



Health Canada Santé Canada

Workplace Hazardous Materials Information System



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

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

This manual is issued primarily to provide direction to those who are concerned with the administration and enforcement of the federal supplier MSDS and labelling requirements of Canada's Workplace Hazardous Materials Information System (WHMIS) established under the *Hazardous Products Act (HPA)* and associated *Controlled Products Regulations (CPR)*. The manual is intended to ensure a common understanding and approach in the administration of the Act and Regulations across Canada and provides guidance on the legal requirements of the *HPA* and *CPR*.

WHMIS on the Web

www.hc-sc.gc.ca/whmis

The utility of the reference manual will be enhanced by referring to the index. Much of the information posted in html on the WHMIS section of the Health Canada website has been incorporated into the "Interpretation / Discussion" portion of the manual.

WARNING NOTE

**Users of this manual
are reminded that it is prepared for
convenience of reference only and that, as
such, it has no official sanction.**

Introduction to the Health Canada Reference Manual

for the WHMIS Requirements of the

Hazardous Products Act and Controlled Products Regulations

The Workplace Hazardous Materials Information System (WHMIS) is a national information system designed to protect Canadian workers by providing safety and health information about hazardous workplace materials. The key elements of WHMIS are cautionary labelling of containers of hazardous materials, the provision of material safety data sheets (MSDSs) and worker education programs. The system balances the worker's right to know with industry's right to protect confidential business information. To this end, WHMIS includes a mechanism for ruling on claims for exemption from disclosure of confidential business information on labels and MSDSs as well as appeals to these rulings.

Consensus process:

WHMIS was developed through a consensus process with representation from industry, organized labour, and federal, provincial and territorial governments. Their mutual objective was to reduce the occurrence of illness and injury caused by hazardous materials in the workplace. The consensus agreements of the original WHMIS participants are reflected in the Report of the Project Steering Committee. This report was submitted to the Deputy Minister of Labour Canada in April 1985.

The legislation and regulations which were passed subsequent to this report reflect a further consensus amongst WHMIS stakeholders. However, often because of legal considerations, the wording which appears in the regulations differs from that proposed in the Steering Committee report. Where appropriate, portions of this report have been quoted in this manual to illustrate the intent of the original WHMIS participants.

Bill C-70, passed by the House of Commons on June 30 1987, established the federal requirements of WHMIS through amendments to the *Hazardous Products Act (HPA)*, and the *Canada Labour Code*. This bill also established the *Hazardous Materials Information Review Act (HMIRA)*. The amendment to the *HPA* established the authority for the *Controlled Products Regulations* and the *Ingredient Disclosure List*. Complementary occupational safety and health requirements were implemented by each provincial and territorial government.

Hazardous Products Act (HPA):

The *HPA* requires suppliers of hazardous workplace materials, known as "controlled products", to label containers and provide detailed hazard information through material safety data sheets (MSDSs) as a condition of sale and importation. The *HPA* specifies which ingredients of a controlled product are subject to disclosure on the MSDS. There are four

categories of ingredients in controlled products whose identity and concentration must always be disclosed on a MSDS unless the supplier or importer has a specific exemption from such disclosure under the *Hazardous Materials Information Review Act* or under the *Controlled Products Regulations*. These four categories of ingredients are stated in subparagraphs 13(a)(i) to (iv) of the *HPA*.

Controlled Products Regulations (CPR):

If a product, material or substance meets any of the criteria in Part IV of the *CPR*, (sections 34 - 66), that product is a controlled product. The *CPR* specify the content of the supplier label and MSDS as well as the conditions for exemptions.

Ingredient Disclosure List (IDL):

Subparagraph 13(a)(ii) of the *HPA* states that "where the controlled product contains an ingredient that is included in the *Ingredient Disclosure List* and the ingredient is in a concentration equal to or greater than the concentration specified in the *Ingredient Disclosure List* for that ingredient, the chemical identity and concentration of that ingredient" must be disclosed on the MSDS.

Occupational Safety and Health WHMIS Regulations:

Complementary provincial, territorial and federal occupational safety and health legislation requires employers to provide labels, MSDSs and worker education and training programs. To ensure national consistency, each provincial, territorial and federal occupational safety and health (OSH) agency implemented the provisions of an agreed upon "model" OSH regulation.

Hazardous Materials Information Review Act and Regulations (HMIRA/HMIRR):

The *HMIRA* established a Commission to rule on claims and appeals related to exemptions from disclosure of confidential business information. The *HMIRR* contain the criteria for determining the validity of a claim for exemption.

Excluded products:

At present, the WHMIS requirements of the *HPA* do not apply to the following categories of products: explosives within the meaning of the *Explosives Act*; cosmetics, devices, drugs or food within the meaning of the *Food and Drugs Act*; pest control products within the meaning of the *Pest Control Products Act*; radioactive nuclear substances within the meaning of the *Nuclear Safety and Control Act*; hazardous waste; consumer restricted products under the *HPA*; wood, or products made of wood; tobacco, or products made of tobacco; and manufactured articles. These exclusions are under review.

Current Issues Committee:

Section 19 of the *HPA* requires that the Minister consult with the government of each province and with organizations representative of workers, employers and suppliers regarding amendments to

the *Controlled Products Regulations*. The multi-stakeholder WHMIS Current Issues Committee (CIC), chaired by Health Canada, provides a forum for this consultation. The CIC, which operates on an ongoing consensus basis, also serves as the forum for the continuing development and application of WHMIS.

Policy Issue Sheets:

Many of the interpretations cited in the WHMIS Reference manual reflect consensus agreements of the CIC which, in turn, were incorporated into Policy Issue Sheets (PISs). All of the relevant information from the PISs issued up to August 2000 have been incorporated into this manual. The agreements reflected in the PISs had previously been summarized in WHMIS Information Bulletins published by the Product Safety Bureau. Many of the issues dealt with through the PISs are reflected in the frequently asked questions (“FAQs”) on the Health Canada website.

Compliance Mechanism:

Enforcement of the WHMIS requirements of the *HPA/CPR* is done by the provinces, territories and Human Resources Development Canada (formerly Labour Canada) who carry out inspection programs.


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