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HAZARDOUS PRODUCTS ACT

## Regulations Amending the Consumer Chemicals and Containers Regulations, 2001

P.C. 2009-866 June 4, 2009

Her Excellency the Governor General in Council, on the recommendation of the Minister of Health, pursuant to section 5 ([see footnote a](#)) of the *Hazardous Products Act* ([see footnote b](#)), hereby makes the annexed *Regulations Amending the Consumer Chemicals and Containers Regulations, 2001*.

### REGULATIONS AMENDING THE CONSUMER CHEMICALS AND CONTAINERS REGULATIONS, 2001

#### AMENDMENTS

**1. (1) The definitions “chemical product” and “flashback” in subsection 1(1) of the *Consumer Chemicals and Containers Regulations, 2001* ([see footnote 1](#)) are replaced by the following:**

“chemical product” « produit chimique »

“chemical product” means a product used by a consumer that has the properties of one or more of the following:

- (a) a toxic product;
- (b) a corrosive product;
- (c) a flammable product; or
- (d) a quick skin-bonding adhesive.

It does not include any of the following:

- (e) a product described in any of paragraphs (a) to (d) if it is not possible for a user to be exposed to the product or to any of its hazardous ingredients during reasonably foreseeable use;
- (f) a portable petroleum container that conforms with CSA B306 or CSA B376;
- (g) a lighter;
- (h) a fire extinguisher that conforms with ULC-S503, ULC-S504, ULC-S507 or ULC-S512; or

(f) a container of fuel, such as gasoline, ethanol or propane, if the container is permanently attached to an internal combustion engine, a gas turbine or an appliance that uses the fuel.

"flashback" « *retour de flamme* »

"flashback" means the part of a flame projection that extends from the point of ignition back towards the spray container when a chemical product is tested in accordance with the procedure set out in Schedule 1.

**(2) Paragraph (a) of the definition "person responsible" in subsection 1(1) of the Regulations is replaced by the following:**

(a) manufactured in Canada, the manufacturer who sells or advertises it; or

**(3) The portion of the definition "aire d'affichage principale" in subsection 1(1) of the French version of the Regulations before paragraph (a) is replaced by the following:**

« aire d'affichage principale » "*main display panel*"

« aire d'affichage principale » La partie de l'aire d'affichage qui est exposée ou visible dans les conditions normales de vente aux consommateurs. La présente définition vise notamment :

**(4) The portion of the definition "énoncé de premiers soins" in subsection 1(1) of the French version of the Regulations before paragraph (a) is replaced by the following:**

« énoncé de premiers soins » "*first aid statement*"

« énoncé de premiers soins » Vise les renseignements suivants :

**(5) The definition "projection de la flamme" in subsection 1(1) of the French version of the Regulations is replaced by the following:**

« projection de la flamme » "*flame projection*"

« projection de la flamme » Flamme provoquée par l'inflammation d'un produit chimique expulsé d'un contenant pulvérisateur lorsqu'un produit chimique est mis à l'essai selon la méthode prévue à l'annexe 1.

**(6) The table to subsection 1(2) of the Regulations is replaced by the following:**

	Column 1	Column 2	Column 3
Item*	Short form	Standard or test	Provision of Regulations
1. (1)	ASTM D 56	ASTM Standard D 56-05, entitled <i>Standard Test Method for Flash Point by Tag Closed Cup Tester</i> , approved May 1, 2005, published May 2005	50(a); 51
2. (2)	ASTM D 93	ASTM Standard D 93-02a, entitled <i>Standard Test Methods for Flash Point by Pensky-Martens Closed Cup Tester</i> , approved December 10, 2002, published March 2003	50(b)
3. (3)	ASTM D 323	ASTM Standard D 323-06, entitled <i>Standard Test Method for Vapor Pressure of Petroleum Products (Reid Method)</i> , approved August 1, 2006	58(1)(a)
4. (4)	ASTM D 1293	ASTM Standard D 1293-99, entitled <i>Standard Test Methods for pH of Water</i> , approved December 10, 1999	44(1)

5. (5)	ASTM D 3828	ASTM Standard D 3828-05, entitled <i>Standard Test Methods for Flash Point by Small Scale Closed Cup Tester</i> , approved May 1, 2005, published May 2005	50(a)
6. (6)	16 CFR 1700.20	U.S. <i>Code of Federal Regulations, Title 16: Commercial Practices</i> , section 1700.20, entitled "Testing procedure for special packaging", revised January 1, 2008	9(b)
7. (7)	CSA B306	CSA Standard B306-M1977, entitled <i>Portable Fuel Tanks for Marine Use</i> , as amended April 1988	1(1) "chemical product"
8. (8)	CSA B339	CAN/CSA Standard B339-02, entitled <i>Cylinders, Spheres, and Tubes for the Transportation of Dangerous Goods</i> , as amended February 2005	58(2)
9. (9)	CSA B376	CSA Standard B376-M1980, entitled <i>Portable Containers for Gasoline and Other Petroleum Fuels</i> , published July 1980 (reaffirmed 1992)	1(1) "chemical product"
10. (10)	CSA Z76.1	CSA Standard Z76.1-06, entitled <i>Reclosable child-resistant packages</i> , published March 2006 in the English version and July 2006 in the French version	9(b)
11. (12)	Draize Test	Draize Test, described in <i>Methods for the Study of Irritation and Toxicity of Substances Applied Topically to the Skin and Mucous Membranes</i> , Volume 82, <i>The Journal of Pharmacology and Experimental Therapeutics</i> , 1944, pages 377 to 390	43(2)(a)
12. (13)	ISO 8317	ISO Standard 8317, entitled <i>Child-resistant packaging — Requirements and testing procedures for reclosable packages</i> , Second edition, dated April 15, 2003	9(b)
13. (15)	OECD No. 404	OECD Guideline for the Testing of Chemicals No. 404, entitled <i>Acute Dermal Irritation/Corrosion</i> , adopted April 24, 2002	43(2)(b)
14. (16)	OECD No. 405	OECD Guideline for the Testing of Chemicals No. 405, entitled <i>Acute Eye Irritation/Corrosion</i> , adopted April 24, 2002	43(2)(c)
15. (17)	OECD Principles of Good Laboratory Practice	Number 1 of the <i>OECD Series on Principles of Good Laboratory Practice and Compliance Monitoring</i> , ENV/MC/CHEM(98)17, dated January 21, 1998	1(1) "good scientific practices"; 44(2)(a)
16. (14)	OECD Test Guidelines	Annex 1, entitled <i>OECD Test Guidelines</i> , of the <i>Decision of the Council Concerning the Mutual Acceptance of Data in the Assessment of Chemicals</i> , C(81)30(Final), adopted by the Council of the OECD on May 12, 1981	1(1) "good scientific practices; 6(1)(b) and (c); 35(1)(a) and (b)
17. (11)	Test L.2	"Test L.2: Sustained combustibility test" set out in section 32.5.2 of the <i>Recommendations on the Transport of Dangerous Goods, Manual of Tests and Criteria</i> , Fourth Revised Edition, 2003, United Nations (UN)**	48(2)(b)
18. (18)	ULC-S503	CAN/ULC-S503, Fourth Edition, entitled <i>Carbon-Dioxide Fire Extinguishers</i> , published February 28, 2005	1(1) "chemical product"
19. (19)	ULC-S504	CAN/ULC-S504, Second Edition, entitled <i>Dry Chemical Fire Extinguishers</i> , published August 14, 2002	1(1) "chemical product"
20.	ULC-S507	CAN/ULC-S507, Fourth Edition, entitled <i>Water</i>	1(1) "chemical

(20)		<i>Fire Extinguishers</i> , published February 28, 2005	product"
21. (21)	ULC-S512	CAN/ULC-S512-M87, entitled <i>Standard for Halogenated Agent Hand and Wheeled Fire Extinguishers</i> , as amended April 1999	1(1) "chemical product"

Legend:

ASTM American Society for Testing and Materials

CSA Canadian Standards Association

ISO International Organization for Standardization

OECD Organization for Economic Cooperation and Development

ULC Underwriters' Laboratories of Canada

\* The numbers in parentheses that follow the item numbers indicate the corresponding item number in the French version of the table.

\*\* Test L.2 in the Fourth Revised Edition, published in 2003 and available in English only, is identical to Test L.2 in the Second Revised Edition, published in 1996.

**(7) Item 11 of the table to subsection 1(4) of the Regulations is replaced by the following:**

	Column 1	Column 2
Item	Symbol	Unit of measure
11.	mL/m <sup>3</sup>	millilitres per cubic metre

**2. Section 2 of the Regulations is replaced by the following:**

Authorized advertising, sale and importation

2. Subject to section 3, the advertising, sale and importation of a chemical product or a container is permitted only if it meets the applicable requirements of these Regulations.

**3. Subsection 3(3) of the Regulations is repealed.**

**4. The portion of section 14 of the French version of the Regulations before paragraph (a) is replaced by the following:**

Exception — grand format

**14.** Les exigences relatives aux contenants protège-enfants énoncées aux articles 9 à 13 ne s'appliquent pas aux contenants d'une capacité supérieure à 5 L, à l'exception des contenants de produits chimiques appartenant à l'une des catégories de danger ou sous-catégories suivantes :

**5. Section 15 of the Regulations is amended by adding the following after subsection (1):**

Adaptation

(1.1) For the purpose of the application of paragraph (1)(b), the requirements for the display of information on a container apply to the display of information on the container's package having

regard to the size of the package.

**6. Paragraph 17(b) of the Regulations is replaced by the following:**

(b) clear and legible and remain so throughout the useful life of the chemical product, or in the case of a refillable container, throughout its useful life, under normal conditions of transportation, storage, sale and use.

**7. Paragraph 19(1) b) of the English version of the Regulations is replaced by the following:**

(b) as illustrated in Schedule 4, has a large “x-Height” relative to the ascender or descender of the type.

**8. Paragraph 24(1)(c) of the Regulations is replaced by the following:**

(c) the negative and positive instructions; and

**9. (1) Subsection 34(1) of the Regulations is replaced by the following:**

Subcategories — substance of special concern

**34. (1)** A chemical product that contains a substance of special concern set out in column 1 of the table to this subsection in a concentration set out in column 2 must, when introduced through a route of exposure set out in column 3, be classified in the sub-category set out in column 4.

TABLE TO SUBSECTION 34(1)

SUB-CATEGORIES — SUBSTANCE OF SPECIAL CONCERN

Item	Column 1 Substance of special concern*	Column 2 Concentration	Column 3 Route of exposure	Column 4 Sub-category
1.	Carbon tetrachloride	Any concentration	Oral, inhalation or aspiration	Very Toxic
2.	Diethylene glycol	5% or more	Oral	Harmful
3.	Ethyl acetate	5% or more	Oral	Harmful
4.	Ethylene glycol	(a) 5% or more but less than 10% (b) 10% or more	Oral	Harmful Toxic
5.	Hydrocyanic acid or its salts	Any concentration	Oral, dermal or inhalation	Very Toxic
6.	Methyl alcohol	1% or more and a total quantity of 5 mL or more	Oral or inhalation	Toxic
7.	Nitrobenzene	5 mg/kg or more	Oral, dermal or inhalation	Very Toxic
8.	1,1,2,2-tetrachloroethane	Any concentration	Oral, dermal or inhalation	Very Toxic
9.	1,2dichloroethane	(a) 5% or more but less than 10% (b) 10% or more	Oral or inhalation	Harmful Toxic
10.	1,1,1-trichloroethane	5% or more	Oral or inhalation	Harmful

\* These substances are of special concern because standard animal tests may not reflect the actual hazard they pose to humans.

**(2) The table to subsection 34(4) of the Regulations is replaced by the following:**

TABLE TO SUBSECTION 34(4)

## SUB-CATEGORIES — INHALATION EXPOSURE

Item	Column 1 State of the chemical product	Column 2 4-hour LC <sub>50</sub>	Column 3 Sub-category
1.	Gas	(a) not more than 2 500 mL/m <sup>3</sup> (b) more than 2 500 mL/m <sup>3</sup> but not more than 5 000 mL/m <sup>3</sup>	Very Toxic Harmful
2.	Vapour	(a) not more than 1 500 mL/m <sup>3</sup> (b) more than 1 500 mL/m <sup>3</sup> but not more than 2 500 mL/m <sup>3</sup> (c) more than 2 500 mL/m <sup>3</sup> but not more than 10 000 mL/m <sup>3</sup>	Very Toxic Toxic Harmful
3.	Dust, mist or fume	(a) not more than 0.5 mg/L (b) more than 0.5 mg/L but not more than 2.5 mg/L (c) more than 2.5 mg/L but not more than 5.0 mg/L	Very Toxic Toxic Harmful

**10. Subparagraph 35(1)(b)(ii) of the Regulations is replaced by the following:**

(ii) if the product is a mixture that does not separate, section 36,

**11. Section 38 of the Regulations and the heading before it are repealed.****12. (1) Subsection 39(1) of the Regulations is replaced by the following:**

Required information — sub-category “toxic”

**39.** (1) The container of a chemical product that is classified in the sub-category “toxic” under section 33 must display, for each type of information set out in column 1 of the table to this subsection, and for each applicable route of exposure set out in column 2, the information set out in columns 3 and 4, other than the instructions set out in italics.

**(2) The portion of paragraph 7( b ) of the table to subsection 39(1) of the Regulations in columns 3 and 4 is replaced by the following:**

Item	Column 3 English information	Column 4 French information
<b>7. (b)</b>	<i>When appropriate, [Insert instructions for administering first aid, e.g., Do not induce vomiting.].</i>	<i>When appropriate, [Insert instructions for administering first aid, e.g., Ne pas provoquer le vomissement.].</i>

**(3) Subsection 39(2) of the Regulations is replaced by the following:**

Required information — sub-category “harmful”

(2) The container of a chemical product that is classified in the sub-category “harmful” under

section 33 must display, for each type of information set out in column 1 of the table to this subsection, and for each applicable route of exposure set out in column 2, the information set out in columns 3 and 4, other than the instructions set out in italics.

**(4) The portion of paragraph 7(b) of the table to subsection 39(2) of the Regulations in columns 3 and 4 is replaced by the following:**

	Column 3	Column 4
Item	English information	French information
7. (b)	<i>When appropriate, [Insert instructions for administering first aid, e.g., Do not induce vomiting.]</i>	<i>When appropriate, [Insert instructions for administering first aid, e.g., Ne pas provoquer le vomissement.]</i>

**(5) Subsection 39(3) of the Regulations is repealed.**

**13. The portion of paragraph 41(1)(e) of the English version of the Regulations before subparagraph (i) is replaced by the following:**

(e) subsection 42(5), in the case of a corrosive product that contains a substance, other than an acid or a base, that is capable, when tested using the appropriate test methods set out in subsection 43(2), of causing any of the following at the site of application:

**14. Section 45 of the Regulations is replaced by the following:**

Authorization

**45.** The advertising, sale and importation of a corrosive product that is classified in the sub-category “very corrosive” under section 41 are authorized if the product is set out in column 1 of the table to this section and meets the conditions set out in column 2.

**15. (1) The portion of paragraph 4(c) of the table to subsection 46(1) of the Regulations in columns 3 and 4 is replaced by the following:**

	Column 3	Column 4
Item	English information	French information
4. (c)	<i>When appropriate:</i> DANGEROUS FUMES FORM WHEN MIXED WITH OTHER PRODUCTS	<i>When appropriate:</i> DÉGAGE DES ÉMANATIONS DANGEREUSES LORSQUE MÉLANGÉ AVEC D'AUTRES PRODUITS

**(2) The portion of paragraph 4(b) of the table to subsection 46(2) of the Regulations in columns 3 and 4 is replaced by the following:**

	Column 3	Column 4
Item	English information	French information
4. (b)	<i>When appropriate:</i> DANGEROUS FUMES FORM WHEN MIXED WITH OTHER PRODUCTS	<i>When appropriate:</i> DÉGAGE DES ÉMANATIONS DANGEREUSES LORSQUE MÉLANGÉ AVEC D'AUTRES PRODUITS

**(3) The portion of paragraph 3(c) of the table to subsection 46(3) of the Regulations in columns 3 and 4 is replaced by the following:**

	Column 3	Column 4
Item	English information	French information
3. (c)	<i>When appropriate:</i> DANGEROUS	<i>When appropriate:</i> DÉGAGE DES

**16. Section 53 of the Regulations is replaced by the following:**

Authorization

**53.** The advertising, sale and importation of a flammable product that is classified in the sub-category “very flammable” under section 48 are authorized if the product is set out in column 1 of the table to this section and meets the conditions set out in column 2.

TABLE TO SECTION 53

CONDITIONS FOR ADVERTISING, SELLING AND IMPORTING A VERY FLAMMABLE PRODUCT

Column 1	Column 2
Item Chemical Product	Conditions
1. A fuel	The container of the fuel is separate or detachable from the internal combustion engine, gas turbine or appliance that uses the fuel, and displays the information set out in the table to subsection 54(1).
2. A product that exhibits a flashback, other than one that is  (a) a liquid that is classified in the sub-category “very flammable”; or  (b) described in paragraph 7(a) of the table to subsection 49(1).	The container of the product displays the information set out in the table to subsection 54(1).

**17. Section 60 of the Regulations and the heading before it are repealed.**

**18. (1) Clause 2(a)(iv)(A) of Schedule 1 to the Regulations is replaced by the following:**

(A) has an internal open space of 35 cm wide by 45 cm high,

**(2) Paragraph 2(b) of Schedule 1 to the English version of the Regulations is replaced by the following:**

(b) a cylinder of chemically pure grade propane fitted with a regulator capable of delivering pressure to the burner appropriate to maintaining a flame height of 5 cm; and

**19. Section 3 of Schedule 1 to the Regulations is replaced by the following:**

**3. (1)** When there are instructions by the manufacturer respecting the shaking of the spray container, a test must be conducted as follows, using each of three spray containers of the same product and of the same size:

(a) if shaking is applicable, shake and discharge the container three times in the manner described in paragraph 4(9)(a); or

(b) if shaking is not applicable, discharge the container three times in the manner described in

paragraph 4(9)(b).

(2) When there are no instructions by the manufacturer respecting the shaking of the spray container, a test must be conducted as follows, using each of three spray containers of the same product and of the same size:

(a) without shaking the container, discharge it three times in the manner described in paragraph 4(9)(b); and

(b) shake and discharge the container a further three times in the manner described in paragraph 4(9)(a).

**20. (1) The portion of subparagraph 4(3)(b)(ii) of Schedule 1 to the English version of the Regulations before clause (A) is replaced by the following:**

(ii) in the case of a pump-spray container, activating the trigger or pump using each of 18 N, 36 N and 54 N of force for each possible nozzle position until

**(2) Subsection 4(5) of Schedule 1 to the Regulations is replaced by the following:**

(5) Adjust the burner to give a flame height of 5 cm and release a single trial discharge from the spray container.

**(3) Paragraph 4(9)(a) of Schedule 1 to the Regulations is amended by adding the word “and” at the end of subparagraph (ii) and by replacing subparagraphs (iii) and (iv) with the following:**

(iii) 15 seconds after the cessation of shaking, release the discharge in accordance with subsection (10); or

**(4) Paragraph 4(10)(b) of Schedule 1 to the Regulations is replaced by the following:**

(b) in the case of a pump-spray container, for three sprays or until the cheesecloth ignites.

**(5) Subsection 4(11) of Schedule 1 to the English version of the Regulations is replaced by the following:**

(11) In the case of a pump-spray container, repeat the procedure set out in paragraph (10)(b) for each of 18 N, 36 N and 54 N of force for each possible nozzle position.

**21. (1) The portion of section 6 of Schedule 1 to the Regulations before paragraph (a) is replaced by the following:**

**6.** The following test results must be recorded and kept for a period of at least three years after the testing is carried out:

**(2) Subparagraph 6(a)(ii) of Schedule 1 to the English version of the Regulations is replaced by the following:**

(ii) in the case of a pump-spray container, for each discharge at each nozzle position and each force applied;

**22. Paragraph 4(a) of Schedule 3 to the French version of the Regulations is replaced by the following:**

a) au-dessus d'un papier buvard propre ou de tout autre papier qui se tache au contact d'un liquide;

**23. These Regulations come into force on the day on which they are registered.****REGULATORY IMPACT  
ANALYSIS STATEMENT**

*(This statement is not part of the Regulations.)*

***Issue and objectives***

The *Consumer Chemicals and Containers Regulations, 2001* (CCCR, 2001) were published in the *Canada Gazette*, Part II, on August 15, 2001. These Regulations established the following: classification criteria, labelling, and packaging requirements for chemical products used by consumers. The classification criteria are based on a scientific assessment of the hazards that a product may pose during reasonably foreseeable use. The labelling requirements take the form of hazard symbols, bilingual warning statements and a description of first aid treatments. The labelling and packaging requirements are determined from the product classification.

These amendments to the CCCR, 2001 are composed of 10 technical updates, which will clarify certain regulatory requirements, correct editorial errors and ensure that the original intent of the Regulations is maintained. Also included are updates to the CCCR, 2001 that address concerns raised by the Standing Joint Committee for the Scrutiny of Regulations (SJCSR), including correcting inconsistencies between the English and French versions of the Regulations, and clarifying terminology in the Regulations.

***Description and rationale***

The technical updates, each of which are discussed in Appendix A of this RIAS (not including the SJCSR changes), are:

- LC<sub>50</sub> Criteria for Gases and Vapours — change in units of measurement;
- Hydrocyanic Acid or its Salts — correcting the English version of table to subsection 34(1) to reflect the French version;
- Fuel Containers — clarification of exception;
- Very Flammable Fuels — removal of improper reference;
- Spray Containers that have a Flashback — clarification of terminology and exception;
- Toxic Product Labelling — update of first-aid information,
- Corrosive Product Labelling — update of safety information;
- Referenced Standards — update of outdated standards;
- Toxic Substances of Special Concern — clarification of requirements; and
- Flame Projection Test — simplification of test method.

These updates will facilitate compliance and enforcement as the existing requirements will be detailed in a more precise manner. This in turn will allow industry to better understand and comply with the Regulations.

Additional benefits include:

- Flame projection test method changes benefit industry members by simplifying the test method and reducing the amount of work required;
- Toxic product labelling changes benefit the general public by now reflecting up-to-date medical advice; and
- Fuel container labelling changes will lessen the burden on industry by removing the necessity to label products that are exempt from the CCCR, 2001.

Since these amendments were first published in the *Canada Gazette*, Part I, on February 16th, 2008, another updated standard has been made available. This new standard (ASTM D323-06) was revised for consistency and added to the "Reference Standards" portion of these technical amendments (see Appendix A for more information).

Wherever possible, the CCCR, 2001 has been designed to harmonize with other classification, labelling and packaging systems within Canada and worldwide. It is the intention of Health Canada

that the CCCR, 2001 will accord with the Globally Harmonized System for the Classification and Labelling of Chemicals (GHS) that is now in development in international fora. The GHS is being developed by the United Nations and industrialized countries to standardize the labelling of chemicals and will be implemented once the economic impacts are completed.

Industry costs are anticipated to be low as these amendments are technical in nature and will clarify requirements which have always been part of the CCCR, 2001. The benefits of these amendments include a clearer understanding of the CCCR, 2001 by industry, and consequently, the potential for fewer non-compliant products. Ultimately, the consumer benefits by having the proper information to help avoid unintentional injuries and deaths.

There are no anticipated costs to government or the public.

Remaining with the status quo for the CCCR, 2001 is not an acceptable option as the Regulations require amendments to update referenced standards, correct language inconsistencies, and clarify terminology. Without these changes, some affected stakeholders may not fully comply with the requirements, which could result in unnecessary enforcement actions leading to potential economic hardship.

### **Consultation**

The consultation process for this amendment consisted of:

A Web notice and letter that were sent out to all known stakeholders in October 2004 outlining all aspects of the amendments. Only one comment was received and the issues were addressed directly with the concerned stakeholder.

An updated version of the Web notice has been posted on the Health Canada Web site as of January 3rd, 2007: [www.hc-sc.gc.ca/cps-spc/legislation/acts-lois/techni\\_e.html](http://www.hc-sc.gc.ca/cps-spc/legislation/acts-lois/techni_e.html).

A second notification letter was sent to all interested stakeholders outlining the regulatory amendments and information on where to find the Web notice. Interested stakeholders were given approximately two months (March 18th to May 25th, 2007) to respond to the amendments before the regulatory submission was prepared for pre-publication in the *Canada Gazette*, Part I. This second consultation effort resulted in

- the amendments being generally well received by stakeholders; and
- groups of automotive aerosol product manufacturers giving their comments with regards to the clarification of "Very Flammable" product exceptions under section 53.

The most recent consultation activity occurred once the amendments were published in *Canada Gazette*, Part I, and lasted 75 days from February 16th, 2008 to May 1st, 2008. This consultation effort resulted in

- two responses asking for the costs to industry be reworded as they may actually incur costs if they were not previously aware of the amendments; and
- six responses with regards to the clarification of "Very Flammable" product exceptions under section 53 similar to those received in the 2007 consultation. These are explained in the paragraphs below.

Regarding the costs to industry, the wording in the *Canada Gazette*, Part II, RIAS has been changed from "No additional costs to industry are anticipated..." to "Industry costs are anticipated to be low..." This is due to the fact that a small number of stakeholders did not receive prior notification of the typographical error described in Appendix A under the subheading "LC<sub>50</sub> Criteria for Gases and Vapours." This in turn caused these industry members to incorrectly classify and label their products.

The 2007 and 2008 consultation concerns stem from a misinterpretation of the CCCR, 2001 and have been discussed at length with many industry members, as well as their representative associations. This misinterpretation came from an exemption provided in the CCCR, 2001 under item 2 of section 53 for "A product that exhibits a flashback." Such products that exhibit only a

flashback are classified under item 7c) the table to subsection 49(1) as “Very Flammable” and are permitted for sale under this exemption; all other “Very Flammable” products are prohibited from sale, advertising and importation in Canada.

Confusion arises when a product is classified as “Very Flammable” through other means, such as item 7(a) of the table to subsection 49(1) and also exhibits a flashback. Some industry members believed that these products should also benefit from the exemption offered by section 53; however, this is not the intention of the CCCR, 2001 as these products are extremely hazardous and were never meant to be exempt. The amendment entitled “Spray Containers that Have a Flashback” in Appendix A clarifies the language in section 53 to avoid future confusion in this area. This is also explained in the Reference Manual to the CCCR, 2001 available online at: [www.hc-sc.gc.ca/cps-spc/pubs/indust/cccr-2001-rpccc/index-eng.php](http://www.hc-sc.gc.ca/cps-spc/pubs/indust/cccr-2001-rpccc/index-eng.php).

### ***Implementation, enforcement and service standards***

The amendments will not have an impact on the current approach taken by Health Canada when enforcing the CCCR, 2001. Enforcement will continue to be based on existing inspection and enforcement policies established by the Consumer Product Safety Bureau.

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## **APPENDIX A**

### Description of 10 Proposed Technical Updates

#### **LC<sub>50</sub> criteria for gases and vapours**

The current units used in the classification of LC<sub>50</sub> criteria for gases and vapours are inappropriate, since they do not encompass everything intended. The units originally chosen allowed for harmonization within Canada as they were based on similar criteria systems that specified parts per million by volume, which is equivalent to mL/m<sup>3</sup>. However, human error during drafting of the CCCR, 2001 caused the units to be expressed as mg/m<sup>3</sup>, which was not the original intent of the criteria limits. The difference in units is related to the molecular weight of the substance relative to the molar volume of air. This means that higher molecular weighted gases and vapours, such as toluene and xylene, would be excluded from classification when they were intended to be captured, whereas those with a lower molecular weight, such as ammonia, would be inappropriately classified into a higher sub-category. It is for this reason that there are no other alternatives to using mL/m<sup>3</sup> as the units for LC<sub>50</sub> criteria. Amending this error will assist industry in properly characterizing chemicals according to the CCCR, 2001 and may reduce redundant toxicity evaluations.

#### **Hydrocyanic acid or its salts**

The current labelling of “hydrocyanic acid or a hydrocyanate salt” in item 5 of the table to subsection 34(1) is incorrect and should read “hydrocyanic acid or its salts.” Currently, only the French version of the item accurately reflects the requirements; but the English item is not

accurate, which can result in improperly categorized chemicals. This amendment will allow both the English and French readers to be provided the same instructions for determining what substances are prohibited.

### **Fuel containers**

The current exception for labelling on permanently attached fuel containers is not logical. At present, the exception applies to only fuels classified as “toxic,” “harmful” and “very flammable,” such as gasoline, whereas, fuels only classified as “flammable” or “combustible,” such as propane, ethanol or kerosene, require labelling. This leads to unnecessary labelling for these fuel types when in permanently attached fuel containers.

The amendment would exempt all permanently attached fuel tanks from the CCCR, 2001 requirements. It will lessen the burden on industry by removing the necessity to label products that do not require labelling.

### **Very flammable fuels**

Fuels classified as “very flammable,” such as gasoline, are not prohibited if they meet the requirements of section 53. However, the current wording allows “a fuel such as gasoline, ethanol or propane.” The reference to ethanol and propane fuels is improper, since they are both “flammable” and not “very flammable.” This inconsistency may lead to misinterpretation and inappropriate over-labelling of ethanol and propane fuels. The reference to ethanol and propane will be removed from section 53.

### **Spray containers that have a flashback**

Spray containers that exhibit a flashback are not prohibited if they meet the requirements of section 53. However, this exception does not apply to products classified by other “very flammable” criteria, such as spray containers that have a flame projection of 100 cm or more, or that contain a liquid with a flash point of less than  $-18^{\circ}\text{C}$ . The criteria need to be reworded to clearly state the appropriate restrictions on “very flammable” products.

### **Toxic product labelling**

The example provided in the instructions for administering first aid that appears in columns 3 and 4 of sub-item 7(b) of the table to subsection 39(1), is not appropriate in light of actual treatment practices. Traditionally, vomiting was recommended in the treatment of methyl alcohol poisoning. However, current practice does not recommend inducing vomiting because methanol is absorbed so rapidly that there would be little opportunity to prevent absorption, and inducing vomiting may introduce the risk of aspirating the gastric contents.

Clearer wording for administering first aid will be given in section 39. As this instruction was an example and not a mandatory statement, correction of the instruction is a minor amendment.

### **Corrosive product labelling**

Some consumer products may generate toxic materials during use or misuse. For example, bleaches containing significant levels of accessible chlorine generate toxic gases when mixed with acids or bases, such as toilet bowl cleaners. These toxic gases are not components of the bleaches, but are the result of a chemical reaction between the bleach and the acid or base. However, not all corrosive products pose a mixing hazard. The consensus towards labelling corrosive products that could pose a mixing hazard was that the warning statement be required when appropriate. This amendment will ensure that only products that pose a mixing hazard will require the appropriate warning.

### **Referenced standards**

Standards that were referenced in the CCCR, 2001 have, over the course of several years, become out-dated, newer versions having been published. The table to subsection 1(2) was purposely established to facilitate easy updating of out-dated referenced standards. Health Canada

committed to ensuring the most up-to-date testing procedures would remain referenced in the CCCR, 2001 and this amendment will satisfy that commitment.

### **Toxic substances of special concern**

The table to subsection 34(1) contains a list of substances that pose specific hazards to human health, thus requiring special classification. At present, this table does not contain any information pertaining to the "route of exposure" through which these substances pose a hazard. This will be addressed by adding a new column to the table entitled "Route of exposure," which will permit manufacturers and importers to properly label their products for the dangers inherent in these chemical ingredients.

### **Flame projection test**

Technical amendments are required to Schedule 1 "Test for Determining the Flashback and the Length of the Flame Projection of a Flammable Product Enclosed in a Spray Container." Industry will benefit from these amendments, since they simplify the test method and, in some cases, reduce the amount of work required.

- There is an inconsistency between the text and Figures 1 and 2 of the testing apparatus. The inconsistency will be corrected so that all values read 45 cm for the height of the internal open space (as indicated by the Figures). (section 2)
- The number of sprays required for pump-spray containers is excessive and time-consuming. For example, it is possible that a test container would need 1 200 sprays (not including priming and trial discharges to adjust the flame). As a result, it is conceivable that the product will be used up before the test is completed. Without compromising the integrity of the test results, the number of sprays per discharge from a pump-spray container can be reduced from 10 to 3, and the number of discharges can be reduced to that required for pressurized containers. This would reduce the total number of sprays from 1 200 to 108. (sections 3 and 4)
- The need to shake the container is unclear and causes the test to run for an extended period of time. When shaking is called for, the container should also be shaken between discharges. Hence, it is not necessary to wait 60 seconds between discharges before re-shaking the container. (sections 3 and 4)
- There is an inconsistency between the English and French terms for force; the French term is "forces" and the English term is "pressure." The English term will be amended to read "force." (sections 4 and 6)

#### [Footnote a](#)

S.C. 2004, c. 9, s. 2

#### [Footnote b](#)

R.S., c. H-3

#### [Footnote 1](#)

SOR/2001-269

#### **NOTICE:**

The format of the electronic version of this issue of the *Canada Gazette* was modified in order to be compatible with extensible hypertext markup language (XHTML 1.0 Strict).

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