

New Substances Notification Advisory Note 2015-03

Replacement of definition of “Material Safety Data Sheet” under the *New Substances Notification Regulations (Chemicals and Polymers)* by the definition of Safety Data Sheet

This advisory note provides guidance concerning the replacement of the definition of Material Safety Data Sheet (MSDS) in the ***New Substances Notification Regulations (Chemicals and Polymers)*** (the Regulations), including guidance on the sections affected in the regulations and the *Guidelines for the Notification and Testing of New Substances (Chemicals and Polymers)* (the Guidelines).

Background

Canada and the United States have both committed to implement the Globally Harmonized System of Classification and Labelling of Chemicals (GHS). The implementation of the GHS will align the Canadian and American approaches to workplace hazardous chemicals while strengthening health and safety protection provided to Canadian workers by ensuring more effective and consistent hazard information is available to all workers, making it safer for them to do their jobs and easier for employers to stay competitive.

A key objective of the implementation of the GHS is to create a system that will allow the use of a single North American label and safety data sheet (SDS) for each hazardous product.

A transitional approach has been designed to gradually phase in the implementation of the GHS. This transitional approach also applies in relation to the new requirements of the Regulations that relate to the GHS.

While the new GHS requirements are already in force under the Regulations, a transitional period is provided during which importers and manufacturers of substances that are not on the *Domestic Substances List* may use a material safety data sheet, as this notion was defined in the Regulations before February 11th 2015, or a safety data sheet as defined in subsection 1(1) of the Regulations, to comply with these regulations. This transitional period applies until May 31, 2018. After this date, importer or manufacturers will have to use safety data sheet as defined in subsection 1(1) of the Regulations to comply with the regulations.

Update to the Material Safety Data Sheet definition

One of the major changes affecting the Regulations is replacing the current notion of “Material Safety Data Sheet” (MSDS) by the new notion of “Safety Data Sheet” (SDS) in various sections of the Regulations and the Guidelines to be consistent with the term defined in section 2 of the *Hazardous Products Act*.

1) *The Regulations:*

Section	Original Text	Replacement Text
Subsection 1(1)	“material safety data sheet”, in respect of a substance, has the same meaning as in subsection 11(1) of the <i>Hazardous Products Act</i> .	“safety data sheet”, in respect of a substance, has the same meaning as in section 2 of the <i>Hazardous Products Act</i> .
section 7 of Schedule 1	7. A material safety data sheet in respect of the chemical, if available.	7. A safety data sheet in respect of the chemical, if available.
section 12 of Schedule 3	12. A material safety data sheet in respect of the polymer, if available.	12. A safety data sheet in respect of the polymer, if available.
section 6 of Schedule 4	6. A material safety data sheet in respect of the chemical, if available.	6. A safety data sheet in respect of the chemical, if available.
section 12 of Schedule 9	12. A material safety data sheet in respect of the polymer, if available.	12. A safety data sheet in respect of the polymer, if available.

The term “item” has the same meaning as the term “section” in the information requirements of the different schedules.

2) *The Guidelines:*

Section	Original Text	Replacement Text
Subsection 6.2.2.2.12	<p>A.30 Material Safety Data Sheet (MSDS)</p> <p>All Schedules of the Regulations require that a Material Safety Data Sheet (MSDS) be provided if available.</p> <p>An MSDS, as defined in subsection 11(1) of the <i>Hazardous Products Act</i> and detailed in the <i>Controlled Products Regulations</i> must be provided if one has been prepared. If any of the information specified in section 6.6 of these Guidelines is described in sufficient detail on the MSDS, the appropriate section of the MSDS can be referred to in sections E1. and E2. of Appendix I of the NSN reporting form.</p>	<p>A.30 Safety Data Sheet (SDS)</p> <p>All Schedules of the Regulations require that a Safety Data Sheet (SDS) be provided if available.</p> <p>An SDS, as defined in section 2 of the <i>Hazardous Products Act</i> must be provided if one has been prepared. If any of the information specified in section 6.6 of these Guidelines is described in sufficient detail on the SDS, the appropriate section of the SDS can be referred to in sections E1. and E2. of Appendix I of the NSN reporting form.</p>

2) *The Guidelines (cont'd):*

Appendix 4 - Section 7 of Schedule 1	7. A material safety data sheet in respect of the chemical, if available.	7. A safety data sheet in respect of the chemical, if available.
Appendix 4 - Section 12 of Schedule 3	12. A material safety data sheet in respect of the polymer, if available.	12. A safety data sheet in respect of the polymer, if available.
Appendix 4 - Section 6 of Schedule 4	6. A material safety data sheet in respect of the chemical, if available.	6. A safety data sheet in respect of the chemical, if available.
Appendix 4 - Section 12 of Schedule 9	12. A material safety data sheet in respect of the polymer, if available.	12. A safety data sheet in respect of the polymer, if available.
Appendix 10 – Glossary and Acronyms	Material Safety Data Sheet , in respect of a substance, has the same meaning as in subsection 11(1) of the <i>Hazardous Products Act</i> .	Safety Data Sheet , in respect of a substance, has the same meaning as in section 2 of the <i>Hazardous Products Act</i> .
Appendix 10 – List of Acronyms	MSDS Material Safety Data Sheet	SDS Safety Data Sheet

The term "item" has the same meaning as the term "section" in the information requirements of the different schedules.

Coming into force

This change came into force on February 11, 2015.

Contact Information:

If you have any questions, please contact the Substances Management Information Line:

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You may also visit the New Substances Web site: <http://www.ec.gc.ca/subsnouvelles-newsubs/>

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Signed on March 12, 2015