

 Health Canada Santé Canada	Reference Manual for the WHMIS Requirements of the <i>Hazardous Products Act and Controlled Products Regulations</i>	Page: 28-1	Amended by: Effective:
Regulation, section, title/subject: CPR Section 28 - Identical Product Identifiers		Manual updated: 1996/03/31	

Identical Product Identifiers

28. The product identifier that is disclosed on the label of a controlled product or container in which a controlled product is packaged shall be identical to the product identifier that is disclosed on the material safety data sheet for the controlled product.

INTERPRETATION / DISCUSSION of SECTION 28

This section has been included to ensure that workers seeking more information for a particular controlled product at the work site will be able to locate the relevant MSDS.

In the case of a generic MSDS (see section 7 of the *CPR*), more than one product identifier may be disclosed on the MSDS as long as at least one of the names listed is the same as the product identifier on the label of the product.

The *CPR* specifies no analogous requirement for the “supplier identifier” to be disclosed on the MSDS and label in respect of a controlled product.



Revisions to Material Safety Data Sheets and Labels

29.(1) Where new information in respect of a controlled product or an ingredient of a controlled product becomes available, the supplier shall

(a) revise the material safety data sheet and the date thereof and, where applicable, the label of the controlled product; and

(b) in respect of the revised material safety data sheet and, where applicable, the revised label,

(i) in the case of the sale of the controlled product subsequent to the information becoming available, transmit the revised material safety data sheet and apply the revised label in accordance with section 13 of the Act, and

(ii) in the case of an importation of the controlled product subsequent to the information becoming available, obtain or prepare the revised material safety data sheet and apply the revised label in accordance with section 14 of the Act.

(2) Where no new information in respect of a controlled product or an ingredient of a controlled product becomes available in the three years following the date of preparation of a material safety data sheet of the controlled product, the supplier shall

(a) review the accuracy of the information disclosed on the material safety data sheet and, if necessary, revise the material safety data sheet and, where applicable, the label of the controlled product;

(b) revise the date of preparation disclosed on the material safety data sheet; and

(c) in respect of the revised material safety data sheet and, where applicable, the revised label of the controlled product,

(i) in the case of the sale of the controlled product after the revision of the material safety data sheet, transmit the revised material safety data sheet and, where applicable, apply the revised label in accordance with section 13 of the Act, and

(ii) in the case of an importation of the controlled product after the revision of the material safety data sheet, obtain or prepare the revised material safety data sheet and, where applicable, apply the revised label in accordance with section 14 of the Act.



INTERPRETATION / DISCUSSION of SECTION 29

Absence of sale: Section 13 of the *HPA* places a legal requirement on the Canadian supplier of a controlled product to transmit a MSDS as a condition of sale. (Section 14 of the *HPA* places a legal requirement on the Canadian importer of a controlled product to obtain or prepare a MSDS as a condition of importation.) There is no legal obligation on a supplier to provide an “updated” MSDS to a customer in the absence of a subsequent sale to that customer.

MSDS Archiving / Record keeping: The *HPA* does not require a Canadian supplier / Canadian importer to retain (“archive”) MSDSs for controlled products which they no longer sell / import. For a company to be in a better position to discuss with their customers any ongoing health and safety concerns, suppliers / importers may wish to ascertain over what period their customers use their product subsequent to a given purchase or, for example, a distributor retains the company’s product in the distributor’s inventory for subsequent sales. Those marketing controlled products in Canada may also wish to seek advice from their legal advisor.

Subsection 29(1):

All information disclosed on MSDSs and labels, whether it be directly related to health and safety or other information such as, for example, the supplier identifier, must be accurate at the time of sale of the controlled product.

In some cases, new information may become available, for example, as a result of further testing of the product. Revisions to the MSDS and/or label are expected to be made only if the new information is meaningful with respect to health and safety. Thus the supplier will be required to judge the significance of the new information in relation to health and safety.

On all sales or importations of the product subsequent to the new information becoming available, the new label must be applied and the new MSDS must be sent. There is no obligation on the supplier to send the updated label or MSDS to previous customers if there is no subsequent sale.¹

If changes to a previously issued MSDS are not identified, it is difficult for employers and workers to determine if there have been any significant changes. Changes that have been made to a previously issued MSDS, therefore, need to be identified on the revised MSDS. It is anticipated that the *CPR* will

¹At present, the supplier is not obliged to send the updated MSDS (and label if applicable) to previous customers in the absence of subsequent sales. It has subsequently been agreed, however, that suppliers, other than retail outlets, shall notify all customers who had purchased a controlled product in the previous 12 months of any significant new hazard information concerning the controlled product. The *HPA* would be amended to authorize the making of regulations to implement this requirement. Model OSH and corresponding provincial and federal WHMIS regulations would be amended accordingly. The method of providing the new information would be at the discretion of the supplier; while the information may be provided by way of a MSDS, it may also be done by letter. The communication would have to identify which controlled products are subject to the new information; {ref.: PIS No. 79}.



Health
Canada Santé
Canada

Reference Manual for the WHMIS
Requirements of the
*Hazardous Products Act and
Controlled Products Regulations*

Page:

29-3

Amended by:

Effective:

Regulation, section, title/subject:

CPR Section 29 - Revisions to Material Safety Data Sheets and Labels

Manual updated:

2003/06/06

be amended to require that changes to a previously issued MSDS be identified. Although not explicitly required, suppliers may also wish to disclose the date of the previously issued MSDS. Until the *CPR* are formally amended, suppliers may still wish to identify changes. The ANSI Standard "Z400.1, Hazardous Industrial Chemicals--MSDS--Preparation", addresses the topic of "Revision Indicators". The standard includes some example methods of indicating MSDS revisions; {ref.: PIS No. 79}.

Subsection 29(2):

Suppliers are prohibited from supplying MSDSs that have a MSDS preparation date exceeding three years (3 X 365 days) prior to the sale or importation of a controlled product. Thus, if a supplier has not changed any information on his/her MSDS for three years, he/she must review that information to ensure that it is still accurate and that there is no new available and applicable information that should be disclosed.

If there is new information, it must be disclosed on the MSDS and, if applicable, the label of the product. Whether or not there is new information, the MSDS must be revised so that the date of preparation reflects the date the information was reviewed.



Regulation, section, title/subject:

CPR Section 30 - Provision of Information

Manual updated:
1996/03/31

Provision of Information

30.(1) Any supplier who sells or imports a controlled product intended for use in a work place in Canada shall provide, as soon as is practicable in the circumstances, any information in respect of the controlled product that is referred to in paragraph 13(a) of the Act and is in the possession of the supplier to any physician or nurse who requests that information for the purpose of making a medical diagnosis of, or rendering medical treatment to, a person in an emergency.

(2) Any physician or nurse to whom information is provided by a supplier pursuant to subsection (1) shall keep confidential any information specified by the supplier as being confidential except for the purpose for which it was provided.

INTERPRETATION / DISCUSSION of SECTION 30

This section ensures that all information that is required to be disclosed under the *HPA* and that is in a supplier's possession is provided to a physician or nurse in a medical emergency. If a supplier has filed a claim or has an exemption under the *Hazardous Materials Information Review Act*, he/she must still provide that information in an emergency.

If the physician or nurse receives this information in confidence by the supplier, they must maintain the confidentiality of the information. If they betray that confidence, they will, if convicted, be subject to the penalties listed in subsection 28(1) of the *HPA*. (For the purposes of these Regulations, the term "nurse" is defined in subsection 2(1) of the *CPR*.)



Health Canada Santé Canada

Reference Manual for the WHMIS
Requirements of the
*Hazardous Products Act and
Controlled Products Regulations*

Page:

31-1

Amended by:

Effective:

Regulation, section, title/subject:

CPR Section 31 - Provision of Information

Manual updated:

1996/03/31

31. Subject to the *Hazardous Materials Information Review Act*, a supplier who sells or imports a controlled product intended for use in a work place in Canada shall identify as soon as is practicable in the circumstances, on the request of an inspector, any person to whom a controlled product is sold or any user of a controlled product, the source of information for any toxicological data used in the preparation of any material safety data sheet that has been transmitted by the supplier to any person pursuant to paragraph 13(a) of the Act or has been obtained or prepared by the supplier pursuant to paragraph 14(a) of the Act.

INTERPRETATION / DISCUSSION of SECTION 31

Under paragraph 11(1)(b) of the *Hazardous Materials Information Review Act*, a supplier may claim an exemption from disclosing "the name of any toxicological study that identifies any ingredient of a controlled product." If a supplier does not have such an exemption and an inspector, purchaser or worker who uses a controlled product requests the source of information for toxicological data stated on an MSDS, the supplier must provide that information.