

WHMIS Under GHS Revision 7: Health Canada Proposals

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*WHMIS UNDER REVISION 7:
HEALTH CANADA PROPOSALS*



**SCHC Conference
November 2021**



Proposed Agenda

Jurisdictional process in Canada

Gazette I Release (December 19th, 2020)

US-Canada alignment via the Regulatory Cooperation Council

Hazard Classes/Categories alignments with GHS revision 7

Alignment with GHS revision 7 labeling impacts

Alignment with GHS revision 7 impacts on SDSs

Question Period



Jurisdictional process in Canada





Gazette I Release (December 19th, 2020)

Based on the Canada – United States Regulatory Cooperation Council

To align the adoption of the same Revision 7 of the GHS

To add new hazard classes and categories

To clarify several definitions

To review SDS content

**Permit the continued use of one label and one SDS for both countries to lower the
economical impact and increase workers' safety**



US-Canada alignment via the Regulatory Cooperation Council

The other proposed regulatory amendments are very diverse in nature and address issues identified by the Department and stakeholders. These proposed amendments include clarifications and modifications to existing provisions relating to the classification of hazardous products in the physical and health hazard classes. There are also clarifications and adjustments with regard to hazard communication elements required on labels and safety data sheets, as well as administrative updates to the *Hazardous Products Regulations*.

(Extract of the 2020-12-19 Canada Gazette Part I, Vol. 154, No. 51)



Hazard Classes/Categories alignments with GHS revision 7

NEW hazard classes and category and their impacts on labeling

NEW hazard classes and categories:

Flammable gases Cat 1 becoming:

Cat 1A Extremely Flammable Gases for pyrophoric and chemically unstable gases;

Cat 1B Flammable Gases for other flammable gases not part of 1A;

Flammable Aerosols becoming:

Aerosol Cat 1 and Cat 2 for Flammable Aerosols

ONLY showing Flame symbol on the label

Non-Flammable Aerosols Cat 3

NO compressed gas cylinder symbol and NO Flame symbol, only Warning signal word and H-P statements would suffice and differentiate from non-flammable gas (compressed).

Flexibility in some wordings, spellings of P statements (P 316, 317, 318, 319).

Prioritization in medical response P statements (worst case applicable statement only will be needed).

Numerous P statements changes or alignments with Revision 7 GHS (United Nations) for Acute toxicity Cat 1-4, CMR, physical hazards above.



Alignment with GHS revision 7 labeling impacts



Small container labelling

NO CHANGE FROM THE PREVIOUS VERSION OF THE HPR

Valid for 100 mL containers or less

Product Identifier

Pictogram(s)

Signal Word

Chemical Manufacturer' (or Canadian Importer) name, address, phone number

Exempted from listing the H and P phrases.

Valid for 3 mL containers or less where the label interferes with the normal use of the product

Product Identifier

Exempted from all GHS labeling elements.

Valid for all of the above

FULL Bilingual Label content on the OUTER packaging

AND

Bilingual statement that the small container(s) inside must be stored in the immediate outer package bearing the complete label when not in use.



Alignment with GHS revision 7 labeling impacts

Other Considerations

- 1- Label exemption for Bulk Shipment without intermediate containment or intermediate packaging. NO CHANGE FROM THE PREVIOUS VERSION OF THE HPR
- 2- Combustible dust only applies when the product is shipped in dust form (May form combustible dust concentrations in air). NOT when it is in solid form that may form combustible dust under normal use. NO CHANGE FROM THE PREVIOUS VERSION OF THE HPR
- 3- Classification must be done in decreasing order or same hazard and be classified and labeled only on the most severe applicable ones. (e.g. Irritant if corrosive applies; Exclamation Mark for acute toxicity if pictogram of Skull and Cross Bones applies) NO CHANGE FROM THE PREVIOUS VERSION OF THE HPR
- 4- Combined P statements for same hazards must be used. NO CHANGE FROM THE PREVIOUS VERSION OF THE HPR
- 5- P statement(s) prescribed by the H statements that are not applicable in a normal condition of use can be omitted (Handling and Storage) NO CHANGE FROM THE PREVIOUS VERSION OF THE HPR
- 6- Multiple P statement(s) and hazard' definitions, and some text related to needed test methods have been changed. Mainly for clarification purposes but also to align the HPR with the GHS Revision 7 United Nations reference.
- 7- Transition period of 2 years from the date HPR is registered.



Alignment with GHS revision 7 impacts on SDSs

SECTION BY SECTION REVIEW

AVAILABILITY: NO CHANGE FROM THE PREVIOUS VERSION OF THE HPR

- 1- For each and all chemicals;
- 2- In ANY FORMAT (MEDIA) during each and all work shift in or from the work area
- 3- In BOTH English and FRENCH (1 combined document or 2 language specific documents).

Section 1: NO CHANGE FROM THE PREVIOUS VERSION OF THE HPR

Canadian importer (Distributor) MUST BE SHOWN, unless the product is sold to the end-user.

Emergency contact MUST be accessible, not necessarily located in the country, together with hours and conditions of operations.



Alignment with GHS revision 7 impacts on SDSs

SECTION BY SECTION REVIEW

Section 2:

To classify Substances and Mixtures which, in contact with Water, emit Flammable Gases and Water-Activated Toxicants in Section 2 under GHS classification. **NO CHANGE FROM THE PREVIOUS VERSION OF THE HPR**

To include hazards associated with changes in chemical-physical form under normal conditions of use and foreseeable emergencies; (On top of applicable hazards, as shipped). Another example, by mixing 2 chemicals in the case of normal use, causing a chemical reaction should be shown under the applicable HHNOC or PHNOC section of the SDS, **BUT NOT ON THE LABEL!** **NO CHANGE FROM THE PREVIOUS VERSION OF THE HPR BUT** will be clarified in coming Technical Guideline.

To include hazards associated with changes in chemical structure under normal conditions of use (Adding water to concrete cement); (Apart from hazards as shipped) should be shown under the applicable HHNOC or PHNOC section of the SDS, **BUT NOT ON THE LABEL!** **NO CHANGE FROM THE PREVIOUS VERSION OF THE HPR BUT** will be clarified in coming Technical Guideline.

All NEW adopted and applicable hazard classes and categories must be shown (Aerosol, Flammable Gases).

Label content information must be shown, including **NEW P statements if applicable.**

NO provision to include Revision 8 P statements (***May 2021***)



Alignment with GHS revision 7 impacts on SDSs

SECTION BY SECTION REVIEW

Section 2: NO CHANGE FROM THE PREVIOUS VERSION OF THE HPR

IF the product falls under an HHNOC or a PHNOC, it MUST be stated under the correct sub-section and labeled with the applicable hazard symbol(s).

Explosives are still NOT included under the coming revision of the HPR (Still covered by the Explosive Act).

There is NO provision to include the Date of Release for Shipment to be shown on label or in this section of the SDS but it is acceptable. Any new information known by the manufacturer must be communicated within 90 days (SDS) -180 days (Labels).



Alignment with GHS revision 7 impacts on SDSs

SECTION BY SECTION REVIEW

Section 3: **NO CHANGE FROM THE PREVIOUS VERSION OF THE HPR**

To include CAS ingredient with their CAS number and concentration when they contribute to the mixture classification.

When concentration ranges are used, the ranges will have to be aligned with the Canadian WHMIS prescribed ranges.

The prescribed concentration range used **must be the narrowest range possible** **BUT:**

If the exact concentration range does not fit entirely into one of the prescribed concentration range, a single range created by the combination of two applicable consecutive ranges (e.g., between (i)(1)(iv)(A) and (G)) may be used instead, provided that the combined concentration range does not include any range that falls entirely outside the exact concentration range in which the ingredient is present.



Alignment with GHS revision 7 impacts on SDSs

SECTION BY SECTION REVIEW

Mandatory concentration ranges (e.g. For a 1-6% we could disclose under the 2 greenish consecutive ranges below):

- (A) From 0.1% to 1%;
- (B) From 0.5% to 1.5%; (Here for a 1.3% concentration NOT the below range because this is the narrowest one)
- (C) From 1% to 5%;
- (D) From 3% to 7%;
- (E) From 5% to 10%;
- (F) From 7% to 13%;
- (G) From 10% to 30%;
- (H) From 15% to 40%;
- (I) From 30% to 60%;
- (J) From 45% to 70%;
- (K) From 60% to 80%;
- (L) From 65% to 85%; and
- (M) From 80% to 100%.



Alignment with GHS revision 7 impacts on SDSs

SECTION BY SECTION REVIEW

Section 3: NO CHANGE FROM THE PREVIOUS VERSION OF THE HPR

Trade Secret in Canada still requires an HMIRA Registry Number from Health Canada. This burden falls to the importer if not provided by the manufacturer and it is often very difficult, or even impossible to get, since the importer does not always know the chemical identity of the trade secret substance. This process also requires fees to be paid, a file to be submitted explaining the economical consequences for the importer and it may be refused by Health Canada.

Once granted it must also come with:

- 1- Information concerning the properties and effects of the hazardous chemical in Section 2;
- 2- The safety data sheet indicates that the specific chemical identity and/or concentration or concentration range of composition is being withheld as a trade secret in Section 3;
- 3- The HMIRA number, the date it is effective in Section 3.



Alignment with GHS revision 7 impacts on SDSs

SECTION BY SECTION REVIEW

Section 4, 5, 6, 7: NO CHANGE FROM THE PREVIOUS VERSION OF THE HPR

Same content for same GHS classification.

Section 8: NO CHANGE FROM THE PREVIOUS VERSION OF THE HPR

To ONLY include OELs for the product as a whole (But would acceptable to list more OELs for ingredients in the mixture).

Listing OEL values as prescribed by the manufacturer when known, is also possible.

MUST show applicable OELs from various Canadian provinces, on top of any others known for the ingredient(s) (But would acceptable to have more values from outside the country as ADDITIONAL information).



Alignment with GHS revision 7 impacts on SDSs

SECTION BY SECTION REVIEW

Section 9: (Listing of mandatory 18 entries)

ALL GHS Revision 7 list of properties to be the same as the mandatory format AND IN THE SAME ORDER (suggestion).

Appearance **REPLACED** by Physical State and Color as 2 separate entries.

REMOVAL of odor threshold and evaporation rate entries.

ADD Kinematic to viscosity (as opposed to dynamic viscosity).

ADD Particle characteristic as a **NEW** entry applicable for solid products only (sizes, dispersion, aspect...)

Section 10:

Stability and Reactivity to **INCLUDE** hazardous reactions in foreseeable emergencies.

Section 11: NO CHANGE FROM THE PREVIOUS VERSION OF THE HPR

INSERT interactive effects in paragraph e) (ACCEPTABLE BUT NOT REQUIRED)

ADD a NEW paragraph g) to add comments on other than data from the ingredients as sources of information (e.g. Structure Activity Relationship (SAR) and Quantitative SAR or QSAR) – Ref OECD. (ACCEPTABLE BUT NOT REQUIRED)



Alignment with GHS revision 7 impacts on SDSs

SECTION BY SECTION REVIEW

Section 12, 13: NO CHANGE FROM THE PREVIOUS VERSION OF THE HPR

Same content for same GHS classification.

Section 14: NO CHANGE FROM THE PREVIOUS VERSION OF THE HPR

RENAMING of non-mandatory sub-section to 'Transport in Bulk according to IMO instructions'

Showing both TDG and DOT, may also show IATA and IMDG.

Section 15: NO CHANGE FROM THE PREVIOUS VERSION OF THE HPR

May include National Inventory status, various specific list and regulatory information.

Section 16: NO CHANGE FROM THE PREVIOUS VERSION OF THE HPR

MUST show: Date, author, version and a statement of changes if applicable is acceptable as additional information.

A technical guide will be published by Health Canada once the revised HPR will have been published



Alignment with GHS revision 7 impacts on SDSs

Summary and Conclusion

- 1- The majority of the changes apply to the Gases and Aerosols.**
- 2- The SDS has important modifications in Section 9.**
- 3- The new version of the HPR will consolidate (maintain) major differences in:**
 - a) Mandatory requirement for bilingual Label and SDS across the country.**
 - b) CBI (Trade Secret) policy and procedure remains.**
 - c) Obligation to list the Distributor/Importer if not the end-user in section 1 (as on the label),**
 - d) To show all applicable country' specific information (Section 8) and also in sections 14 and 15. although not an issue for strict compliance.**
- 4- Openings for other information to be prescribed by HAZCOM Revision 7 enforcement, except when it is contradictory to the HPR requirements.**

Questions?

Thank you for your kind attention



References

Canada - WHMIS 2015 – Hazardous Products Regulations (HPR) 2015 – FEDERAL GAZETTE 2021.

Comparison between Health Canada’s Proposed Regulations Amending the Hazardous Products Regulations (GHS, Seventh Revised Edition) and the United States Occupational Safety and Health Administration (OSHA’s) Proposed Rulemaking to Amend the Hazard Communication Standard. Key Variances between the Canadian and U.S. Regulatory Proposals. 2021.

