

Volatile Organic Compound Concentration Limits for Certain Products Regulations

Volatile organic compounds (VOCs) are toxic under the *Canadian Environmental Protection Act, 1999*. They cause ground-level ozone and particulate matter, which are the two main components of smog.

In 2022, Environment and Climate Change Canada (ECCC) published the *Volatile Organic Compound Concentration Limits for Certain Products Regulations* in Canada Gazette, Part II to limit VOC emissions from certain products manufactured or imported into Canada.

What products are regulated?

The term “certain products” is used to categorize the following products used in households and by institutional, industrial and commercial consumers:

- personal care products
- automotive and household maintenance products
- adhesives, adhesive removers, sealants and caulks
- other miscellaneous products.



Overview of the regulations

These regulation:

- establish VOC concentration limits and maximum emissions potential for approximately 130 product categories and sub-categories which can be found in Schedules 1 and 2 of the regulations
- set out requirements for record keeping, product labelling, and for an accredited laboratory to perform analyses for the purpose of the regulations
- apply to Canadian manufacturers and importers.

Exemptions and sell-through

These regulations **do not** apply to products designed to be used solely in manufacturing or processing.

Manufacturing or processing are defined as activities whereby any goods, products, commodities or wares:

- a. are made, fabricated, processed or refined out of any raw material or other substance or combination thereof,
- b. are converted or rebuilt, but not repaired, or
- c. are made by causing any raw material or other substance to undergo a significant chemical, biochemical or physical change including change that preserves or improves the keeping qualities of that raw material or other substance but excluding change by growth or decay.

The regulations do not restrict sale. Products manufactured and imported prior to the coming into effect dates have no limit on sell-through.

Alignment with other jurisdictions

The majority of the product categories in these regulations align with California Air Resources Board's (CARB) 2010 versions of the *Regulation for Reducing VOC Emissions from Antiperspirants and Deodorants* and *Regulation for Reducing Emissions from Consumer Products*. Rubber and vinyl protectant, lubricants, footwear or leather care products, laundry pre-wash, oven or grill cleaner, and spot remover categories align with definitions from CARB's 2013 *Regulation for Reducing Emissions from Consumer Products* amendments. Two additional product categories were added: structural waterproof adhesives, which are regulated by the United States Environmental Protection Agency and the Ozone Transport Commission, and acoustical sealants, which is a specific product needed in the Canadian climate.

Important dates

The VOC concentration limits and maximum emissions potentials come into effect on January 1, 2024. For disinfectants, the concentration limits come into effect on January 1, 2025.

On January 1, 2023, companies can start applying for the three alternative compliance options within the regulations (see following page).

Alternative compliance options

If a company cannot meet the concentration and emission potential requirements, the regulations set three alternative compliance options, as follows:

1: Permit – Technical or economic non-feasibility

This permit provides temporary relief from requirements of the regulations on the concentration or emissions potential when the regulatory limits come into effect. When applying for this permit, manufacturers and importers must provide evidence that they cannot technically or economically meet the requirements for their product. They must also provide a plan identifying measures to ensure their product will meet the limit once the permit expires and the period of time the plan will be implemented.

This temporary permit is valid up to 2 years and can be renewed only once for up to another two years. The request for renewal must be submitted 90 days prior to expiry.

2: Permit – Products whose use results in lower VOC emissions

This permit allows innovative products to exceed the VOC concentration limits if, because of product design, formulation, delivery or other factors, they emit less total VOCs than a comparable compliant product when used according to the manufacturer’s written instructions. A company must provide ECCC with the estimated quantity imported or manufactured in a year and evidence that shows the product’s use results in less VOCs than a compliant product in the same category.

This permit is valid up to 4 years and has no limit on renewal. The request for renewal must be submitted 90 days prior to expiry.

3: VOC compliance unit trading system

This option allows companies to exceed the concentration limit for a product by balancing their emissions with their other products that have VOC amounts below the limits (averaging) or by purchasing compliance units from other companies (trading).

Generating compliance units

Companies can generate compliance units with products that have been reformulated to concentrations lower than the limits set out in the regulations. Companies must submit a notice of intent to generate compliance units before October 1 of the first year in which they want to earn compliance units and report actual quantities in Canada (manufactured + imported – exported) by March 1 of the following year. Companies will be issued compliance units within 60 days of a complete report.

Permits under the trading system

Manufacturers or importers of products manufactured and imported into Canada that are over the regulatory limit must have permits. To apply, companies provide ECCC with information on the products that exceed the limits, and a plan to compensate for the excess VOCs. This can be done by generating compliance units from other products (averaging) or trading compliance units with another company. A permit would be issued for products that exceed the limit. If emissions are not balanced for the calendar year, the permit is revoked.

Using compliance units and trading

A company can use or trade earned compliance units for two calendar years following their generation. If companies are trading compliance units, they must jointly apply to the Minister. A company is required to report by March 1 of the year following when a permit is active, compliance units are generated, or compliance units are used.

How to stay informed

For information on the regulations, including the forms for the alternative compliance, please visit the [VOCs in Certain Products Webpage](#).

To read the regulations, please visit the [Volatile Organic Compound Concentration Limits for Certain Products Regulations Canadian Environmental Protection Act Registry](#).

Questions can be directed to :

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