The Globally Harmonized System of Classification and Labelling (GHS) for Workplace Chemicals (WHMIS 2015)

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Key Changes to Workplace Hazardous Materials Information System (WHMIS)

Transition to WHMIS 2015

Compliance and Enforcement

Technical Guidance

Resources

Regulatory Cooperation Council (RCC) Updates

Protection of Confidential Business Information in Canada

Next Steps
On February 11, 2015, the amended *Hazardous Products Act* (HPA) and final *Hazardous Products Regulations* (HPR) came into force, bringing the GHS to Canada. The system is now referred to as “WHMIS 2015”

- The original system is called “WHMIS 1988”
- The *Controlled Products Regulations* and *Ingredient Disclosure List* have been repealed

The GHS is a common, internationally consistent approach to:

- **Classify** chemicals according to their hazards, and
- **Communicate** hazard information through labels and safety data sheets (SDS)

WHMIS 2015 meets a key RCC objective to create a system that allows, to a great extent, Canadian and United States (US) requirements to be met through the use of a single label and SDS for each hazardous product

- Variations occur only where essential to maintain current worker protections or due to Canadian legal requirements
- All Canadian requirements must be met for products sold or imported in Canada
• Health Canada and US Occupational Safety and Health Administration (OSHA) have worked collaboratively to keep the variances between the two countries to a minimum.

Now possible under WHMIS 2015 to meet both Canadian and U.S. Requirements using a Single Label and Single SDS for each Hazardous Product

• Under WHMIS 2015, you must comply with the requirements under HPR. It is not sufficient to only comply with Hazard Communication Standard (HCS) 2012 requirements.
Two groups of GHS hazard classes are adopted in WHMIS 2015:

- **Physical Hazard Classes**: Classification criteria for substances and mixtures based on available test data

- **Health Hazard Classes**: Classification criteria for substances and classification criteria and specified approach for mixtures

The GHS Environmental Hazard Classes are not adopted in WHMIS 2015

Hazard Classes are also subdivided into Categories
The HPR implement changes in five general areas:

- New physical and health hazard classification criteria
- New approach (or manner) by which the hazard classification criteria are applied to substances and mixtures when making classification decisions
- New content and format requirements for supplier labels
- New content and format requirements for SDSs
- Changes to the exemptions and other new requirements
WHMIS Exclusions

- WHMIS covers hazardous materials in all Canadian workplaces with the following exceptions:

  - **Explosive** as defined in section 2 of the *Explosives Act*
  - **Cosmetic, device, drug or food** as defined in section 2 of the *Food and Drugs Act*
  - **Pest control product** as defined in subsection 2(1) of the *Pest Control Products Act*
  - **Nuclear substance**, within the meaning of the *Nuclear Safety and Control Act*, that is radioactive
  - **Hazardous waste**, being a hazardous product that is sold for recycling or recovery or is intended for disposal
  - **Consumer product** as defined in section 2 of the *Canada Consumer Product Safety Act*
  - **Wood or product made of wood**
  - **Tobacco or tobacco products** as defined in section 2 of the *Tobacco Act*
  - **Manufactured articles** as defined in section 2 of the HPA
Purpose of transition

- To allow adequate time for stakeholders to adjust to the new system
- To move old labels and safety data sheets out of the supply chain and workplaces in a predictable and consistent manner across Canada

Approach

- To give suppliers, employers and workers time to adjust to the new system, the implementation of the GHS will take place gradually, over a three-stage transition period.
# WHMIS 2015 Transition

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<th>Phases</th>
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<td>June 1, 2017 to May 31, 2018</td>
<td>WHMIS 2015</td>
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<td>WHMIS 1988 or WHMIS 2015*</td>
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<td>Phase 3</td>
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<td>Completion</td>
<td>December 1, 2018</td>
<td>WHMIS 2015</td>
<td>WHMIS 2015</td>
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*Consult your jurisdiction for requirements and transition timelines.
WHMIS-2015 (GHS) is a new system:

• Communication and education are key and will be standard approach in the beginning.

• Health Canada will react to issues of non-compliances, and seek voluntary compliance in most cases.

• During transition, when both WHMIS-1988 and WHMIS-2015 are acceptable, enforcement actions are only possible under WHMIS-2015.

  • ie – in the case of a non-compliance with WHMIS-1988, where voluntary compliance is not achieved, the supplier/employer would be required to comply with WHMIS-2015
Health Canada is developing technical guidance for WHMIS suppliers to comply with the new WHMIS 2015 regulatory regime.

Health Canada recently solicited input from stakeholders on guidance priorities.

Stakeholders found the WHMIS 2015 information on the website helpful, but detailed guidance is necessary.

General comments received:
- Need for further guidance on SDSs, labels, exemptions
- Include references to HCS 2012 and the GHS Purple Book, to guide users with respect to classification
- Provide practical examples where possible to illustrate concepts
The guidance will cover the HPA and the HMIRA, including:

- The requirements of WHMIS 2015
- WHMIS 2015 elements that vary from either the GHS or the US HCS 2012
- Transition from WHMIS 1988 to WHMIS 2015
- The protection of confidential business information under the HMIRA

The technical guidance is expected to be updated at regular intervals

- Working with stakeholders to meet their needs
- Reflecting future GHS revisions captured in the HPR
A priority for Health Canada is to provide useful, broadly-accessible information and guidance on WHMIS and the HPR (GHS)

Health Canada’s approach to guidance and awareness will be founded on effective communication with WHMIS stakeholders

- Enhancing awareness and promoting compliance with the new regulatory requirements (HPR)
- Raising awareness of stakeholder roles and responsibilities
- Identifying key milestones during transition
- Bringing stakeholders together to preserve national consistency
Existing Resources

- Health Canada has re-launched WHMIS.gc.ca, explaining WHMIS 2015 and transition requirements while maintaining guidance on WHMIS 1988:
  - Basic information on SDSs, Labels, Exemptions, Transition, Canada/U.S. variances
  - Information available for WHMIS 1988 and WHMIS 2015 (GHS)

- WHMIS.org and SIMDUT.org have been created
  - a central portal to resources across Canada
  - a collaboration of Health Canada, Canadian Centre for Occupational Health and Safety (CCOHS) and the Federal/Provincial/Territorial (FPT) occupational health and safety (OHS) regulators

- In collaboration with the CCOHS, Health Canada has released several educational products related to the implementation of the GHS in Canada
  - Updated e-course: WHMIS 2015 for Workers (March 2015)
  - Fact Sheets reflecting the regulatory requirements (March 2015)
In August 2014, Prime Minister Harper and President Obama announced the next phase of the RCC, through a Joint Forward Plan.

Health Canada and US OSHA have prepared a Regulatory Partnership Statement and a Work Plan for workplace chemicals.

Through the next phase of the RCC, Health Canada and US OSHA will:
- Continue to reduce and prevent Canada-US variances through on-going collaboration on guidance materials.
- Establish mechanisms to develop common Canada and US positions at international discussions and to report on outcomes.
- Develop an approach to synchronize implementation of future GHS updates.
- Continue to engage stakeholders in planning and priority-setting.
CBI mechanism in Canada

If a supplier or employer does not want to disclose a trade secret on their (M)SDS/label, then they may file for a claim for disclosure exemption.

Possible claims for exemption under the *Hazardous Materials Information Review Act* (HMIRA):

**Supplier or employer:**
- the chemical identity or concentration of an ingredient, substance or material
- the name of a toxicological study that identifies an ingredient, substance or material

**Employer may also include:**
- the chemical, common, generic, trade or brand name of the hazardous product, or
- information that could be used to identify the supplier
Confidential Business Information (aka trade secret)

How the process works:
Supplier or Employer (claimant) must first apply for an exemption:

- Claimant must submit an application package containing:
  i. Completed application forms
  ii. Copy of the (M)SDS and/or label
  iii. 100% composition of the product
  iv. Payment information

- If claimants have supporting information (e.g. toxicological studies) to be used for the review of the claim validity and/or the compliance of the (M)SDS and/or label, they must also submit it

- A HMIRA Registry Number (RN) is assigned to the product within 7 days of the receipt of a complete application package
Supplier claims: WHMIS 2015 (GHS) SDS for all claims submitted as of June 1, 2016.

Employer claims: WHMIS 2015 (GHS) SDS for all claims submitted as of December 1, 2017.

Before then, claims for exemption will be assessed under the system under which the (M)SDS is submitted with priority given to the assessment of claims filed under WHMIS 1988.
Next Steps

- Consequential amendments of FPT OSH legislation and regulations.

- Health Canada is developing guidance for all stakeholders and is supporting the development of worker training materials.

- Health Canada will follow trends of non-compliances and develop Compliance Promotion Material as needed.

- Continue to work with US OSHA to harmonize both systems to the extent possible.
To obtain further information

- Consult WHMIS.org for the most recent updates on WHMIS 2015 implementation and resources across Canada

- Canadian Centre for Occupational Health and Safety (CCOHS)
  - Website: www.ccohs.ca
  - Phone: 1-800-668-4284

- Workplace Hazardous Materials Bureau, Health Canada
  - Website: www.hc-sc.gc.ca or www.WHMIS.gc.ca
  - Email: whmis_simdut@hc-sc.gc.ca
  - Phone: 1-855-407-2665 (Toll-free)