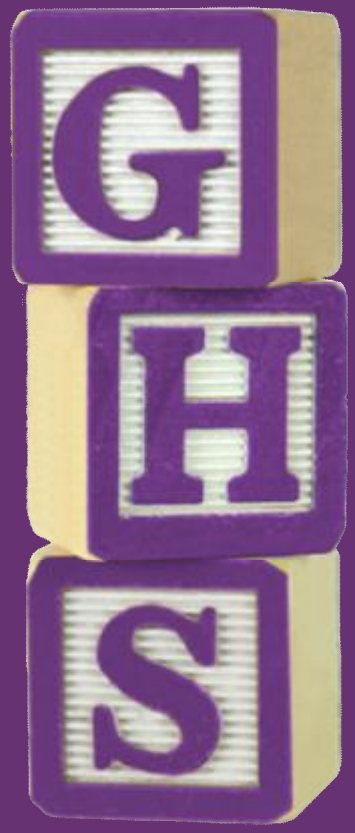
GHS

CANADIAN GHS UPDATE

SCHC SPRING MEETING
MARCH 25, 2014



icc ComplianceCenter
HAZMAT REGULATIONS SPECIALISTS

The Road to Harmonization

- In February 2011, Canada and the United States established the Canada-US Regulatory Cooperation Council (RCC).
  - Designed to align Canadian and US regulatory approaches in various sectors

The Road to Harmonization

- In December 2011, the Joint Action Plan for the Canada-US RCC was announced.
  - Commitment to align implementation of common classification and labelling requirements for workplace hazardous chemicals within the US-OSHA and Health Canada
  - Committed Canada to the implementation of the Globally Harmonized System (GHS) of Classification and Labelling of Chemicals for workplace chemicals in Canada

The Road to Harmonization

- In December 2012, Canada gave an update at the 24th session of the GHS Sub-Committee in Geneva
  - In order to align with the US, Canada was hoping to table amendments to the *Hazardous Products Act* (HPA) by Spring 2013.
  - Canada was working towards ensuring that changes to the HPA and its regulations (and other affected legislation) would be finalized by Spring 2014 in order to allow the OSH agencies enough time to make amendments to their legislation by June 2015.

continued

The Road to Harmonization

- In December 2012, Canada gave an update at the 24th session of the GHS Sub-Committee in Geneva
  - Implementation of the GHS in Canada will require legislative and regulatory changes at both the federal and provincial levels.
    - Provincial governments need sufficient time to make amendments to their occupational safety and health (OSH) legislation once the changes are made to the federal HPA and the Controlled Products Regulations (CPR)

The Latest…

- In June 2013, Health Canada released a notice on a proposal to repeal the CPR and amend related regulations to implement the GHS in Canada.
  - The notice was an opportunity for the public to provide early comments and input into the proposed regulatory amendments before the draft regulations are formally prepublished in the Canada Gazette I.
  - Public comments regarding the proposal were accepted until September 15, 2013.

The Latest…

- No further action has been made public
  - No projected date for publication in the Canada Gazette
  - Once the formal regulation process begins, interested parties will again be allowed to comment.

Objectives

- The main objective is to create a system that will allow the use of a single SDS and Label for each hazardous chemical within the US and Canada.
- There will be some variances between the two regulations due to current levels of protection and constitutional differences.
- Both countries are working to keep the differences to a minimum.

continued

Objectives

- Canada is aiming to align implementation dates with the US (June 2015)
  - Unofficial “typical” timelines may extend full implementation in Canada to 2017
  - Industry has petitioned for conditional reciprocity during the transition
    - Dependent on provincial acceptance for workplace jurisdiction

What has been proposed?

- It was proposed that the Controlled Products Regulations (CPR) be repealed and replaced with new regulations to be titled the Hazardous Products Regulations (HPR)
  - The HPR would implement the GHS criteria for hazard classification and hazard communication (labels and safety data sheets)
  - The existing Workplace Hazardous Materials Information System (WHMIS) would be updated accordingly

continued

What has been proposed?

- It was proposed that the Controlled Products Regulations (CPR) be repealed and replaced with new regulations to be titled the Hazardous Products Regulations (HPR)
  - Criteria would be based on the third revision of the UN GHS
  - Alignment with the US OSHA HazCom 2012 would be to the maximum extent possible
  - The new system is being unofficially referred to as WHMIS 2.0

Classification

- The HPR approach for classification is the same as OSHA's HazCom 2012
  - Testing is not required to classify chemicals
  - Substances will be evaluated against the criteria for each hazard class, using all available data
  - Mixtures can be evaluated using available data or by using bridging principles, concentration cut-offs and/or calculations

Classification

- A provision in the proposed regulations would allow the classification of substances to be prescribed in regulation
  - Targeted means of ensuring that substances currently classified under the CPR would remain classified under the HPR.
  - Not intending to create a large list of classified chemicals like the EU, Japan, etc.
  - Where classification is prescribed for a substance, it would still need to be evaluated against the classification criteria of other hazard classes.
    - Ex. Ethylene glycol acute toxicity classification

Physical Hazards

- HPR Physical Hazards are proposed to align with OSHA Hazcom 2012
  - Includes all types of hazards covered by the current CPR
  - Includes additional Physical Hazards Not Otherwise Classified (PHNOC), which are not currently covered
    - Pyrophoric gases
    - Simple asphyxiants
    - Combustible dusts
      - Would not regulate products that are shipped in a non-dust form but which, when processed, would present the hazard of combustible dust

Health Hazards

- HPR Health Hazards are proposed to align with OSHA Hazcom 2012
  - Includes all types of hazards covered by the current CPR
  - Includes additional health hazards not currently covered
    - Specific Target Organ Toxicity (STOT) – Single Exposure
    - Aspiration Hazard
    - Health Hazards Not Otherwise Classified (HHNOC)
      - No specific hazards listed

Health Hazards

- Biohazardous Infectious Materials under the current CPR will be included in the proposed HPR
  - Maintains the current level of worker protection
  - SDS will require an appendix based on information from the Public Health Agency of Canada

Environmental Hazards

- Environmental Hazards are not addressed in the HPR, which is consistent with OSHA Hazcom 2012
  - Environmental hazards are under the jurisdiction of Environment Canada
  - Health Canada has no requirements regarding Environmental Hazards
  - Information may be included on labels and SDS for international compliance

Hazard Communication

- The HPR approach for Hazard Communication is the same as OSHA's HazCom 2012
  - Labelling to include standardized pictograms, signal words, hazard statements and precautionary statements
  - SDS in the 16 section format with standardized headings

Labelling

- HPR labelling requirements are proposed to align with OSHA Hazcom 2012
  - Requirement for hatched border required by current CPR would be eliminated
  - Requirement for statement referring to MSDS required by current CPR would be eliminated
  - Pictogram for Biohazardous Infectious Substances used in current CPR would be included in HPR
    - Would use black circle frame, not red square on point

SDS

- HPR SDS requirements are proposed to align with OSHA Hazcom 2012
  - Change from Material Safety Data Sheet (MSDS) to Safety Data Sheet (SDS)
  - PHNOC and HHNOC must have the classification disclosed in Section 2
  - The three year review/revision requirement found in the current CPR would be eliminated
  - The Ingredient Disclosure List (IDL) would be eliminated

SDS

- For Biohazardous Infectious Materials, a new nine-heading appendix to the SDS based on the information sheets made publically available by the Public Health Agency of Canada would be required

Biohazard SDS Appendix

SCHEDULE 2
(Paragraphs 4(4)(a) and (b))

INFORMATION ELEMENTS ON SAFETY DATA SHEET — BIOHAZARDOUS INFECTIOUS MATERIALS

Item	Column 1 Heading	Column 2 Specific Information Elements
1.	Section I — Infectious Agent	(*a*) name; (*b*) synonym or cross-reference; and (*c*) characteristics
2.	Section II — Hazard Identification	(*a*) pathogenicity/toxicity; (*b*) epidemiology; (*c*) host range; (*d*) infectious dose; (*e*) mode of transmission; (*f*) incubation period; and (*g*) communicability
3.	Section III — Dissemination	(*a*) reservoir; (*b*) zoonosis; and (*c*) vectors
4.	Section IV — Stability and Viability	(*a*) drug susceptibility/resistance; (*b*) susceptibility to disinfectants; (*c*) physical inactivation; and

Biohazard SDS Appendix

		(*d*) survival outside host
5.	Section V — First Aid/Medical	(*a*) surveillance;
		(*b*) first aid/treatment;
		(*c*) immunization; and
		(*d*) prophylaxis
6.	Section VI — Laboratory Hazard	(*a*) laboratory-acquired infections;
		(*b*) sources/specimens;
		(*c*) primary hazards; and
		(*d*) special hazards
7.	Section VII — Exposure Controls/Personal Protection	(*a*) risk group classification;
		(*b*) containment requirements;
		(*c*) protective clothing; and
		(*d*) other precautions
8.	Section VIII — Handling and Storage	(*a*) spills;
		(*b*) disposal; and
		(*c*) storage
9.	Section IX — Regulatory and Other Information	(*a*) regulatory information;
		(*b*) last file update *(date)*; and
		(*c*) prepared by *(name of author)*

Trade Secrets

- The HPR has no changes to the current trade secret process
  - As of April 1, 2013, the responsibilities and functions under the Hazardous Materials Information Review Act (HMIRA) related to claims for exemptions for confidential business information has been transferred from HMIRC to Health Canada.
- A claim for trade secret must be filed with Health Canada for approval
  - Registration fee is required
  - If approved, a registration number is assigned to the claim

Exemption Removal

- The proposed HPR removes some exemptions that were provided in the previous CPR but are not provided by OSHA Hazcom 2012
  - Flavours and fragrances
    - CPR allowed an exemption from the requirement to disclose on an MSDS the chemical identity and concentration of the ingredients of the controlled product

continued

Exemption Removal

- The proposed HPR removes some exemptions that were provided in the previous CPR but are not provided by OSHA Hazcom 2012
  - Generic SDS
    - The sale or importation of a controlled product whose chemical composition is similar to the chemical composition of other controlled products in its group is exempt from the requirement to transmit, obtain or prepare a material safety data sheet for the controlled product if a generic material safety data sheet for the group of controlled products is transmitted, obtained or prepared.
    - Though this exemption would be removed from the HPR, it would still be allowed by policy

Exemption Proposal

- The proposed HPR includes some exemptions that are not provided by OSHA Hazcom 2012
  - Small containers
    - Products packaged in small volume containers with a capacity of less than 100mL are proposed to be exempted only from the requirement to bear precautionary statements on the label.
    - Products packaged in a container with a capacity of 3 mL or less where the label interferes with the normal use of the product would be required to have a label that remains durable and legible only while in transport and storage, but that could be removed for use.

continued

Exemption Proposal

- The proposed HPR includes some exemptions that are not provided by OSHA Hazcom 2012
  - Labelling of outer containers
    - Only two of the existing exemptions from the labelling of the outer container of a hazardous product would be retained:
      - when the inner container label is visible and legible through the outer container; and when the outer container has a label in accordance with the Transportation of Dangerous Goods Regulations.
    - OSHA only requires the immediate container of a product to be labelled, so no exemption for the labelling of outer containers is provided. The HPR requirement to label each container of a hazardous product, with above exemptions, would be retained to maintain the current level of protection in Canada.

Industry Concerns

- The Canadian Association of Chemical Distributors (CACD) submitted some concerns to Health Canada on behalf of its members
  - Requirement for exact ingredient concentrations on mixture SDS
    - CACD members feel that disclosing exact concentrations on an SDS does not enhance the protection of workers
  - Use of subcategories A and B for carcinogen, mutagen and reproductive toxin classification
    - CACD members feel that the subcategories add an unnecessary complexity and may cause confusion for workers when reading an SDS

What now?

- Wait for publication of the proposed regulation in the Canada Gazette
- Review proposal from Health Canada
- Start developing a plan for implementation
  - Classification of products
  - Revision of labels and SDS
  - Training of employees

Questions?