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Canadian Hazard Communication Updates



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Agenda

1. Safety Data Sheet (SDS) Requirements and Enforcement
2. Trade secret obligations
3. Hazardous Substance Assessments
4. Proposed Changes

Regulatory authority

Workplace Hazardous Materials Information System (WHMIS)

- Competent authority – Health Canada
- Requirements are established under:
  - Hazardous Products Act (HPA)
  - Hazardous Products Regulations (HPR)
  - Hazardous Materials Information Review Act (HMIRA)
  - Hazardous Material Information Review Regulations (HMIRR)

Federal, Provincial and Territorial Occupational Health and Safety (FPT OHS) agencies

- All 13 provinces/territories must enact companion regulations to adopt model laws
- Important for inspections and enforcement process

Compliance program

Health Canada's responsibilities

- compliance promotion
- compliance monitoring
- enforcement actions

Regulated parties must

- understand relevant laws and obligations
- ensure compliance
- assist inspectors during an inspection as required by law

Regulated activities

- importation
- manufacturing
- sale (including distribution)
- advertising

SDSs and enforcement

SDS requirements

HPA exclusions

- Pest control products
- Explosives
- Nuclear substances
- Cosmetic, device, drug or food; Tobacco; and Consumer products
- Wood or wood products; and Manufactured articles
- Hazardous wastes

HPA Part 4 and Schedule 1

- English and French languages required
- Proactive distribution

Important SDS considerations

- Classification is based on product as supplied
  - Further processing information is valuable throughout the SDS and if new hazards are created, information would be listed in Section 2 – Other hazards
- When significant new information is received, SDS must be updated within 90 days
  - During the 90 days, if the SDS has not been updated, a document must be supplied in addition to the SDS providing the changes and the date the new information was received
- Document retention
  - 6 years after the end of the year to which the document relates
  - Must be kept in supplier's place of business and accessible upon request from Minister of Health or inspector

Enforcement process



Voluntary compliance measures could include:

- Product disposal
- Stop-sale until product is brought into compliance
- Actions depend on level of potential risk to health and safety

First goal is always voluntary compliance

- Supplier initiates change to bring products or documents back into compliance
- May eliminate the need for any further enforcement action

Steps initiated by Health Canada

- Issuing warning letters
- Seizure, detention or disposal of the hazardous product
- Issuing a ministerial order, including an order to obtain information to verify compliance or assess the risks associated with a hazardous product
  - remove specific information from the SDS and label
  - stop the sale or importation of a hazardous product
- Recommending the refusal of imports
- Suspension or cancellation of an exemption under the HMIRA

Factors that impact enforcement and intervention

Determining of intervention

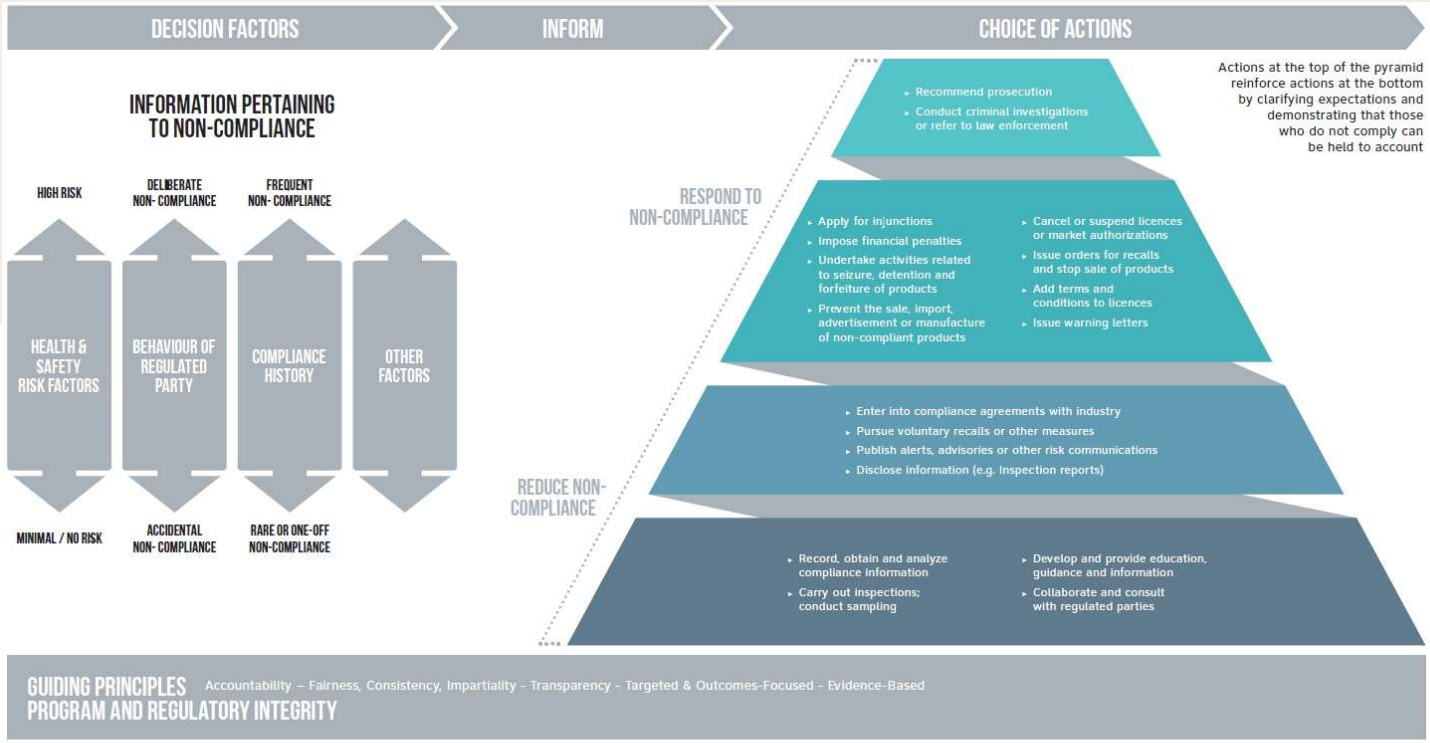
- Behavior of regulated party: indifference, recklessness, premeditation
- Regulated party's co-operation and responsiveness
- Previous compliance issues and likelihood of a repeat offense
- Likelihood of enforcement being effective and mitigating potential risk
- Additional factors if necessary
  - Prosecutions may be taken along with other measures, if warranted

Enforcement

- Nature of product, or regulated activity
- Nature of non-compliance and potential consequences of the non-compliance

Enforcement procedures

Source: Health Canada Compliance and enforcement policy framework - Canada.ca



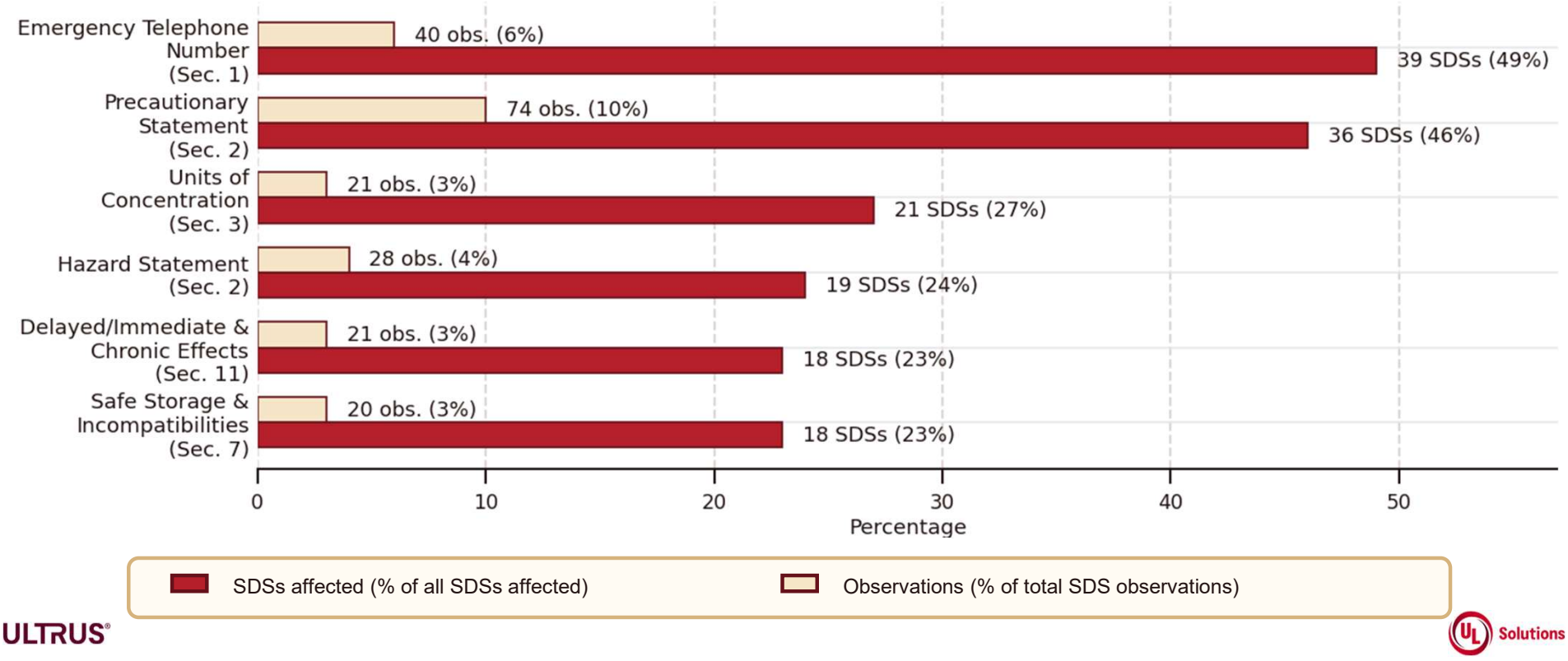
Note: This diagram is a simplified visual representation of Health Canada's general approach to compliance and enforcement. Please see the Compliance and Enforcement Policy Framework and applicable acts, regulations and policies for more information. This diagram does not include all of the compliance or enforcement tools potentially available to Health Canada programs, and not all of the tools listed above are available in every situation.

Health Canada Santé Canada

Canada

Common SDS non-compliances SDSs

2022-23 Reported during 2025-Nov Workplace Hazardous Products Program Multistakeholder Workshop

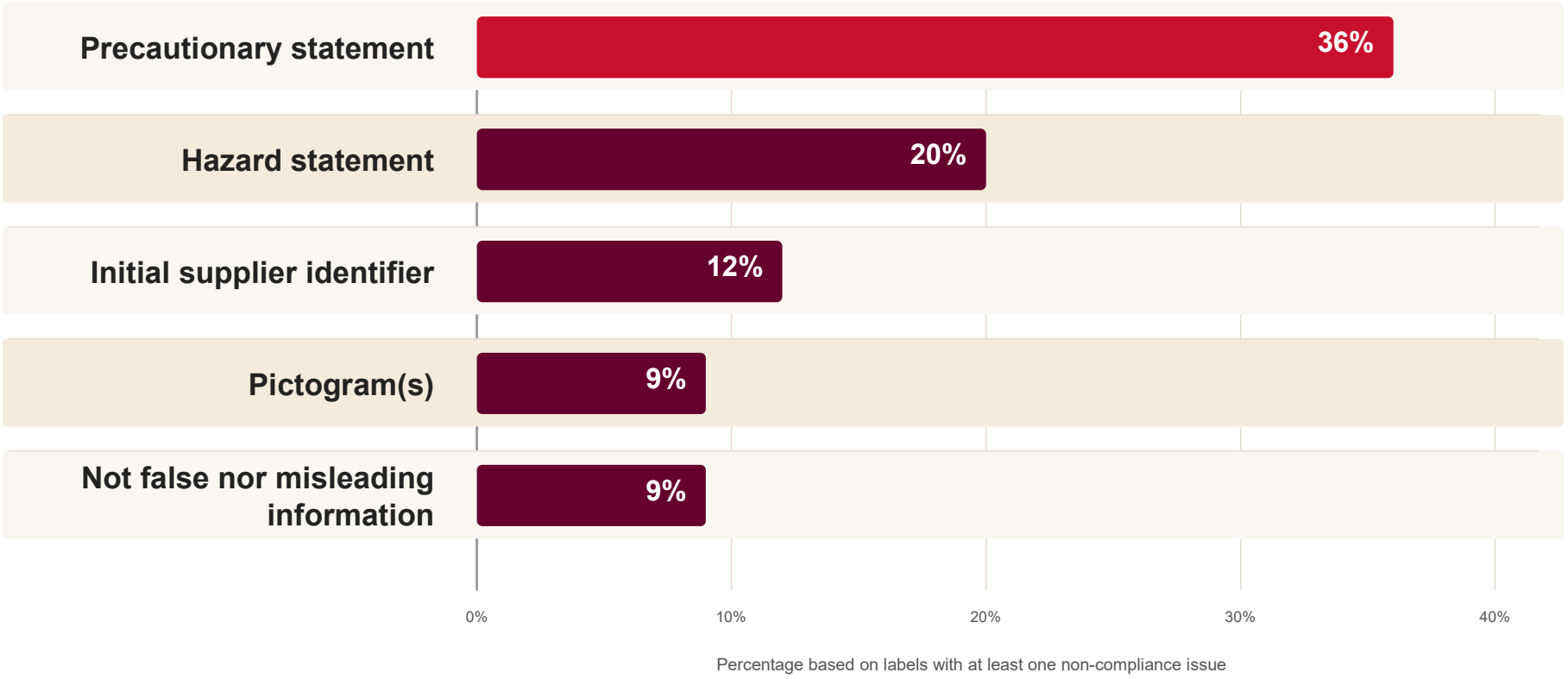


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Top 5 non-compliances labeling issues

Reported during November 2025 Workplace Hazardous Products Program Multistakeholder Workshop



Trade secrecy

Confidentiality

- Trade secret claims must follow the requirements in HMIRA and HMIRR
  - Component concentrations can be protected using prescribed concentration ranges, without a HMIRR claim
  - For concentrations between 0.1-30%, two consecutive ranges can be combined
  - Prescribed range must cover the true concentration of the component

Trade secret claims

Supplier claims

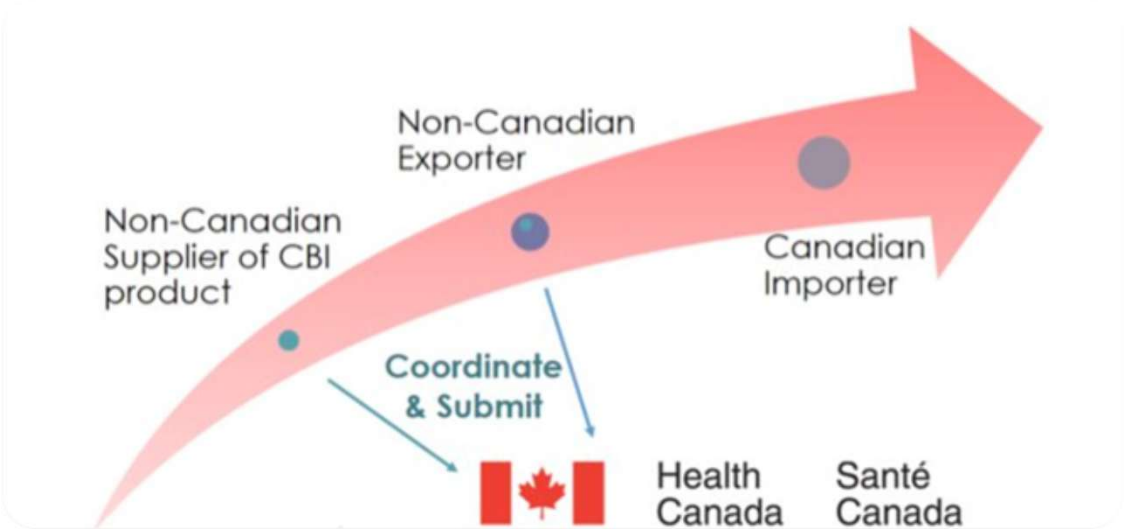
- Chemical name
- CAS#
- Impurity
- Toxicological study

Employer claims

- Same as supplier claims
- Product identifier
- Chemical supplier

Filing a claim

Company A's CBI product is included in Company B's CBI product, which are then supplied to Canada. Who files?



- Claims can be filed by Canadian supplier or foreign manufacturer

Claim process – Communication with Ministry throughout

Exemption review/decision

- Submission: online form, SDS, label, fee (within 30 days)
- Validity review
- Assignment of Registry Number (within 20 business days)

Appeal process

- Meet criteria for filing an appeal
- Fee
- 45 days to launch an appeal once published in the *Canada Gazette*

Confidentiality

- Guidance provided for creating a generic chemical name
- Claims valid for 3 years
- Refile claim before expiration

Product composition and SDS disclosure

How a trade secret claim changes the ingredient information presented in SDS Section 3

INTERNAL FORMULATION

Product composition

Substance	CAS Number	% (w/w)
Methanol	67-56-1	20%
Trichloroisocyanuric Acid	87-90-1	0.1%
Water	7732-18-5	79.9%

COMPOSITION / INFORMATION ON INGREDIENTS

SDS Section 3

Substance	CAS Number	% (w/w)
Alcohol*	Proprietary*	Proprietary (15–30%)*
Trichloroisocyanuric Acid	87-90-1	0.1%

*** HMIRA Registry No. 3333 | Filed January 1, 2021**

Classification support

Hazardous substance assessments



Technical documentation

- Assessments from Health Canada
- Completed for roughly 30 substances
- Educational and informational resource
- Based on HPR, scientific principles and supported with study data

Supplier responsibility

- Review all relevant data
- Understand applicability for individual product

Hazardous substance assessments

Acetic acid CAS# 64-19-7

- Contains UN#, applicable pictograms, WHMIS classifications, data supporting classification, references

Health hazards:

Acute Toxicity (Inhalation) – Category 3

Skin Corrosion – Category 1

Serious Eye Damage – Category 1

Health hazards

Acute Toxicity (Oral):

Does not meet criteria

An LD_{50} value of 3530 mg/kg (rat) has been reported [2].

The available data do not meet the classification criteria for Acute Toxicity (Oral).

Acute Toxicity (Dermal):

Does not meet criteria

An LD_{50} value of 1,060 mg/kg (rabbit) has been reported [3]; however, this datum is from a secondary source in which no study details are provided. This datum is, thus, insufficient for classification.

The available data do not meet the classification criteria for Acute Toxicity (Dermal).

Source: Hazardous substance assessment - Acetic acid - Canada.ca

Quebec - CNESST

Commission des normes, de l'équité, de la santé et de la sécurité du travail

- Classifications pre-dated GHS adopted
- Supporting data and references provided
- Official language is French
  - Information is available in English
  - Communication will only occur in French

Workplace Hazardous Materials Information System

WHMIS classification - Note to reader

Update: 2022-11-29

- Flammable liquids - Category 3 [1] [2]
  - Flash point = 39 °C closed cup (non reported method)
- Acute toxicity - inhalation - Category 3
- Skin corrosion/irritation - Category 1 [3] [4]
  - pH <= 2 for a >= 1 %
- Serious eye damage/eye irritation - Category 1 [3] [4]



Danger

Flammable liquid and vapour (H226)
Corrosive to the respiratory tract; Toxic if inhaled (H331)
Causes severe skin burns and eye damage (H314)
Causes serious eye damage (H318)

Future changes

Harmony with the U.S.

North American compliance during the extended U.S. transition to GHS Revision 7/8

- Health Canada will focus on **compliance promotion** with all regulated parties
- U.S. Occupational Safety and Health Administration (OSHA) postponed compliance with GHS Revision 7/8 for mixtures
- Original mixture deadline moved from July 19, 2027 to November 19, 2027

Biohazardous infectious substances

- Current classification based primarily on Human Pathogens and Toxins Act Risk Groups
- Human Pathogens and Toxins Act was updated in 2026
- ePATHogen – Database – non-comprehensive searchable database, published by the Public Health Agency of Canada
- Updated database now contains a subset for the Registry of Human Pathogens and Toxins Risk Group information, along with pathogens and toxins under the Health of Animals Act
- Aligning information from multiple government departments
- Public Health Agency publishes Pathogen SDSs – technical documents support hazard information

Canada Consumer Product Safety Act

- Notice of Intent (NOI) published in July 2023 to update health hazard information
- Stakeholders were informed in September 2025 that the initiative is delayed
- Human Health Hazards of Concern (HHHOCs) proposal
  - Chronic toxicity hazards
  - Sensitizers
  - Specific target organ toxicity
  - Classification and labeling alignment with GHS
- NOI published December 2022 to remove the consumer product exclusion from HPA, also on hold

Questions?

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Thank you

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