

From WHMIS to GHS: How to Get Safety Data Sheets & Supplier Labels from Your Chemical Suppliers



WHAT'S AT STAKE

For decades, the Material Safety Data Sheet (MSDS) binder and WHMIS supplier label have been the face of WHMIS compliance. You'll still need labels and a binder once the new GHS rules take full effect on December 1, 2018. But on that date, the MSDS itself will become extinct to be replaced by the new GHS Safety Data Sheet (SDS); ditto for the WHMIS supplier label.

The employer's mission: Ensure that you have a complete, proper and up-to-date supplier label and SDS for each controlled product (which will now be referred to as 'hazardous product') used, stored or handled in your workplace by December 1. (**Note:** Between now and the deadline, you can use an MSDS *or* SDS and an old or new supplier label as explained below.)

GETTING THE SDS & SUPPLIER LABELS YOU NEED

Question: Where will you get the new SDS and supplier labels that you need to comply'

Answer: The same place you've gotten them in the past'namely, your supplier, i.e., the firm that sells you the hazardous product (unless, of course, you're among the small number of employers that actually prepare these materials yourself).

WHMIS rules require suppliers to furnish an MSDS/SDS and supplier labels to their customers when they first ship the product and revise the document every three years or within 90 days of discovering new information about the hazardous product or its properties affecting safety (180 days is the deadline for updating supplier labels). Suppliers, too, have to make the transition to the new GHS rules. Timetable:

- As of Aug. 31, 2018: Suppliers can provide EITHER an MSDS or SDS and an old or new supplier label as long as it's up to date, accurate and compliant with respective requirements; BUT
- Starting Sept. 1, 2018: Suppliers must provide an SDS and GHS supplier label *and only an SDS and GHS supplier label*.

EMPLOYERS' DUTY TO SEEK SDS & SUPPLIER LABELS FROM SUPPLIERS

Ideally, all your suppliers will cooperate and send you all the MSDS/SDS and supplier labels you need when you need them. But if a data sheet or label is missing, out of date, inaccurate or otherwise problematic, you can't just sit back and wait. You have to ask the supplier to send the MSDS/SDS and/or supplier label you need as soon as possible after discovering the problem. If the supplier doesn't respond, you may still be able to store the product for a period (usually 3 to 6 months), provided that you have a documented record showing you made reasonable efforts to get the MSDS/SDS and/or label from the supplier.

6 STEPS TO TAKE

Here's what you need to do to make an effective, timely transition from MSDS to SDS and from old WHMIS to new GHS supplier labels:

Step 1: Inventory all the chemicals you use in your workplace and determine if they're 'hazardous products' under federal law. Instructions: Look up a law called the *Hazardous Products Act*, and scroll down to Schedule 2 on the bottom. Look up, Schedule 2 of the *Hazardous Products Act*.

Step 2: Ensure that each hazardous product has a proper MSDS or SDS and supplier label listing all the required information for the respective document.

Instructions: Use the SDS Checklist to vet SDSs; use the OHSI Supplier Label Comparison Chart to identify the differences between old WHMIS and new GHS labels; use the GHS Supplier Label Checklist and GHS Pictograms graphic vet new supplier labels and ensure they comply.

Step 3: Contact your supplier as soon as possible if you discover a problem.

Problem	What to Request from Supplier
The supplier doesn't send MSDS/SDS and/or supplier label with original shipment	Ask supplier to send the SDS and/or supplier label
You have an MSDS, SDS or supplier label but discovers it's out of date (e.g., over 3 years old), inaccurate or otherwise non-compliant	Ask supplier to send a replacement SDS and/or supplier label that's up to date, accurate and compliant
You have a compliant MSDS and/or WHMIS supplier label but Dec. 1, 2018 is approaching and you need an SDS and/or GHS supplier label	Ask supplier to replace MSDS with SDS and/or old WHMIS supplier label with a GHS supplier label

Instructions: You should make the request in writing so you have a written record. According to guidance, simply leaving an email request on the supplier's website may not be enough to satisfy the 'reasonable efforts' standard. The

request must be direct and personally directed. You can adapt the OHSI Model SDS/Supplier Label Request form to create and ensure your request to suppliers lists all the key information, including:

- The date of your request;
- The supplier's name, address and contact information;
- How you sent the letter (e.g. fax, email, regular mail, certified mail);
- The name and title of the person to whose attention the request is sent;
- The name of the product for which you're requesting the MSDS/ SDS and/or supplier label;
- The date you received the shipment;
- The reason for your request, e.g., the MSDS was missing or needs to be replaced by an SDS.

Step 5: If the request is via phone or verbal, you'll need to create a written record documenting that it was made. Instructions: You can adapt the OHSI Model SDS/Supplier Phone Request form to create your request and ensure it lists all the key information.

- The date of the call or contact;
- The name of the product for which you're requesting the MSDS/SDS and/or supplier label;
- The date you received the shipment;
- The name of the supplier contacted;
- The telephone number contacted;
- The name and title of the person who made the call on behalf of your company;
- The name and title of the person your employee spoke with at the supplier;
- The reason for your request, e.g., the MSDS was missing or needs to be replaced by an SDS; and
- The supplier's response, e.g., whether the supplier sent the missing MSDS/SDS electronically, by fax or mail in response to your request or a revised MSDS/SDS was supplied with the incomplete information completed.

Have your employee print and sign their name to the document.

Step 6: Take follow-up steps in case you don't get a satisfactory response from your supplier. In Ontario, employers must advise an MOL director in writing if, after making reasonable efforts, they're unable to obtain an MSDS/SDS and/or supplier label from their supplier (Ontario *OHS Act*, Sec. 37(4)). Providing such notification to a government OHS officer is also sensible advice outside Ontario even if WHMIS laws don't expressly require it. Instructions: You can adapt the OHSI Model Notification of Reasonable Efforts to Obtain SDS/Supplier Label from Supplier form to create such a follow-up notification.