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Submitted via email: [substances@ec.gc.ca](mailto:substances@ec.gc.ca)

Subject: HCPA Comments on the Notice of Intent on the Labelling of Toxic Substances in Products, Including Flame Retardants, Published<sup>1</sup> in Canada Gazette, Part I, Volume 156, Number 44 on October 29, 2022

The Household & Commercial Products Association<sup>2</sup> (HCPA) appreciates the opportunity to offer comments on the development of a strategy for the Notice of Intent (NOI) to require the labelling of certain substances that are listed on the List of Toxic substances of the *Canadian Environmental Protection Act, 1999* (CEPA) Schedule 1 in certain products, such as cosmetics, cleaning products, and flame retardants in upholstered furniture. HCPA supports the comments filed by the Canadian Consumer Specialty Products Association (CCSPA).

HCPA is a voluntary, non-profit U.S. trade association representing approximately 240 companies engaged in the manufacture, formulation, distribution and sale of products for household, institutional, commercial and industrial use. HCPA member companies' wide range of products includes home, lawn and garden pesticides, antimicrobial products, air care products, automotive specialty products, detergents and cleaning products, polishes and floor maintenance products, and various types of aerosol products.

HCPA would like to echo CCSPA's considerations, which are based upon the strategy leveraging *"best practices from existing measures under CEPA and take into consideration other federal regimes related to consumer product labelling, such as the Canada Consumer Product Safety Act."* HCPA member companies manufacture and market products which are highly regulated under a variety of Canadian legislation and respective regulations. Beyond CEPA, this includes

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<sup>1</sup> <https://gazette.gc.ca/rp-pr/p1/2022/2022-10-29/html/notice-avis-eng.html#ne3>

<sup>2</sup> The Household & Commercial Products Association (HCPA) is the premier trade association representing companies that manufacture and sell \$180 billion annually of trusted and familiar products used for cleaning, protecting, maintaining, and disinfecting homes and commercial environments. HCPA member companies employ 200,000 people in the U.S. whose work helps consumers and workers to create cleaner, healthier and more productive lives.

the *Canadian Consumer Product Safety Act* (CCPSA), the *Hazardous Products Act*, the *Food and Drug Act*, and the *Pest Control Products Act*. Further, the industry has a number of voluntary standards and measures which benefit Canadians.

Cleaning products and other consumer chemicals are subject to ingredient labelling requirements under the *Consumer Chemicals and Containers Regulations* (CCCR) under the CCPSA. The CCCR requires the labelling of ingredients which may be hazardous to human health and the environment, and including the use of hazard symbols, first aid statements, and directions for the safe use of the product. For any potential deficiencies within the current regulations, the existing tools and mechanisms within the CCPSA should be explored, discussed, and if appropriate, utilized to address.

Furthermore, under Canada's Chemical Management Plan (CMP), substances are undergoing risk assessments which consider hazard properties and routes of exposure to humans and the environment to determine toxicity. For a chemical substance is assessed and proposed to be concluded as harmful to human health or the environment (that is, CEPA-toxic), risk management instruments are then identified, developed, and put into action to prevent, reduce or eliminate that risk. Labelling is on the risk management instruments that risk managers can utilize, though it is critical that these instruments are used only for the applications which are determined to be CEPA toxic.

As any chemical substance that is listed on Schedule 1 has been identified as a concern, HCPA supports CCSPA's recommendation that criteria 1, "the substance could be associated with potential concerns to the environment or human health at any stage of its cycle," be removed. Only applications or routes of exposure determined as CEPA toxic in the risk assessment should be subject to labelling, if that is a risk management instrument that is utilized.

HCPA also agrees with CCSPA's recommendation that exclusion 3 be amended, "when a substance is considered toxic under the Act but would not pose environmental or human health risks when contained in a certain product, when contained for certain uses or activities, or when the product is disposed of (e.g., carbon dioxide in soda and other beverages). Risk management instruments are specific to the uses or activities that contribute to the determination of CEPA toxic, thus we believe this is an appropriate modification.

HCPA appreciates the opportunity to provide this letter in support of the Canadian Consumer Specialty Products Association. If you would like to discuss the information provided in this letter further or have questions, please contact me at [ngeorges@thehcpa.org](mailto:ngeorges@thehcpa.org).

Respectfully submitted,



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