

# ALERT: Final Regulations to Implement the GHS in Canada Published



On Feb. 11, 2015, the federal government published the final *Hazardous Products Regulations* (HPR), which implement the UN's Globally Harmonized System (GHS), an international system for classifying and labelling chemicals. The new WHMIS, called 'WHMIS 2015,' is based on the new requirements contained in the HPR and *Hazardous Products Act*, as amended in 2014. It doesn't replace the original WHMIS (WHMIS 1988) but rather updates the laws to align as closely as possible with the US version of GHS (*Hazard Communication Standard* 2012). Although WHMIS 2015 includes new criteria for hazard classification and new requirements for labels and safety data sheets (SDSs), the basic roles and responsibilities for suppliers, employers and workers haven't changed. Here's a look at WHMIS 2015 and its impact on Canadian employers.

## WHMIS 2015

**Employer Duties:** The HPR include changes that will primarily impact manufacturers, importers and distributors of hazardous products, especially in the initial transition to WHMIS 2015. But there are also changes that will impact Canadian employers in terms of protecting their workers. Under WHMIS 2015, employers will still have a duty to:

- Educate and train workers on the hazards and safe use of products;
- Ensure that hazardous products (formerly called 'controlled products') are properly labelled;
- Prepare workplace labels and SDSs (which replace material safety data sheets or MSDSs) when necessary; and
- Provide access for workers to up-to-date SDSs and labels.

**Key Changes:** There are some key changes in WHMIS 2015 that employers need to know about:

**Classification.** Employers should be aware that there are:

- New hazard class names. For example, Class A 'Compressed Gases' is now called Gases under Pressure;
- New classification rules or criteria; and
- Some new hazard classes, such as Aspiration Hazard.

These changes mean that the hazards of products may be described differently. And some products that weren't previously classified as hazardous may now be

considered hazardous and so subject to WHMIS 2015 requirements.

**Labels.** New requirements for supplier labels include standardized pictograms, signal words, hazard statements and precautionary statements. Supplier labels must be in both English and French.

Employers must provide labels for all hazardous products used in the workplace. *Workplace* labels must include:

- The hazardous product name (matching the product name on the SDS);
- Safe handling precautions, which may include pictograms or other supplier label information; and
- A reference to the SDS (if available).

Labels must be updated when significant new data becomes available. Such data must be provided separately until the update is complete.

**SDSs.** Under WHMIS 2015, SDSs follow a standard 16-section format. There are some new information requirements, such as inclusion of the WHMIS 2015 classification, hazard statements and other label elements in Section 2. Suppliers must provide SDSs in both English and French. And employers must ensure that workers have access to SDSs for all hazardous products used in the workplace. As with labels, SDSs must be updated when significant new data becomes available'not every three years. Such data must be provided separately until the update is complete.

**Education and training.** Employers are required to educate and train workers on WHMIS 2015. Because WHMIS 2015 SDSs and labels for products originating within and outside of Canada will share common elements, education and training will be simplified. Employers should revise existing WHMIS 1988 training programs, in consultation with the JHSC, to include:

- New hazard pictograms;
- New hazard classes;
- New labels and their required elements, such as signal words;
- The meaning of all signal words and hazard statements found on labels and SDSs in the workplace, such as 'Danger. May cause cancer';
- New SDS format and how to locate information needed to work safely with a product; and
- Worksite-specific training to ensure that workers are aware of the hazards of specific hazardous products in their workplace, and the procedures and other measures to work safely with those products.

**Key Dates:** Although the new HPR are in effect now, a multi-phase transition period will give all impacted parties time to adapt to the new HPR. Initially, manufacturers, importers and distributors of hazardous chemicals can comply with either WHMIS 1988 or the new WHMIS 2015. But as of June 1, 2017, manufacturers and importers *must* comply with the HPR requirements.

Federally-regulated employers will also be able to transition gradually to WHMIS 2015. As of **Dec. 1, 2018**, employers must comply with the new requirements. But if on that date they have products in their workplaces that meet the old WHMIS 1988 requirements, they'll have until **May 31, 2019**, to use those products. However, as of **June 1, 2019**, *all* products in federally-regulated workplaces must comply with the new requirements. But employers can expect to start seeing the

new labels and SDSs for hazardous products within the next few years. Thus, it's a good idea for federally-regulated employers to become familiar with the new employer requirements *now* and start preparing to comply with them by Dec. 2018.

***Insider Says:*** The transition periods for employers *not* regulated by the federal government will be established by the provinces and territories, which must change their OHS regulations to reflect the new WHMIS 2015 requirements.

### **ANALYSIS**

For more information, go to Health Canada's new, nationally coordinated information portal, [WHMIS.org](http://WHMIS.org).