

When Must an SDS Be Updated under WHMIS 2015?



SITUATION

An employer buys a hazardous product from a supplier. The supplier provides a safety data sheet (SDS) compliant with WHMIS 2015 requirements for the product. This sale is the only one between the two companies. Four years later, the employer is still using the product in its workplace. No significant new data has come to light about the hazard presented by the product. The supplier hasn't updated the product's SDS in the four years since the employer bought it. And the SDS at the employer's workplace is the same one that came with the original shipment of the product.

QUESTION #1

The supplier is required to update the SDS even if there's no new information about the product. True or False'

The correct answer is false.

Explanation: Under 'old' WHMIS (now called WHMIS 1988) suppliers were required to update MSDSs every three years'even if there was no new information about the product. In that event, the supplier would review the information on the MSDS to ensure that it was still accurate and then revise the MSDS so the date of preparation reflects the date the information was reviewed and verified. But under WHMIS 2015, SDSs must be updated only when there's significant new data about the hazard presented by the product. Here, because no such data has come to light about the product, the supplier isn't required to update its SDS.

QUESTION #2

If the supplier gets significant new data about the product, it must update the SDS within 90 days. True or False'

The correct answer is true.

Explanation: WHMIS 2015 requires suppliers to update an SDS within 90 days of 'significant new data' becoming available about the product. Under Sec. 5.12(1) of the *Hazardous Products Regulation*, 'significant new data' means new data regarding the hazard presented by a hazardous product that change:

- Its classification in a category or subcategory of a hazard class, or result in its classification in another hazard class; or
- The ways to protect against the hazard presented by the hazardous product.

When the hazardous product is sold during the interim 90-day period, the supplier must ensure that any purchaser of it is provided:

- A SDS that includes all information available at the time of the sale, with the exception of the significant new data; and
- The significant new data and the date on which they became available, in writing.

QUESTION #3

If the supplier *does* update the product's SDS, it must send the employer the revised SDS. True or False'

The correct answer is false.

Explanation: The law requires suppliers to provide an SDS for a product to a customer at the time of sale that contains the information that's available at the time of sale. It doesn't require a supplier to send an updated SDS to a prior customer. But if that customer buys the same hazardous product again *after* the supplier updates the SDS, the supplier must then give the customer the revised SDS reflecting the updated information. In this situation, because the employer hasn't bought the hazardous product again since the supplier revised its SDS, the supplier doesn't have to send the employer an updated SDS.

Insider Says: For more information on the SDS and other requirements under WHMIS 2015, download this special report, WHMIS 2015: What Canadian Employers Need to Know.