).

What amendments are we requesting for the Health Committee to consider?

We are supportive of the government's efforts to modernize the manner in which hazardous products in the workplace in Canada are regulated. However, we have identified an area of concern we feel needs to be addressed or clarified in order to ensure the intent of *Bill C-31*, while minimizing the burden for suppliers.

We are proposing one amendment to improve Bill C-31, as follows:

CCSPA recommendation

We propose that Section 14(b) of the proposed *Hazardous Products Act* be amended to enable the development of a regulation exempting certain imported products from labelling requirements. The objective of our suggested amendment is to allow suppliers to import products for relabeling in compliance with the *Hazardous Products Act* and labelling regulations.

As currently proposed, the *Hazardous Products Act* would require suppliers to ensure product was labelled in compliance with the *Hazardous Products Act* and its regulations prior to its importation. This requirement creates an unnecessary burden on suppliers. The CCSPA amendment would reduce the burden while still maintaining the intent of the *Hazardous Products Act*.

Proposed amendment

Prohibition re importation

14. Subject to the *Hazardous Materials Information Review Act*, no supplier shall import a hazardous product that is intended for use, handling or storage in a workplace in Canada unless ...

(b) the hazardous product or the container in which the hazardous product is packaged has a label

(b.1) that meets the requirements set out in the regulations made under subsection 15(1), affixed to it, printed on it or attached to it in a manner that meets the requirements set out in the regulations made under that subsection or

(b.2) that is otherwise exempted in regulations made under subsection 15(1).

Rationale

- 1) Allowing suppliers to import product for relabeling would be consistent with the provisions of other modernized regulations such as the *Consumer Chemicals and Containers Regulations*.
- 2) It is not always practical or possible to label product in another country prior to importing it into Canada.

- 3) Such an exemption would also allow suppliers to remain in compliance with the *Hazardous Products Act* and its regulations, should they discover a need to address a labelling issue upon receipt and inspection of the product in Canada.
- 4) The CCSPA proposed amendment does not impact worker safety since the safety data sheet would provide appropriate information for the safe handling of the product during the relabelling activities.

Summary

We believe that a harmonized approach to the implementation of the GHS in North America is essential to facilitate trade through the use of a single common GHS label and safety data sheet. This goal can only be achieved by eliminating variances between Canada and the US as both adopt GHS through their respective regulations. Any variance is not in the spirit of the RCC Joint Action Plan and will be costly to industry. As both Canada and the US move forward with GHS for workplace chemicals, a smooth and expeditious transition, allowing for the exhaustion of current inventory and the introduction of GHS compliant inventory, is necessary to reduce barriers to trade and costs to industry.

CCSPA appreciates this opportunity to comment on this important piece of legislation. We support this legislative amendment and working with the government as the subsequent regulations are developed.