Health Canada Santé Canada

Guidance Document

Joint Health Canada and United States Occupational Safety and Health Administration Guidance*

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Canada

* In case of discrepancy between this document and the Canadian federal Acts or Regulations referenced in this document, the official versions of the Acts or Regulations will prevail.

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1. Introduction

The Canada – United States (U.S.) Regulatory Cooperation Council (RCC) was created in 2011 to reduce unnecessary differences between regulatory frameworks and better align the two countries' regulatory approaches, where possible. Under a Canada – U.S. Memorandum of Understanding, a commitment was made under the 2016-17 RCC work plan for workplace chemicals to "prevent and reduce variances, while respecting the legislative and regulatory requirements of each country and without reducing or compromising worker health and safety". Canada and the U.S. have developed joint guidance on labelling requirements for hazardous products under the Canadian *Hazardous Products Regulations* (HPR) and the U.S. Hazard Communication Standard (HCS) 2012.

This guidance document contains three areas of focus:

- Joint Occupational Safety and Health Administration / Health Canada Guidance on Regulatory Processes for Hazardous Products in the Workplace
- Joint Occupational Safety and Health Administration / Health Canada Comparison of Labelling Requirements for Hazardous Products
- Joint Occupational Safety and Health Administration / Health Canada Guidance on Labelling Pictogram for Hazards Not Otherwise Classified, Physical Hazards Not Otherwise Classified and Health Hazards Not Otherwise Classified

This document was developed as a collaboration between Health Canada and the U.S. Occupational Safety and Health Administration.

2. Purpose

The purpose of this guidance document is to assist suppliers in meeting the requirements in Canada and the U.S for hazard classification.

3. Scope

This guidance document applies to any hazardous products that are intended for use, handling or storage in a workplace subject to the *Hazardous Products Act* (HPA) and its regulations.

Note: This guidance document does not apply to any

i. nuclear substance, within the meaning of the *Nuclear Safety and Control Act* that is radioactive,
ii. hazardous waste, being a hazardous product that is sold for recycling or recovery or is intended for disposal,
iii. tobacco or a tobacco product as defined in section 2 of the *Tobacco and Vaping Products Act*,
iv. manufactured article, or
v. anything listed in Schedule 1 of the HPA, namely
    a. any pest control product as defined in subsection 2(1) of the *Pest Control Products Act*,
    b. any explosive as defined in section 2 of the *Explosives Act*,
    c. any cosmetic, device, drug or food, as defined in section 2 of the *Food and Drugs Act*,
    d. any consumer product as defined in section 2 of the *Canada Consumer Product Safety Act*, or
    e. any wood or product made from wood.

4. Policy Objectives

Canada and other international partners, including the U.S. and the European Union, have worked together to develop a single, globally harmonized system to address classification of chemicals according to

their hazards and communicate the related information through labels and safety data sheets which is known as the Globally Harmonized System of Classification and Labelling of Chemicals (GHS). The following guidance documents are meant to assist suppliers in meeting requirements in Canada and the U.S. for hazard classification.

5. Definitions

Hazardous products (as per the HPA) means any product, mixture, material or substance that is classified in accordance with the regulations made under subsection 15(1) in a category or subcategory of a hazard class listed in Schedule 2.

Label (as per the HPA) means a group of written, printed or graphic information elements that relate to a hazardous product, which group is designed to be affixed to, printed on or attached to the hazardous product or the container in which the hazardous product is packaged.

Safety data sheet (SDS) (as per the HPA) means a document that contains, under the headings that, by virtue of the regulations made under subsection 15(1), are required to appear in the document, information about a hazardous product, including information related to the hazards associated with any use, handling or storage of the hazardous product in a work place.

Work place (as per the HPR) means a place where a person works for remuneration.

6. Joint Occupational Safety and Health Administration / Health Canada Guidance on Regulatory Processes for Hazardous Products in the Workplace

This joint guidance provides an overview of how hazard classification, hazard communication and worker education and training requirements are regulated at the federal, provincial, territorial levels in Canada and state levels in the U.S. The roles and responsibilities of suppliers (including manufacturers, importers and distributors), employers and workers with regard to providing health and safety information and ensuring the safe handling and use of hazardous products in the workplace are described.

6.1 Comparison of U.S. and Canada's Regulatory Process for Hazardous Products in the Workplace

Level of government or responsible party	**United States**	**Canada**
Federal	Occupational Safety and Health Administration's HCS sets the labeling, SDS, and training requirements for chemical manufacturers, importers, distributors, and employers who produce, import, and use hazardous chemicals in the workplace in	The HPA and the HPR set the labelling and SDS requirements for suppliers and importers who sell or import hazardous products intended for use, handling or storage in workplaces in Canada.

	the United States.	
Provincial/ Territorial/State	Occupational Safety and Health Administration-approved State Plan states set the requirements in their respective states or territories for manufacturers, importers, distributors, and employers who produce, import, and use hazardous chemicals in the workplace. State Plan states must have a hazard communication standard that is identical to, or at least as effective as the federal Occupational Safety and Health Administration HCS, and must not unduly burden interstate commerce.	Federal, provincial and territorial Occupational Safety and Health (OSH) legislation and regulations outline the rights and responsibilities of the employer and the worker, and the requirements for training. OSH regulations are based on a common model regulation, the Workplace Hazardous Materials Information System (WHMIS) Model OSH regulation, which is aligned with the HPA and the HPR.
Suppliers	Chemical manufacturers and importers must evaluate the hazards of the chemicals they produce or import, and prepare labels and SDSs to convey the hazard information to their downstream customers. Suppliers (distributors) who sell hazardous products must provide HCS-compliant labels and SDSs to downstream customers.	Under the HPA, manufacturers, importers or distributors of a hazardous product, are all considered suppliers. Suppliers who sell hazardous products must provide HPR-compliant labels and SDSs. Suppliers who import hazardous products must obtain or prepare HPR-compliant SDSs, and ensure that the products have HPR-compliant labels.
Employers	Employers must prepare and implement a written hazard communication program, ensure that labels are on containers, maintain and provide access to SDSs for all hazardous chemicals in their workplace, and inform and train workers on the hazards of the chemicals in their work areas, including how to identify and control hazards, and to protect themselves.	Employers must ensure that all workplace hazardous products are labelled, SDSs are available to workers, and employees are trained on WHMIS. All employees must be educated and trained to understand the hazards of each product and how to work safely with the hazardous products to ensure their own protection and the protection of their co-workers.
Workers	Workers must receive information and training provided by their employer on hazardous chemicals in their work area.	Workers must participate in WHMIS education and training programs, take necessary steps to protect themselves and their co-workers, and participate in identifying and controlling hazards.

7. Joint Occupational Safety and Health Administration / Health Canada Comparison of Labelling Requirements for Hazardous Products

This joint guidance identifies the required information elements for labels under the HPR and the HCS 2012, as well as the requirements concerning label layout, legibility, durability, language requirements, supplemental information and other requirements. Canadian and U.S. requirements may be met using a single label and SDS for each hazardous product.

7.1 Label Comparison for Shipped Containers

<table>
<tr><th>Requirement</th><th>United States HCS 2012</th><th>Canadian HPR</th></tr>
<tr><td>Product identifier</td><td colspan="2">Required, and must be identical to the product identifier on the safety data sheet.</td></tr>
<tr><td>Signal word</td><td colspan="2">Required. If both “danger” and “warning” are attributed to the product’s classification, only “danger” may appear. Repetition of the signal word is not permitted.</td></tr>
<tr><td rowspan="2">Pictogram</td><td>All pictograms attributed to the product’s classification must appear together, with some exceptions as outlined in C.2.1.

Pictograms must have a white background with a red border on shipped containers.</td><td>All pictograms attributed to the product’s classification must appear as set out in Schedule 3 of the HPR, with some exceptions outlined in subsection 3.6(3).

Pictograms must have a white background with a red border, with the exception of the pictogram for Biohazardous Infectious Materials (BIM).

The HPR has a required pictogram for BIM that is unique to Canada.</td></tr>
<tr><td colspan="2">The use of the environmental hazard pictogram from the GHS is not prohibited.

Pictogram red borders without symbols are not permitted; however, a completely blacked out pictogram is allowed provided that the red border is entirely obscured.

Repetition of a pictogram is not permitted.</td></tr>
<tr><td>Hazard Statement</td><td colspan="2">All hazard statements that attribute to the product’s classification must be included.[1]</td></tr>
</table>

Requirement	United States HCS 2012	Canadian HPR
Hazard Statement (cont'd)	The hazard statements must be from the HCS, which is based on GHS Rev. 3 with the addition of simple asphyxiants, combustible dusts, and pyrophoric gases. Hazard statements from GHS Rev. 4 or later may be listed if appropriate as long as the statements do not cast doubt or contradict the required HCS information.	The wording of the hazard statement must be exactly the same as the wording in GHS Rev. 5 or Schedule 5 of the HPR for simple asphyxiants, combustible dusts and pyrophoric gases.
	"HNOC" is not required to be listed, but may be included as supplemental information.	The Physical Hazards Not Otherwise Classified , Health Hazards Not Otherwise Classified and BIM hazard classes do not have prescribed hazard statements, but appropriate statements must be provided by the supplier.
	The manufacturer/importer may omit information where it demonstrates it is inappropriate for the product.	Omission of hazard statements attributed to the product's classification is not permitted unless an exemption applies.
	Hazard statements can be combined if the combination conveys the same information as would have been conveyed by each of the individual statements.	
Precautionary Statements	Appropriate precautionary statements must be included that attribute to the product's classification.[1] The precautionary statement(s) prescribed by the adopted GHS revision must be provided. However, minor variations in the wording of precautionary statement(s) that do not affect the intended meaning of the statement(s) are acceptable.	

Requirement	United States HCS 2012	Canadian HPR
Precautionary Statements (cont'd)	Precautionary statements from GHS Rev. 4 or later are permitted, as long as the statements do not cast doubt or contradict the required HCS information. Supplemental precautionary statements are permitted as long as the statements do not cast doubt on or contradict the required HCS information. Where a product has multiple hazards and the precautionary statements are similar, the most stringent must be listed on the label.	The non-GHS hazard classes do not have prescribed precautionary statements, but appropriate statements must be provided by the supplier. Additional precautionary statements are permitted as long as the information is not false or misleading.
	Precautionary statements can be combined or omitted under specific conditions.	
Name, address, phone number, and responsible party [supplier identification]	The name, U.S. address and U.S. phone number, of the manufacturer, importer or distributor or other responsible party must be on the label. The information for the manufacturer, importer or distributor or other responsible party on the label must be identical to that on the safety data sheet. Foreign supplier information is permitted as long the U.S. manufacturer, importer or distributor or other responsible party's address and phone number is also listed.	The name, address and phone number of the initial Canadian supplier (manufacturer or importer) must be provided. The distributor's name, address and phone number can replace the initial supplier identifier. Supplier identifying information on the label must be identical to the identifier on the safety data sheet. Foreign supplier identifying information is additionally permitted. Foreign supplier identifying information is permitted as the only supplier identifier if the product is imported for use in the importer's own workplace.

Requirement	United States HCS 2012	Canadian HPR
Name, address, phone number, and responsible party [supplier identification], cont'd	The address must be either a mailing address (PO Box may be used) or the physical location of the company.	
Layout	No graphic layout requirements. Required pictogram(s), signal word and hazard statement(s) must be grouped together.	
Language	All information must be in English.	All information must appear in English and French.
	Other languages are permitted.	
Legibility	The label must be legible without the use of any device other than corrective lenses.	
Application requirements	The label must be clearly and prominently displayed on the immediate container.	The label must be clearly and prominently displayed on a surface that is visible under normal conditions of use.
Durability	Under normal conditions of transport and use, the label must remain affixed to, printed or written on, or attached to the immediate container and remain legible (e.g., not torn, defaced, destroyed).	Under normal conditions of transport and use, the label must remain affixed to, printed or written on or attached to the product or its container and remain legible. The exemption for small capacity containers (3 ml or less) allows for a removable label in situations where the label may interfere with the normal use of the product. In this case, the label is not required to remain attached to the hazardous product during normal conditions of use.

Requirement	United States HCS 2012	Canadian HPR
Supplemental information	If a chemical mixture is classified as acutely toxic for a particular route of exposure and contains ingredients of unknown acute toxicity for that particular route, then the following statement is required on the label: "X percent of the mixture consists of ingredient(s) of unknown acute toxicity."[2] Supplemental information is allowed to be on the label as long as it does not contradict or cast doubt on the required label information.	If the product is classified as an acute toxicant based on ingredient(s) for which the acute toxicity is known and the product contains ingredients of unknown acute toxicity, the following statement is required: "[Insert the total concentration in percentage of ingredients with unknown acute toxicity] % of the mixture consists of an ingredient or ingredients of unknown acute toxicity". The route of exposure should be included in the statement and the statement is required only for the route(s) of exposure with respect to which the hazardous product is classified. If a hazardous product is classified as an acute toxicant and, upon contact with water, it releases a toxic gas that meets the classification criteria for Water-Activated Toxicity, then a supplemental hazard statement is required to indicate that, in contact with water, the product releases gases which are fatal, toxic or harmful if inhaled.
Other requirements/obligations		Sale and import is prohibited if the product or its container has affixed to, printed on or attached to it information about the product that is false, misleading or likely to create an erroneous impression, with respect to the information that is required to be included in a label or safety data sheet for that hazardous product.

[1] With some exceptions in Canada.

[2] Classifiers may present the unknown acute toxicity information on ingredients either as a single statement or as multiple statements, where routes are differentiated. If there is acute toxicity by more than one route of exposure and the classifier chooses to provide one statement, then the route with the highest total percentage unknown toxicity from one or more relevant ingredients will be used in the statement.

8. Joint Occupational Safety and Health Administration / Health Canada Guidance on Labelling Pictogram for Hazards Not Otherwise Classified, Physical Hazards Not Otherwise Classified and Health Hazards Not Otherwise Classified

This joint guidance identifies the pictogram requirements for Hazards Not Otherwise Classified, Physical Hazards Not Otherwise Classified and Health Hazards Not Otherwise Classified.

As part of a commitment made under the 2016-17 RCC work plan for workplace chemicals that "Canada and the U.S. will continue to prevent and reduce variances, while respecting the legislative and regulatory requirements of each country and without reducing or compromising worker health and safety", Canada and the U.S. have agreed to develop joint guidance on how the pictogram requirements for Hazards Not Otherwise Classified, Physical Hazards Not Otherwise Classified and Health Hazards Not Otherwise Classified can be met in compliance with each country's implementation of the GHS.

8.1 Labelling Pictogram for Hazards Not Otherwise Classified, Physical Hazards Not Otherwise Classified and Health Hazards Not Otherwise Classified

The definition of "hazardous chemical" in paragraph (c) of the Occupational Safety and Health Administration's HCS 2012 (29 CFR 1910.1200) includes any chemical which is classified as an Hazards Not Otherwise Classified. Paragraph (c) of the HCS defines Hazards Not Otherwise Classified as "an adverse physical or health effect identified through evaluation of scientific evidence during the classification process that does not meet the specified criteria for the physical and health hazard classes…. This does not extend coverage to adverse physical and health effects for which there is a hazard class addressed [in the standard], but the effect either falls below the cut-off value/concentration limit of the hazard class or is under a GHS hazard category that has not been adopted by Occupational Safety and Health Administration (e.g., acute toxicity Category 5)."

Health Canada's HPR includes Physical Hazards Not Otherwise Classified and Health Hazards Not Otherwise Classified as distinct hazard classes. The Physical Hazards Not Otherwise Classified hazard class and the Health Hazards Not Otherwise Classified hazard class cover physical and health hazards, respectively, that are not covered by any other physical or health hazard classes in the HPR. Occupational Safety and Health Administration's HCS does not differentiate between physical and health hazards not otherwise classified.

Occupational Safety and Health Administration's HCS does not require label elements for Hazards Not Otherwise Classified, whereas under the HPR, label elements are required for Physical Hazards Not Otherwise Classified and Health Hazards Not Otherwise Classified. Occupational Safety and Health Administration's HCS Directive (Inspection Procedures for the Hazard Communication Standard, CPL 02-02-079, dated July 9, 2015) includes guidance allowing the chemical manufacturer, importer or distributor to include hazard symbols on the label or safety data sheet (SDS) for Hazards Not Otherwise Classified as long as that symbol is not an HCS pictogram and does not contradict or cast doubt on the information that is required. However, Occupational Safety and Health Administration provided clarification to this in the September 21, 2016, field enforcement memorandum to permit the use of the exclamation mark pictogram for Hazards Not Otherwise Classified.

Health Canada and Occupational Safety and Health Administration have agreed that the exclamation mark pictogram is an appropriate symbol for the Hazards Not Otherwise Classified, Health Hazards Not Otherwise

Classified, and Physical Hazards Not Otherwise Classified classifications. Occupational Safety and Health Administration will permit the use of the exclamation mark pictogram for Hazards Not Otherwise Classified if

the label also indicates that the pictogram is being used for a hazard not otherwise classified (e.g., the words "Hazard Not Otherwise Classified" or "HNOC" must appear below the exclamation mark pictogram). For other hazard classes, the name of those hazard classes is not required to be provided below the pictogram(s). In Canada, no acronym (including "HHNOC" or "PHNOC") is required to appear below the exclamation mark pictogram. Nonetheless, Canada allows the acronym "HNOC" or the statement "Hazards Not Otherwise Classified" to appear below the exclamation mark pictogram on a label.

The exclamation mark pictogram may appear only once on a label; if it already appears as a required pictogram, it may not appear a second time as supplemental information for the Hazards Not Otherwise Classified. Occupational Safety and Health Administration considers the exclamation mark pictogram to be acceptable for Hazards Not Otherwise Classified because it conveys more general hazard information and does not contradict or cast doubt on the information that is required. Health Canada has agreed that the use of the exclamation mark pictogram is acceptable for Physical Hazards Not Otherwise Classified and Health Hazards Not Otherwise Classified, and meets the requirements to use an appropriate pictogram in all cases.

The following provides an example of a hazardous product that is classified as Hazards Not Otherwise Classified (in the U.S.) and Physical Hazards Not Otherwise Classified (in Canada), and another physical hazard class (in both countries) that does not require the exclamation mark pictogram. For the purposes of this example, the hazardous product is classified as the following:

Under HCS, Flammable Liquids- Category 1 and Hazards Not Otherwise Classified;

Under the HPR, Flammable Liquids - Category 1 and Physical Hazards Not Otherwise Classified - Category 1

The illustration below shows how the Hazards Not Otherwise Classified / Physical Hazards Not Otherwise Classified pictogram can be displayed in a way that is acceptable in both the U.S. and Canada:

HNOC

Danger

Extremely flammable liquid and vapor

Appropriate hazard statement for the PHNOC*

Appropriate precautionary statements for Flammable Liquids- Category 1 and PHNOC*

* Occupational Safety and Health Administration's HCS does not require hazard or precautionary statements for Hazards Not Otherwise Classified.

Appendix A – Glossary

BIM:

Biohazardous Infectious Materials

GHS:

Globally Harmonized System of Classification and Labelling of Chemicals

HCS:

U.S. Hazard Communication Standard

HHNOC:

Health Hazards Not Otherwise Classified

HNOC:

Hazards Not Otherwise Classified

HPA:

Hazardous Products Act

HPR:

Hazardous Products Regulations

OSH:

Occupational Safety and Health

PHNOC:

Physical Hazards Not Otherwise Classified

RCC:

Regulatory Cooperation Council

SDS:

Safety data sheet

WHMIS:

Workplace Hazardous Materials Information System

Appendix B – References

- Globally Harmonized System of Classification and Labelling of Chemicals (http://www.unece.org/trans/danger/publi/ghs/ghs_welcome_e.html)
- Hazardous Products Act (https://laws-lois.justice.gc.ca/eng/acts/H-3/)
- Hazardous Products Regulations (https://laws-lois.justice.gc.ca/eng/regulations/SOR-2015-17/)
- U.S. Hazard Communication Standard (https://www.osha.gov/FedReg_osha_pdf/FED20120326.pdf)