

# Notification Of Attempt to Acquire SDS/ WHMIS Label From Supplier



Revising, correcting, and replacing SDSs and WHMIS labels is a perennial challenge for OHS coordinators. There's also an immediate issue to consider. Starting January 1, 2026, all SDSs must comply with the revised GHS 7 requirements affecting the hazard information listed in Sections 9 and 14 of the document. Hopefully, the SDSs in your current binders and electronic systems are good to go. If not, you'll have to reach out to your suppliers for the new GHS 7-compliant versions much the way you did when the original GHS SDS and supplier label rules took effect back in 2018. If suppliers don't cooperate, you could be left out on a limb. To guard against liability for WHMIS violations, you'll need to be able to show that you took reasonable efforts to obtain the updated SDSs from your supplier. In Ontario, you must also notify the Ministry of Labour of those efforts. Notifying the government is also advisable even if you're not in Ontario.

While the current transition to GHS 7 is the immediate concern, these same principles apply any time you need to obtain missing, revised, or corrected SDSs and WHMIS labels from your suppliers. Here's a template government notification. Although based on Ontario law, you can easily adapt it for use in any jurisdiction.

**Notification to Ministry of Labour of Failed Attempts to**

## **Obtain SDS/WHMIS Supplier Label from Supplier**

[Company letterhead]

[Date]

Via Regular Mail

[MOL Director Name & Address]

**Re: Notification of ABC Company's failure to obtain WHMIS label and Safety Data Sheet from supplier despite reasonable efforts pursuant to *OHS Act*, Section 37(4)**

Dear MOL Director:

ABC Company is keenly aware of its obligation, as an employer, to ensure that all hazardous materials present in the workplace have a proper, up-to-date Safety Data Sheet (SDS) and supplier label in accordance with Ontario *OHS Act*, Section 37(1) and not allow anyone to handle, use, or store said materials unless and until such requirements are met.

However, Section 5(a) of the WHMIS regulation allows for storage of hazardous products received from a supplier without having a label on or obtaining an SDS for those products while the employer actively seeks such supplier label and SDS.

Finally, we understand that pursuant to Section 37(4) of the Act, the employer is required to notify the Director in writing if, after making reasonable efforts, it is still unable to obtain the required label or safety data sheet.

The purpose of this communication is to provide said notification. The following represent the material details:

**The Original Shipment:** On December 1, 2025, ABC Company received a shipment from HazChemsSupply, Inc. (HCS) containing 36 barrels of Chloroform, Technical Alcohol Free, a chemical designated as a hazardous product under the *Hazardous Product*

Act and associated regulations. With the shipment, HCS included a Safety Data Sheet (SDS) listing safety information about the product, including with regard to its physical and chemical properties in Section 9 of the SDS and transport in Section 14. However, the information listed corresponded to previous requirements for those respective Sections under the *Hazardous Product Regulations* rather than the revised GHS 7-based requirements that took effect on April 4, 2023.

**The First Request:** Recognizing that the deadline for employers to comply with the GHS 7 SDS requirements is January 1, 2026, I called HCS customer service representative Jane Roe that same day, December 1, to point out the problem and request that HCS send us a replacement GHS 7-compliant SDS as soon as possible. Ms. Roe assured me that the company would comply with our request within no later than 10 days. (A copy of a written memorandum to files documenting this conversation is attached to this letter as Exhibit A.)

**The Second Request:** We waited 10 days for the promised documents, but they did not arrive. So, on December 12, I called Ms. Roe to inquire. She apologized and promised the materials would be sent immediately. (A copy of a written memorandum to files documenting this conversation is attached to this letter as Exhibit B.)

**Subsequent Calls & Written Request:** But again, the promise went unfulfilled. On December 19, I again called Ms. Roe but was unable to reach her and had to leave a voice mail message that was never returned. Subsequently, I have been calling Ms. Roe at least once a day but with similar results. On December 20, I also put ABC Company's request for a revised SDS into the form of a written letter. (A copy of which is attached to this letter as Exhibit C.) Regrettably, that letter was never answered.

**Current Situation:** Despite our repeated attempts to contact them, ABC Company has had no contact with HCP since the

December 12 telephone conversation between myself and Ms. Roe referenced above. Thus, while we continue and will continue seeking to reach the company and obtain the SDS and supplier label, we have reached the point of concluding that our efforts have failed and necessitate providing the Director the required notice under Section 37(4) of the Act.

Thank you for your attention to this matter and we would welcome any guidance from you or the Ministry of Labour on how to proceed with this matter.

Very truly yours,

Ethel Lean

OHS Director

ABC Company

Signature: \_\_\_\_\_