

Understanding the impact of Canada's GHS adoption

What does it mean for businesses, SDSs and labelling?



James C Lee
Senior regulatory analyst
3E Company North America

On 11 February, Health Canada issued the final Hazardous Products Regulations (HPR), which implement the UNs Globally Harmonized System of Classification and Labelling of Chemicals (GHS) in the country. The transition period from the Controlled Products Regulations (CPR) to HPR in the Workplace Hazardous Materials Information System (WHMIS) encompasses four phases (see table below).

Summary of changes

Notable finalised changes include:

- » implementation of the fifth revision of GHS, published in 2013, and aligning with the US Occupational Safety and Health Administration (Osha) Hazard Communication Standard 2012 (HazCom 2012) as much as possible;
- » five broad areas, in which the final regulations differ from the CPR: 1) new standardised approach of classifying workplace hazardous chemicals; 2) classification of physical hazards; 3) classification of health hazards; 4) amended safety data sheet (SDS) and labelling requirements; and 5) revised exemptions;
- » repeal of the CPR and the Ingredient Disclosure List;
- » adoption of hazard not otherwise classified class from the US HazCom 2012, but separating it into health and physical classes;

- » substances that react vigorously with water to release a toxic gas (currently classified as a dangerously reactive material under CPR) are classified in the acute toxicity hazard class of the final HPR aligning with the HazCom 2012;
- » retention of biohazardous infectious materials (BIM) hazard class;
- » bilingual (English and French) labels required, while allowing a single 16-section bilingual SDS or two separate unilingual SDSs;

Employers are required to establish education and training programmes for workers exposed to hazardous products in the workplace

- » repeal of the three-year revision requirement for SDSs in the absence of new information in respect of a product;
- » grouping together hazard pictograms, the signal words and hazard statements on the label, which must be durable and legible without the help of any devices other than corrective lenses;
- » repeal of requirement for a hatched border around the label content and a statement referencing that a material safety data sheet (MSDS) is available;
- » establishment of a list of 39 prescribed classifications in schedule 4; and

- » corresponding technical amendments to: the Hazardous Materials Information Review Regulations; the Hazardous Materials Information Review Act Appeal Board Procedures Regulations; the New Substances Notification Regulations (chemicals and polymers); and the Export Control List Regulations.

Who should comply?

The current WHMIS or its 1988 requirements for suppliers, employers and workers stay the same. The initial supplier identifier must provide the name, address and telephone number of the manufacturer or the importer of the hazardous product who operates in Canada. The manufacturer must provide information on the supplier who, in the course of business in Canada, manufactures, produces, processes, packages or labels a hazardous product and sells it.

Employers are required to establish education and training programmes for workers, exposed to hazardous products in the workplace. They must also make sure that the products are labelled, and an SDS is present for each product and readily available.

Equally, workers are required to participate in the training programmes and to use the information to help them work safely with hazardous materials. They may also inform employers when labels on containers have been accidentally removed or if the label is no longer readable.

Compliance will be enforced by the labour branch of Human Resources Development Canada for federal workplaces and by the provincial or territorial agencies responsible for occupational health and safety for most other workplaces.

Classifying for compliance

The final regulations adopt the classification requirements of the fifth revised edition of GHS and HazCom 2012. They also repeal the WHMIS Ingredient Disclosure List and provide a new, smaller

		Manufacturers and importers	Distributors	Employers
Phase 1	From 11 February 2015 to 1 June 2017	Use CPR or HPR requirements	Use CPR or HPR requirements	Use CPR or HPR requirements
Phase 2	From 1 June 2017 to 1 June 2018	Use HPR requirements	Use CPR or HPR requirements	Use CPR or HPR requirements
Phase 3	From 1 June 1 2018 to 1 December 2018	Use HPR requirements	Use HPR requirements	Use CPR or HPR requirements
Phase 4	1 December 2018	Use HPR requirements	Use HPR requirements	Use HPR requirements*

*In addition, employers will be able to use any products that comply with the CPR requirements and that are already within the workplace as of 1 December 2018, until 1 June 2019.

GHS in practice

“prescribed classification” list in schedule 4 as mentioned. It also separates “hazards not otherwise classified” (HNOC) into two categories: health and physical hazards not otherwise classified (HHNOC and PHNOC), which will both require labelling.

While the final regulations supposedly align with the fifth revision of GHS, there are a couple of caveats as SDS classifications are based on the third revision or HazCom 2012. For instance, HPR did not adopt the revised aerosol classifications from the fourth revision of GHS. However, the labelling requirements align with the provisions of the revision. With the repeal of the Ingredient Disclosure List, Quebec’s Guidance WHMIS Classifications (CSST/SRT) will also become obsolete because the guidance classifications are based on the CPR requirements.

The final regulations also address physical hazard classes, adopting all 16 GHS classes. However, explosives classification is “reserved” because they are regulated under the Explosives Act in Canada and exempt from the HPR requirements.

HPR provides a definition and criteria for combustible dusts, unlike HazCom 2012. In order to be classified as such, a material must meet one of the two criteria indicated in HPR.

Labelling 101

The GHS format label no longer includes a hatched border label and reference to MSDS under CPR. Instead, the supplier label under HPR features red borders on GHS pictograms; and a signal word with hazard and precautionary (H/P) statements. The label has to be durable and legible, and the distributor may provide contact information. In addition, the importer may retain the foreign supplier information if the product is for importer use only.

Other requirements include the appearance of both English and French on one label. A supplemental element is also required if applicable: percentage of ingredients in a mixture of unknown acute toxicity; supplemental H statements for water-activated toxicants. There are rules of precedence for signal word and pictograms, for example, “Danger” takes precedence over “Warning”. In addition, H/P statements can be combined, and inapplicable P statements can be omitted but not H statements.

It is also worth noting that the final

regulations are not aligned with HazCom 2012 in the areas of carcinogenicity, PHNOC, HHNOC and BIM hazard classes. There is a label disclosure requirement at below 0.1% for carcinogenicity (optional for 0.1 to 1.0% in the US for a Category 2), and a “Danger” must be added for HNOCs and BIMs. Labels must be updated within 180 days with significant new information. The HPR requires the supplier to notify the purchasers with written advice of changes if the SDS and label are not updated immediately.



PHOTO © WoGi - Fotolia.com

Notable finalised exceptions include:

- » bulk shipment exemption;
- » small container exemption;
- » bailed hazardous products exemption;
- » for containers with less than 3ml, if the label interferes with normal use it may be temporarily removed. However, it must be affixed during transport and storage and be durable and legible; and
- » HPR allows reduced label elements for the outer container with two or more products in the inner container.

Finally, the WHMIS workplace label for secondary containers, stationary bulk product containers, storage tanks and employer-produced products are to be regulated by the provincial or territorial governments in Canada.

Such workplace labels allow minimum information to be displayed such as product name, safe handling procedures, and reference to the SDS. Depending on the province, flexibility in language choice may also be given.

What it means for SDSs

Canada now requires 16 standardised GHS headings for SDSs, with contents in

sections 12-15 being voluntary. For a mixture, the SDS must disclose the chemical name and concentration or concentration range of all ingredients that present a health hazard even if no toxicity data is available. For the supplier identifier in section 1 of SDS, the HPR retains the information requirement for the initial supplier.

The final rule requires the manufacturers to inform their customers of significant new information immediately in writing. Such notification does not have to be in a new SDS or label but transmission must indicate the new information and date upon which it became available. Also SDSs must be updated within 90 days, and the three year SDS review period has not been retained.

Exploring the business impact

This monumental promulgation is part of the Canadian and US governments’ efforts to align and synchronise implementation of common classification and labelling requirements for workplace hazardous chemicals within the mandate of Health Canada and the United States Occupational Safety and Health Administration (Osha). It is also intended to facilitate international trade through common labelling and other hazard communication requirements; and to increase worker protections through the adoption of a globally recognised system.

As a result, companies doing business in both countries can expect more streamlined and harmonised processes in classifying and labelling of hazardous workplace chemicals; to train their employees in hazard communication or hazardous materials information; and understand international trade requirements pertaining to the hazardous workplace chemicals. However, for such multinational companies, extra resources must be devoted not only to adopting the GHS requirements in Canada but in dealing with differences between the HPR and the HazCom 2012 requirements.

The final regulations can be found [here](#).

The views expressed in contributed articles are those of the expert authors and are not necessarily shared by Chemical Watch.



To comment on this article, click here: [Chemical Watch Forum](#)