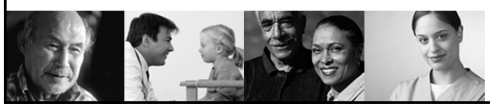
Implementation of the GHS in Canada for Workplace Chemicals

Workplace Hazardous Materials Directorate
Healthy Environments and Consumer Safety Branch
Health Canada

Presentation to the Society for Chemical Hazard Communication's Fall Meeting, September 27, 2013

Presentation Outline

- Current requirements in Canada – WHMIS
- GHS Implementation for Workplace Chemicals in Canada
  - An Update
  - Our Proposal
  - Considerations
  - Variances
- Overview of Canadian Legislative and Regulatory Processes
- Key Considerations & Next Steps



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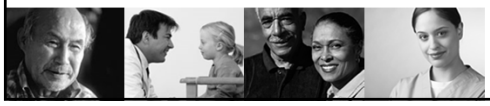
Workplace Hazardous Materials Information System in Canada



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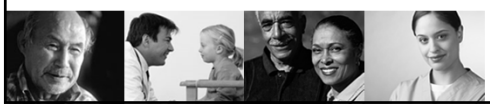
WHMIS – An Overview

- The Workplace Hazardous Materials Information System (WHMIS) is Canada's national hazard classification and hazard communication standard for workplace chemicals.

Key elements of WHMIS

- Classification criteria;
- Labelling;
- MSDSs; and
- Worker Education and Training Programs.



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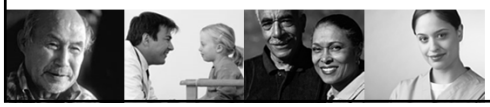
A Shared Responsibility - Overview

- WHMIS is implemented in Canada through coordinated federal, provincial and territorial legislation.
- The main purpose of the federal WHMIS legislation is to require the suppliers of hazardous materials used in the workplace to provide health and safety information about their products as a condition of sale.
- The main purpose of the provincial/territorial WHMIS legislation is to require employers to obtain health and safety information about hazardous materials in the workplace and to pass this information on to workers.



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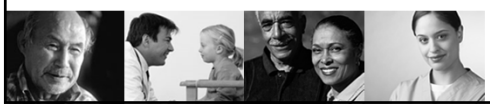
A Shared Responsibility – Health Canada

- Administers federal legislation governing workplace chemical suppliers
  - The *Hazardous Products Act* (HPA) and its regulations set out supplier labelling and material safety data sheet (MSDS) requirements, including which ingredients must be disclosed on the MSDS.
  - The *Hazardous Materials Information Review Act* (HMIRA) and its regulations set out provisions for the protection of trade secrets.
- Coordinates the Workplace Hazardous Materials Information System (WHMIS) national surveillance program
  - Includes ongoing engagement of its provincial and territorial partners and representatives of industry (suppliers and employers) and workers.
- Reviews and renders decisions in respect of claims for confidential business information relating to information required to appear on a label or MSDS.



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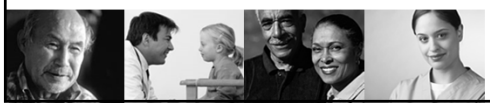
A Shared Responsibility – OSH Agencies

- Thirteen provincial, territorial and federal agencies are responsible for occupational safety and health and have established their own employer WHMIS requirements to ensure that:
  - Controlled products used, stored, or handled in the workplace are properly labelled,
  - MSDSs are made available to workers, and
  - Workers receive education and training to ensure the safe storage, handling and use of controlled products in the workplace.
- All provinces and territories base their WHMIS regulations on the same model, thus ensuring consistency across Canada.
- As a result of an agreement between the federal and provincial governments, OSH agencies enforce both federal and provincial WHMIS legislation.



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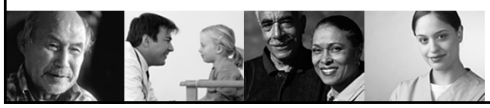
WHMIS Exclusions

- WHMIS covers hazardous materials in all Canadian workplaces with the following exceptions:
  - explosives within the meaning of the *Explosives Act*;
  - cosmetics, devices, drugs or food within the meaning of the *Food and Drugs Act*;
  - pest control products as defined in the *Pest Control Products Act*;
  - nuclear substances, within the meaning of the *Nuclear Safety and Control Act*, that are radioactive;
  - hazardous waste;
  - consumer products as defined by the *Canada Consumer Product Safety Act*;
  - wood or products made of wood;
  - tobacco or tobacco products as defined in section 2 of the *Tobacco Act*; and
  - manufactured articles.



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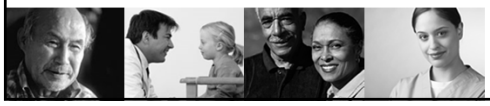
GHS Implementation for Workplace Chemicals in Canada: Update



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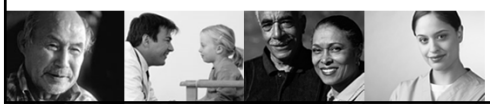
Recap of GHS Objectives

- The adoption of GHS is designed to:
  - enhance the protection of worker health and safety through improved and consistent hazard information;
  - facilitate international trade (e.g., through common labelling and SDS requirements);
  - reduce costs to businesses and consumers (e.g., by reducing duplicate testing and evaluation of chemicals).
- Key principles – implementation without loss of current protections and while respecting legal frameworks.



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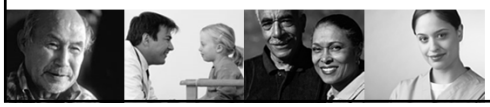
Canadian Involvement in the GHS

- Canadian requirements for workplace chemicals were one of four major existing systems used as the basis for the work on the GHS.
- Canada played a key role in all aspects of the development of the GHS and chaired the United Nations Sub-Committee of Experts on the GHS from inception in 2001 until 2012.



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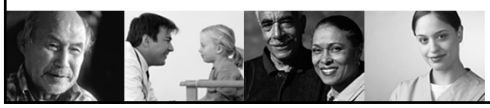
Canada-US Regulatory Cooperation Council Joint Action

- The Regulatory Cooperation Council (RCC) was created in February 2011 to align Canadian and US regulatory approaches in various sectors, where possible, so as to:
  - Increase trade and investment
  - Lower costs for business and consumers
- On December 7, 2011, Prime Minister Harper and US President Obama announced that, as part of the Joint Action Plan for the Regulatory Cooperation Council, Canada and the US have committed to:
  - "align and synchronize implementation of common classification and labelling requirements for workplace hazardous chemicals within the mandate of the US Occupational Safety and Health Administration (OSHA) and Health Canada (HC)".



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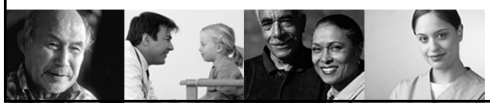
RCC Objective - GHS Implementation

- Through coordinated implementation of the GHS, Canada and the US will align their regulatory approaches for workplace hazardous chemicals, while not compromising existing health or safety standards.

- An OSHA-Health Canada bilateral Working Group was established:
  - tasked with developing and delivering a work plan with ambitious, tangible outcomes;
  - responsible for engaging implicated stakeholders throughout the process.



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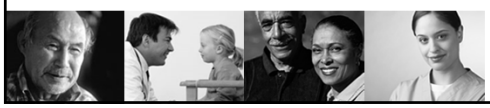
RCC Stakeholder Engagement

- A formal RCC stakeholder engagement session was held on Jan 30-31, 2012 to :
  - Confirm that a key outcome of the RCC initiative is to develop lasting regulatory cooperation mechanisms in order to foster ongoing alignment and prevent future unnecessary differences from occurring.
  - Emphasize that this is an initial Joint Action Plan where each initiative represents a vehicle to establish these mechanisms.
  - Confirm our goal of making our regulatory systems more efficient and effective.
  - Demonstrate a commitment to engaging stakeholders in the process and provide ongoing opportunities to comment on technical, directional and strategic elements of the Joint Action Plan.

- A work plan for each initiative in the Joint Action Plan has been made public: http://actionplan.gc.ca/page/rcc-ccr/initiatives-and-working-groups



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RCC Work Plan

In April 2012, the bilateral Working Group published its work plan with four action items:

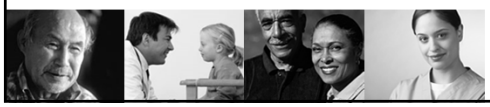
➢Establish mechanism to coordinate the implementation of the GHS and any future updates to the GHS in our respective jurisdictions

- Work is underway with the US to develop a consultation mechanism and a work plan to achieve alignment and synchronization

➢Set up a process, as part of the permanent mechanism, for stakeholder input on the RCC GHS initiative

➢Coordinate technical interpretations related to GHS implementation for Workplace chemicals

➢Implement the GHS for Workplace Chemicals



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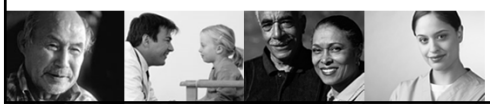
RCC Stakeholder Support

- Key Canadian stakeholders support alignment with the US on GHS implementation:
  - Canadian industry is a strong supporter of alignment and is looking to ensure minimal variances with the US OSHA approach, especially if it means different labelling and hazard communication requirements;
  - Federal, provincial and territorial WHMIS partners as well as representatives of organized labour support alignment with the US, and are focused on ensuring no loss of current protections.



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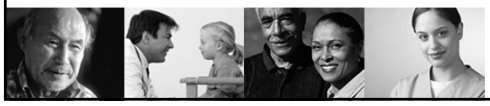
RCC Implementation – Update on Alignment

- June 19, 2013: US OSHA and Health Canada sign Memorandum of Understanding to align hazardous communication standards



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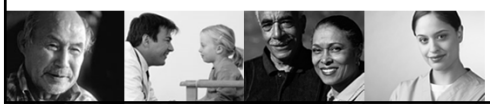
RCC Implementation – Update on Alignment

- A key objective is to create a system that will, to the extent possible, allow the use of a single North American label and safety data sheet for each hazardous product.
- However, there will be some variances between the Canadian and US systems. Canada and the US are working together to keep variances between the two countries to a minimum.
- Aiming to synchronize Canadian implementation dates with those of the US OSHA (June 2015).



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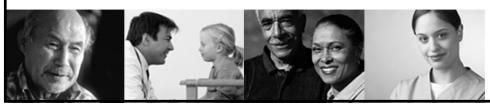
RCC Implementation – Update on Alignment

- The proposed Canadian approach will ensure the maximum alignment possible with the US:
  - variances will be maintained only where it is essential (e.g., where it is required due to the nature of Canadian criminal law or where required to maintain current worker protections as committed to under both GHS and RCC);
  - throughout the regulatory process (and beyond) work will continue with stakeholders and US-OSHA to minimize the number of variances;
  - continue to assess (and minimize to the degree possible) the actual on-the-ground impact of any variances that need to be maintained.
- Work to-date with stakeholders & US-OSHA has already eliminated numerous potential areas of variance.



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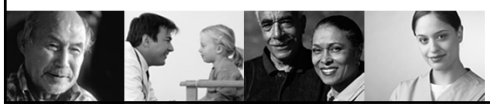
RCC Implementation - Anticipated Changes to WHMIS

- The implementation of the GHS will fundamentally impact WHMIS and require changes to both legislation and regulations.
- Regulatory amendments are required to the *Controlled Products Regulations* to align:
  - hazard classification criteria,
  - labelling requirements, and
  - SDS requirements



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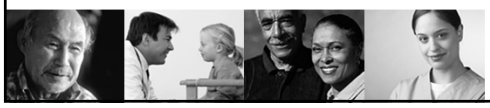
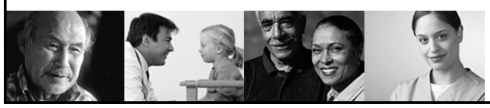
GHS Implementation for Workplace Chemicals in Canada: Our Proposal



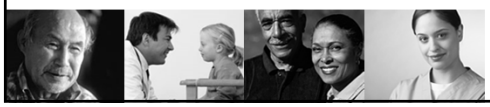
Proposed Regulatory Amendments

- Health Canada launched a formal consultation period seeking written comments from all interested parties on the regulatory proposals.
  - Comment period ended September 15, 2013.
- Provided an opportunity for the public to provide early comments and input into the proposed regulatory amendments prior to the formal regulation making process.
- The formal regulation process will provide an additional opportunity for public consultation on the proposed regulations.



Proposed Regulatory Amendments

- Repeal of the *Controlled Products Regulations* (CPR) and replacement with new regulations titled the *Hazardous Products Regulations* (HPR).
  - Consequential amendments would also need to be made to regulations related to the protection of trade secrets.
- The proposed HPR would implement changes in five (5) broad areas:
  - The manner of establishing the classification of hazardous products;
  - Classification of physical hazards;
  - Classification of health hazards;
  - Hazard communication and other requirements; and
  - Exemptions.



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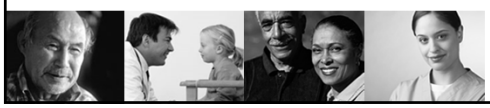
Manner of Establishing the Classification

- Retained the principle that classification should be based on existing data and that no testing should have to be undertaken for the purposes of classification.
- The classification of substances would be based on the evaluation of the substance, using all available data, against the criteria for each hazard class.
  - Regulatory provision would allow the classification of substances to be prescribed in regulation, thus ensuring that substances currently classified under the CPR would remain classified under the HPR.
- The proposed approach to the classification of mixtures provides a stepwise approach to the consideration of different types of data available for the mixture or its ingredients.



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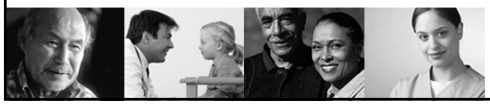
Manner of Establishing the Classification

- Two types of GHS hazard classes are proposed for adoption:
  - **Physical Hazard Classes**: Substances and mixtures would use the same manner of establishing classification
  - **Health Hazard Classes**: Mixtures would follow the GHS procedures for each hazard class
- A product would need to be classified in the division of hazard class that represents the greatest hazard for which it meets the classification criteria.
  - Classification in multiple divisions would be permitted for: Acute Toxicity or Skin Sensitization, Reproductive Toxicity and Specific Target Organ Toxicity – Single Exposure
  - Mixtures or products sold in a kit would each be treated as an individual product or mixture.



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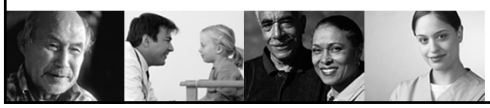
Classification of Physical Hazards

- The GHS physical hazard classes proposed in the HPR:

- Flammable Gases;
- Flammable Aerosols;
- Flammable Liquids;
- Flammable Solids;
- Pyrophoric Liquids;
- Pyrophoric Solids;
- Self-Reactive Substances and Mixtures;
- Self-Heating Substances and Mixtures;
- Oxidizing Gases;
- Oxidizing Liquids;
- Oxidizing Solids;
- Gases under Pressure;
- Corrosive to Metals;
- Organic Peroxides; and
- Substances and Mixtures that, in Contact with Water, Emit Flammable Gases.



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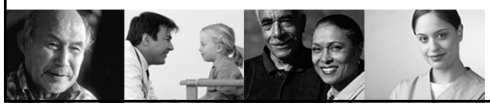
Classification of Physical Hazards

- A hazard class is proposed to capture some products that are currently covered under the CPR, but are not addressed by the GHS.
  - Physical Hazards Not Otherwise Classified which would cover, for example, products that undergo vigorous polymerization.
- The proposed HPR also introduces the following new hazard classes:
  - Pyrophoric Gases;
  - Simple Asphyxiants; and
  - Combustible Dusts
    - The proposed HPR would only regulate products that are shipped in a dust form.
- The proposed HPR is aligned with the HCS 2012 on all physical hazard classes, with the exception of Combustible Dusts and Physical Hazards Not Otherwise Classified.



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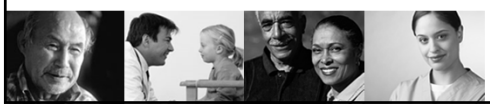
Classification of Health Hazards

- The GHS health hazard classes proposed in the HPR:
  - Acute Toxicity (categories 1 to 4);
  - Skin Corrosion/Irritation (Categories 1A, 1B, 1C and 2);
  - Respiratory or Skin Sensitization (Categories 1A and 1B for both);
  - Germ Cell Mutagenicity (Categories 1A, 1B and 2);
  - Carcinogenicity (categories 1A, 1B and 2);
  - Reproductive Toxicity (Categories 1A, 1B, 2 and an additional category foe effects on or via lactation); and
  - Specific Target Organ Toxicity – Repeated Exposure (Categories 1 and 2).



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Classification of Health Hazards

- The proposed HPR introduces the following new GHS health hazard classes:
  - Specific Target Organ Toxicity – Single Exposure (Categories 1, 2 and 3); and
  - Aspiration Hazard (category 1).
- The proposed HPR also introduces a Health Hazards Not Otherwise Classified.
  - Currently nothing is considered for inclusion.
- The proposed HPR retains a separate hazard class for Biohazardous Infectious Materials.
  - The classification criteria would have the same scope as the CPR but would be amended to align with the *Human Pathogens and Toxins Act* and the *Health of Animals Act* and its regulations.
- The proposed HPR is aligned with the HCS 2012 on all health hazard classes, with the exception of the Biohazardous Infectious Materials and Health Hazards Not Otherwise Classified, though the HCS has a "hazards not otherwise classified category".

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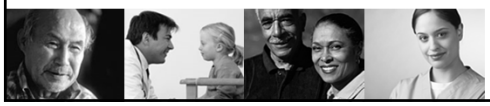
Hazard Communication

- The current CPR requirements for labels and safety data sheets (SDSs) would be amended to respect the content and format specifications of the GHS in alignment with the HCS 2012.
  - The term "safety data sheet" is proposed to replace the term "material safety data sheet".
- The general approach to communicating the hazards of a product on a label and SDS through pictures and statements that convey messages about hazards, precautions and first aid measures would remain the same.
- The proposed HPR would require a label to be comprised of a **product identifier** and **supplier identifier** (i.e., contact information for the Canadian manufacturer or importer), standardized **pictograms**, a **signal word**, **hazards statements**, **precautionary statements** and supplemental label elements that are required based on the classification of the product.



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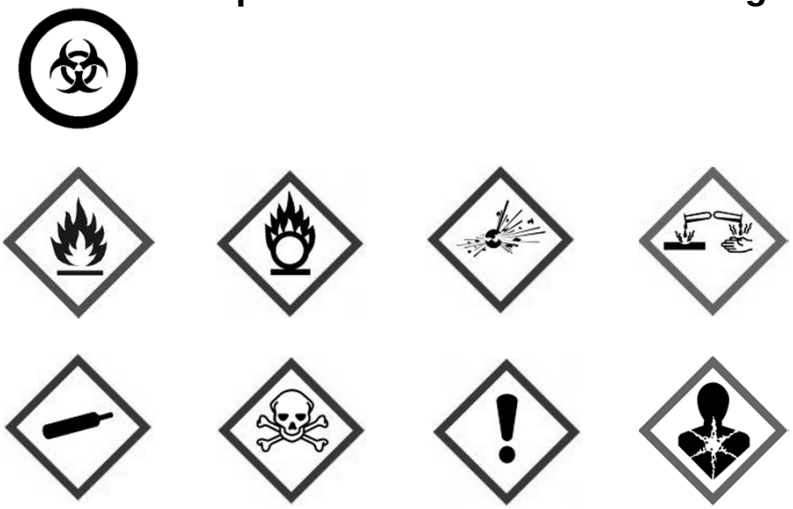
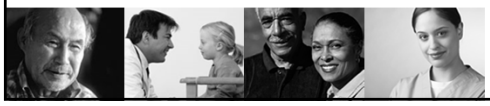
Proposed Canadian Model Pictograms





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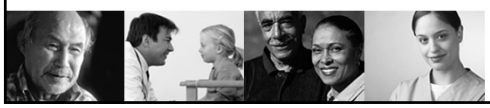
Comparison of Labelling Requirements

Current CPR	**Proposed HPR**
Product identifier	Product identifier
Supplier identifier (name only)	Initial supplier identifier
Hazard symbols (black circle frame)	Pictograms (red diamond frame)
Risk phrases (not prescribed)	Signal word (“Danger” or “Warning”)
N/A	Hazard Statement(s)
Precautionary measures	Precautionary statements
First aid instructions	N/A
Statement referring to MSDS	N/A
Hatched border around required label content	N/A
N/A	Supplemental element for ingredients of unknown acute toxicity



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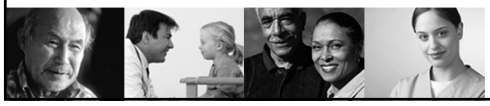
Hazard Communication - SDS

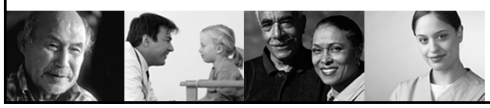
- The SDS under the proposed HPR would have a format of 16 standardized GHS headings.
- Available information with respect to each header would have to appear in the SDS, except for sections 12-15 which would be optional.
- A new nine-heading appendix to the SDS in proposed for products classified as Biohazardous Infectious Materials.
- The SDS would be required to provide:
  - For a substance: its chemical identity;
  - For a mixture: the chemical identity and concentration or concentration range of all ingredients in the mixture that present a health hazard.
- The SDS would differ from the present in that it would have to provide:
  - The classification of the hazardous product;
  - Any information about any reaction product produced as a result of having followed instructions for use provided with the product; and
  - The same product and supplier identifiers as would appear on the label.



33

Hazard Communication – SDS Comparison

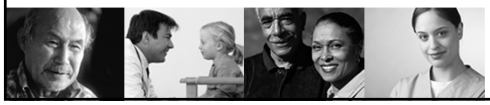
Item	Existing CPR	Proposed HPR
1	Hazardous Ingredients	Identification
2	Preparation Information	Hazard Identification
3	Product Information	Composition/Information on Ingredients
4	Physical Data	First Aid Measures
5	Fire or Explosion Hazard	Fire Fighting Measures
6	Reactivity Data	Accidental Release Measures
7	Toxicological Properties	Handling and Storage
8	Preventive Measures	Exposure Controls/Personal Protection
9	First Aid Measures	Physical and Chemical Properties
10		Stability and Reactivity
11		Toxicological Information
12-15		Ecological, Transport and Regulatory Information, Disposal Considerations
16		Other Information



34

Exemptions

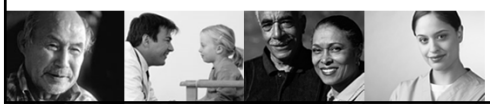
- The following exemptions are proposed to be removed:
  - Flavors and fragrances: The sale or importation of a controlled product that is a flavour or fragrance is exempt from the requirement to disclose on a SDS the chemical identity and concentration of the ingredients of the controlled product (under certain conditions);
  - 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 SDS for the controlled product if a generic SDS for the group of controlled products is transmitted, obtained or prepared *(to be retained in policy*);
  - Radioactive nuclide mixtures: for carrier materials that are vehicles for radioactive nuclides or radio-labelled compounds that are injected or ingested during medical or veterinary diagnostic or therapeutic procedures AND for radioactive nuclides in quantities greater than the quantity specified for that radioactive nuclide in Part I of Schedule I to the *Transport Packaging of Radioactive Materials Regulations*.



35

Exemptions

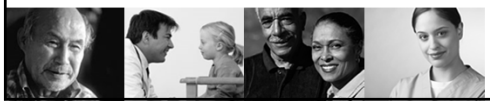
- The following exemptions are proposed to be retained:
  - Complex mixtures: The sale or importation of a controlled product that is a complex mixture is exempt from the requirement to disclose on a SDS the chemical identity and concentration of the ingredients of the complex mixture if the generic name of the complex mixture is disclosed on the SDS;
  - Employer exemption: The sale of a controlled product to an employer is exempt from the requirement to disclose information that could be the subject of a claim for exemption;
  - Controlled products with the same product identifier: The sale or importation of a controlled product is exempt from the requirement to transmit, obtain or prepare a material safety data sheet for the controlled product;
  - Labelling of the outer container: when the inner container 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;*
  - Radioactive nuclide mixtures: non-radioactive carriers present in small quantities and not classified specified hazard classes need no label or SDS requirements; non-radioactive carriers need no label on the inner container if the outer container bears the required label; **AND** non-radioactive carrier labels do not require a supplier identifier and precautionary statements.



36

Exemptions

- The following exemptions are proposed to be added or modified:
  - Bulk shipment: would be extended to products sold without packaging of any sort regardless of whether they are shipped;
  - Small volume containers: products packaged in small volume containers with a capacity less than 100mL would be exempted only from the requirement to bear precautionary statements on the label;
  - Small containers: products packaged in a container with a capacity of 3mL or less 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;
  - Kits: a single outer container that contains two or more different hazardous products would be allowed to bear a reduced label;
  - Substances not biologically available: would not need to be classified;
  - Bailed lab samples: in quantities of less than 10kg would be excluded from all requirements if the sample is only classified as a Biohazardous Infectious Material;
  - Bailing a product: when bailing a product for the purpose of transportation, the supplier would not need to provide an SDS to the person transporting the product.



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GHS Implementation for Workplace Chemicals in Canada: Considerations

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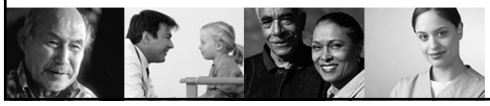
GHS Implementation Considerations

- Label layout
- Ingredient disclosure
- 3 year review of SDS
- Updating of SDS and label information
- Deeming of substances



39

Label Layout

Proposal

•Require the hazard pictogram(s), signal word, and hazard statement(s) to be grouped together on the label.

• Do not require a statement to the effect that an SDS is available.

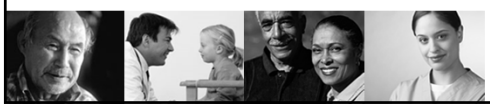
• Do not require the hatched border around label content.

Rationale

•This proposal is harmonized with US OSHA because the GHS and US OSHA require the hazard pictogram(s), signal word and hazard statement(s) to be located together on the label.

•Benefit of label border was not identified but the requirement for a label border would be a major impediment to harmonization as all labels coming into Canada would need to be reformatted.

•The red border required on the pictograms will help draw attention to the most crucial hazard communication elements.



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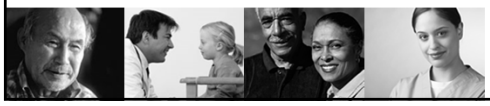
Label Layout



41

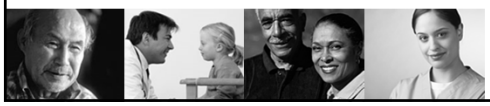
Ingredient Disclosure

Proposal

- Do not require ingredients that are classified only as a physical hazards to be disclosed as ingredients on the SDS.
- Ingredients that present a health hazard will be required to be disclosed on the SDS .
- Ingredients for which the toxicological properties are unknown will not be required to be disclosed on the SDS.

Rationale

- This proposal is harmonized with US OSHA as disclosure of ingredients that present only a physical hazard is not required under the GHS, EU or US OSHA.
- The value of disclosing ingredients that present only a physical hazard is unknown.
- It is expected that mixtures will generally be tested for physical hazards.
- Removing the requirement to disclose ingredients for which toxicological properties are unknown is unlikely to have an impact on worker protection.
- Using data on claims made to Health Canada, it appears that a very small percentage of ingredients in mixtures present only physical hazards.



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3-Year SDS Review Period

Proposal

•Repeal the 3 year SDS review period.

Rationale

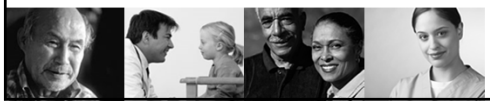
•This proposal is harmonized with US OSHA.

•HPA requires SDS to be accurate at time of sale or import, for each sale or import.

•Only if no new information was available on the product is the SDS required to be reviewed every 3 years. Result is only to change the date on the SDS.

•This burden does not improve information available to workers and is not harmonized with GHS or other jurisdictions.

•Suppliers have ongoing responsibility to ensure SDS is accurate.



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Updating of SDS and Label Information

Proposal

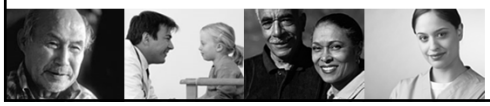
•Exempt the label and SDS from the requirement to reflect new information for a period of 180 days and 90 days, respectively, from the information becoming available, so long as the new information and date upon which it became available are transmitted, obtained or prepared in written form.

Rationale

•This proposal is a compromise between the US timelines and the need, under Canadian criminal law, to ensure that appropriate and timely information is provided to workers.

•The US OSHA provides suppliers with 3 months to update their SDSs with new information and 6 months to update their labels.

•Under Canadian criminal law it would be highly unusual to allow a supplier to misinform their purchasers about significant health and safety information for a period of 3 or 6 months.



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Deeming of Chemicals as Classified

Proposal

•Create a list of substances deemed to be classified in particular hazard classes.

Rationale

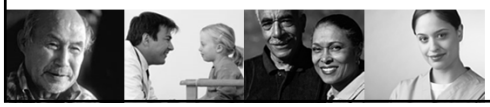
•One principle of adoption of the GHS is that protections will not be reduced.

•US OSHA has substance specific standards used to regulate substances of particular concern.

•Targeted manner of ensuring that no protections are lost for particular affected substances.

•Minimizes burden on industry by identifying the specific substances of concern.

•There are hazards addressed under the HPA/CPR that are not addressed by the GHS, notably four self-reactive substances listed by number in the *Transport of Dangerous Goods Regulations* and substances which, upon reaction with water vapour, release flammable gases.



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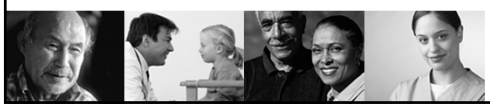
GHS Implementation for Workplace Chemicals in Canada: Variances



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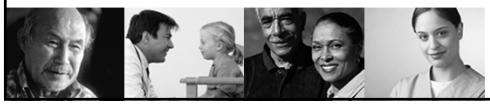
Canadian Draft Regulatory Proposal: Variances

- Variances have been identified based on three different types of considerations:
  - Not reduce current levels of protection for Canadian workers:
    - Biohazardous infectious materials
  - Canadian criminal law requirements:
    - Combustible Dust
    - Physical Hazards Not Otherwise Classified
    - Health Hazards Not Otherwise Classified
  - Other Canadian legal requirements:
    - Language requirements
    - Supplier identity
    - Confidential business information



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Biohazardous Infectious Materials

Proposal

•WHMIS currently has classification criteria for biohazardous infectious materials, which will be retained as a distinct hazard class in order to ensure no reduction in worker protection.

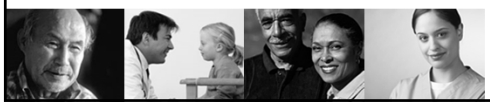
•Products that meet the criteria will be required to be labelled with the internationally-recognized “biohazard” pictogram, the signal word “Danger”, and appropriate hazard statements and precautionary statements.

•In addition, the SDS for biohazardous infectious materials will require an addendum specific to biohazards.

Rationale

•No reduction in worker health and safety.

•US OSHA’s Final Rule does not address biohazards.



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Combustible Dusts Hazard Class

Proposal

•The proposed definition of combustible dust is: Any substance or mixture in the form of a powder which is liable to catch fire or explode when dispersed in a gas containing oxygen.

•The proposed classification criteria for the hazard class are: (1) Any powder which has been shown to be liable to catch fire or explode, and (2) Any powder which meets the classification criteria for the Flammable Solids hazard class and has 5% or more of its composition by weight having a particle size of 500 µm or less.

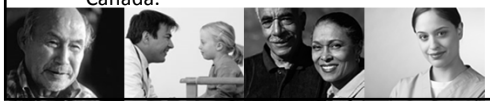
•If shipped in a non-dust form, no signal word required.

Rationale

•Combustible dusts have been responsible for workplace deaths in North America.

•Harmonize with the US OSHA which has adopted hazard communication requirements for combustible dusts (Signal word: Warning; Hazard statement: May form combustible dust concentrations in air).

•A definition and classification criteria are required in the context of criminal law in Canada.



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Physical Hazards Not Otherwise Classified

Proposal

•Create a hazard class to classify physical hazards that are not otherwise addressed by the GHS and require appropriate labelling elements.

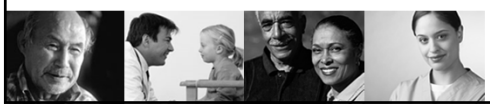
Rationale

•The US OSHA has created a Hazards Not Otherwise Classified Hazard class and requires them to be identified on the SDS.

•This hazard class is the simplest and most harmonized manner of ensuring that no protections are lost, notably vigorous polymerization.

•The GHS may evolve to address new hazards at a pace that exceeds our regulatory process and these hazard classes would allow us to address those hazards prior to completion of the regulatory process.

•The hazards addressed by this class are “likely to cause death” and therefore substantive enough to require labelling elements.



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Health Hazards Not Otherwise Classified

Proposal

•Create a hazard class to classify health hazards that are not otherwise addressed by the GHS, and require appropriate labelling elements.

Rationale

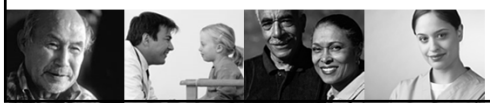
•The US OSHA has created a Hazards Not Otherwise Classified Hazard class.

•These hazard classes are the simplest and most harmonized manner of ensuring that no protections are lost and that Canadian legal requirements are met.

•The HHNOC must be separated from the PHNOC to ensure appropriate disclosure of ingredients that present health hazards.

•The hazards addressed by this class are "likely to cause death" and therefore substantive enough to require labelling elements.

•The GHS may evolve to address new hazards at a pace that exceeds our regulatory process and these hazard classes would allow us to address those hazards prior to completion of the regulatory process.



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Supplier Identifier

Proposal

•Require the disclosure of the identity of the initial supplier, i.e. Canadian manufacturer or importer.

•A distributor may omit the name of the initial supplier if they list their own identity instead.

•An importer may retain the name of the foreign supplier instead of replacing it with their own identity only if the product was imported for use in their own workplace.

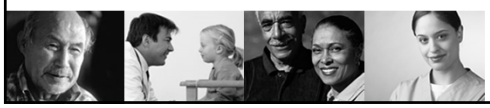
•Would apply to label and SDS.

Rationale

•The GHS requires the disclosure of the name of the supplier or manufacturer.

•The proposal is harmonized with the US OSHA which requires the disclosure of the name of the manufacturer, importer or other responsible party.

•A Canadian party must be identified on the label for the purpose of enforcing the requirements in Canada.



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Confidential Business Information (CBI)

Proposal

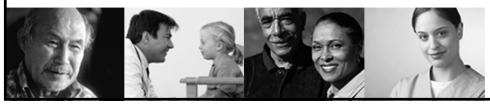
•No change to the current process.

How it works:

•In Canada, there is a mechanism by which a supplier or employer may apply to not disclose specific confidential information.

•Based on a post-market review.

•The intent is to allow suppliers and employers to remain competitive, while protecting the health and safety of workers.



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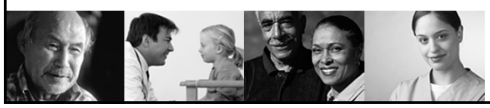
Confidential Business Information (CBI)

- Under the *Hazardous Materials Information Review Act* (HMIRA), one can apply to be exempt from disclosing:
  - an ingredient name (to be replaced by a Generic Chemical Identity)
  - the concentration of a certain hazardous ingredient
  - the name of a study that would reveal the identity of a CBI
- A claim is filed with Health Canada under the *Hazardous Materials Information Review Act* (HMIRA).
  - A registration number is assigned to the claim
  - Health Canada review the claim



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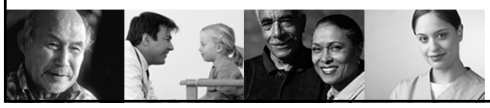
Confidential Business Information (CBI)

- Decision on the validity
  - Is the ingredient confidential?
  - Is the SDS compliant with WHMIS?

- If claim is valid, but the SDS non-compliant
  - a claimant may choose to voluntarily amend the SDS;
  - If not done voluntarily, Health Canada will issue an order to change the SDS;
  - The claimant may appeal the decision.



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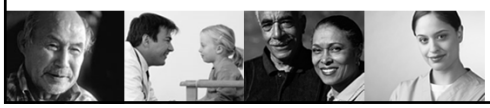
Overview of Canadian Legislative and Regulatory Processes



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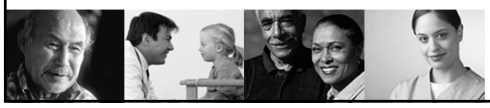
Canadian Legislative Process - Overview

- Tabling of the Bill in Parliament;
- Debate in Parliament;
- Bill is reviewed by Standing Committee on Health;
- Bill receives Royal Assent;
- Coming into force of the amended Act.



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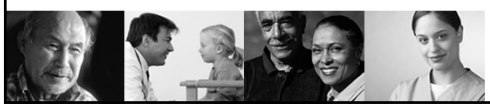
Canadian Legislative Process - Overview

- Consultation with stakeholders to prepare recommendations for the amendment of the regulations;
- Pre-publication of draft regulations with Regulatory Impact Analysis Statement (RIAS) in *Canada Gazette, Part I*;
- Formal notice and public comment period (75 days due to international trade implications);
- Review of comments received, revision of regulation, updating of RIAS;
- Publication of final regulations in *Canada Gazette, Part II*;
- Coming into force of new regulations allowing implementation time.



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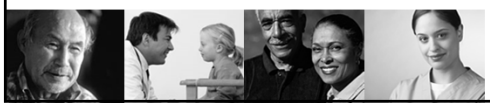
WHMIS Federal, Provincial and Territorial Partner Considerations

- The HPA and CPR are referenced in FPT occupational safety and health (OSH) legislation and regulations which address employer WHMIS requirements.
- Therefore, FPT OSH legislation and regulations will also need to be amended.
- The FPT partners are preparing an updated “Model OSH” Regulation.



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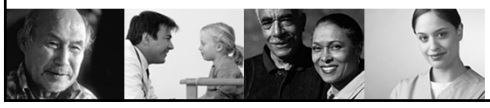
Key Considerations and Next Steps



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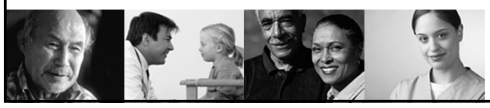
Moving Forward - Key Considerations

- Alignment with US-OSHA's Final Rule.
- Timing – aiming to synchronize GHS implementation with US full implementation date of June 1, 2015.
- Providing sufficient time for Canadian industry to make necessary system changes and undertake training.
- Minimizing Canadian-specific differences while maintaining current levels of protection for workers and integrity of legal framework.
- Ensuring ongoing stakeholder engagement and work with US-OSHA.



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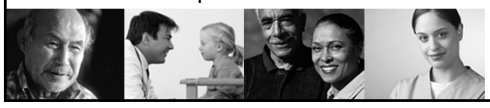
Next Steps

- Tabling of legislation in Parliament;
- Publication of regulations in the *Canada Gazette*;
- Phase-in/transition period;
- Amended HPA and regulations come into force.

Further Work

- Update policies & guidance documents;
- Update Health Canada-GHS Web site;
- Develop public awareness & training programs;
- Develop surveillance initiatives.



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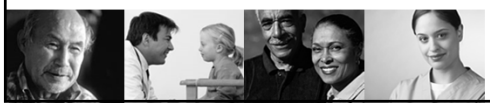
Contact Information

Website: www.hc-sc.gc.ca

Email: whmis_simdut@hc-sc.gc.ca

Workplace Hazardous Materials Directorate
Healthy Environments and Consumer Safety Branch
Health Canada



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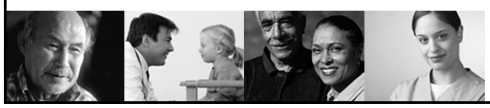
Information on GHS: Resources

- Health Canada, in partnership with the Canadian Centre for Occupational Health and Safety (CCOHS), developed GHS e-courses which are available on CCOHS website: http://www.ccohs.ca

- CCOHS Client Services Contact:
  Phone: 1-800-668-4284
  Fax: 905-572-2206



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