



## **A Comparison of U.S. and Canadian Label and SDS Requirements as revised by GHS**

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In revising each nation's respective worker hazard communication program to be consistent with the GHS, U.S. OSHA and Health Canada worked collaboratively to keep the differences to a minimum. As a direct consequence, it is now possible for the first time ever to develop a single label and single SDS for each hazardous product that meets both the U.S. and Canadian requirements.

Companies are reminded, however, that in developing a single label or SDS for both the U.S. and Canadian markets, they must comply with each country's legal requirements for labels and SDSs pursuant to the U.S. OSHA Hazard Communication Standard as revised by the GHS (HazCom 2012) and the new Canadian Hazardous Products Regulations (WHMIS 2015). And while the U.S. and Canadian requirements are closely aligned, there continue to be important differences.

The focus of this article is to identify the differences or variances that continue to exist between HazCom 2012 and WHMIS 2015 to assist in the development of one label and/or SDS that complies with both the U.S. and Canadian requirements.

### **Bilingual Labels and SDSs**

**Canadian Requirement:** Labels and SDSs must be in English and French.

**U.S. Requirement:** Labels and SDSs must be in English but it is permissible to allow additional languages.

### **Supplier Identifier**

**Canadian Requirement:** A Canadian supplier identifier (i.e., name, address and telephone number of "initial supplier") must appear on the label and SDS (except products imported for use in the importer's own work place).

A Canadian distributor may omit the name of the initial supplier if they list their own identity (name, address and telephone number) instead.

**U.S. Requirement:** Name, address and telephone number of the manufacturer, importer or other responsible party (i.e., distributor) must appear on the label and SDS.

## Precautionary Statements

**Canadian Requirement:** The precautionary statements listed in section 3 of Annex 3 of the GHS (5<sup>th</sup> rev. edition) are required on labels and SDSs.

**U.S. Requirement:** The precautionary statements required on labels and SDSs are listed in mandatory Appendix C of HazCom 2012 which is aligned with the GHS (4<sup>th</sup> rev. edition). Appendices C.2.4.6 through C.2.4.8 provide flexibility for precautionary statement applications.

## SDS Requirements – Section 11, Toxicological Information

**Canadian Requirement:** Canada does not require the disclosure of chemicals considered to be a carcinogen by OSHA, the NTP Report, or the IARC Monographs on the SDS.

**U.S. Requirement:** This information is required to be disclosed on the SDS under Section 11, Toxicological Information.

## Labels on Combination (Inner and Outer) Packagings

**Canadian Requirement:** Where a hazardous product is packaged in combination packaging that consists of inner and outer containers or packagings (i.e., 4 one gallon containers in an outer cardboard packaging), each container must be fully labeled, unless:

- a) the small capacity container ( $\leq 100\text{ml}$ ) exemption applies;
- b) the label on the inner container is visible and legible through the outer container; or
- c) the outer container is labeled pursuant to the Canadian Transportation of Dangerous Goods Regulations.

**U.S. Requirement:** Only the innermost container is required to be labeled (i.e., the one gallon container). The outer container or package does not need to be labeled consistent with HazCom 2012; generally this space is used to comply with U.S. DOT markings and labels.

## Labels on the Outer Container of a Kit

**Canadian Requirement:** The outer container of a kit containing at least two hazardous products must be labeled. However, there is an exemption (Section 5.3 of WHMIS 2015) that allows reduced information on the outer container label provided it includes a special statement referring the user to the individual product labels. Specifically, the outer container may include the following information in this situation:

- a) The product identifier for each hazardous product in the outer container;
- b) The initial supplier identifier;
- c) Appropriate pictogram for each category in which each hazardous product contained in the outer container is classified;
- d) The precautionary statement applicable to the storage of each of the hazardous products in the outer container; and

e) The statement: “See individual product labels for signal words, hazard statements and precautionary statements.”

**U.S. Requirement:** Only the inner containers are required to be labeled. The outer container of such a kit does not need to be labeled.

### **Omission of Hazard Statements from Labels**

**Canadian Requirement:** The omission of hazard statements from labels is not allowed.

**U.S. Requirement:** A hazard statement may be omitted if the chemical manufacturer, importer or other responsible party can demonstrate that the hazard statement is inappropriate for the substance or mixture.

### **Category 2 Carcinogens at a Concentration Between 0.1 – 1%**

**Canadian Requirement:** All mixtures containing a carcinogen ingredient (whether Category 1 or 2) at a concentration of 0.1% or more are required to have a label as well as an SDS (see sections 8.6.3 and 8.6.4 of WHMIS 2015).

**U.S. Requirement:** a label warning is optional for mixtures containing a Category 2 carcinogen at a concentration between 0.1% and 1%.

**Effective Dates.** Canada is phasing in WHMIS 2015 over several years, and has different mandatory effective dates depending on the type of company.

In general, manufacturers and importers of chemical products, as well as employers, may begin complying immediately with WHMIS 2015. That means manufacturers and other suppliers may begin to use GHS compliant labels immediately in Canada, including labels on products shipped into the country.

While compliance with WHMIS 2015 is permissible now, effective June 1, 2017 manufacturers and importers must be in compliance with the new SDS and labeling requirements as revised by the GHS. Effective June 1, 2018, distributors must be in compliance with WHMIS 2015. And as of Dec. 1, 2018, employers must also be in compliance with the new law, except that employers will be able to use products with old labels and SDS that are in the workplace as of Dec. 1, 2018 until June 1, 2019.

**Additional Information.** Canada has developed a number of online resources in support of compliance with WHMIS 2015.

Health Canada has developed [whmis.gc.ca](http://whmis.gc.ca) that provides basic information on the WHMIS 2015 requirements for SDSs, labels, exemptions, transition period, and a discussion of the differences between the Canadian and U.S. GHS requirements for SDSs and labels.

In addition, [whmis.org](http://whmis.org) is a central repository of regulatory information on new and existing WHMIS requirements in each of the provinces, as well as access to a number of online training programs designed to educate various audiences on the new requirements of WHMIS 2015.