Health Canada | Santé Canada

Healthy Environments and Consumer Safety Branch | Direction générale, Santé environnementale et sécurité des consommateurs

August 11, 2017

To: Suppliers of Hazardous Products and Employers using Hazardous Products in the Workplace

Re: Obligations of a Supplier of Hazardous Products under the *Hazardous Products Act*

Dear Sir or Madam,

On February 11, 2015 the Government of Canada published the *Hazardous Products Regulations* (HPR) and the amended *Hazardous Products Act* (HPA). The regulatory modernization of the Workplace Hazardous Materials Information System (WHMIS) incorporated the Globally Harmonized System of Classification and Labelling of Chemicals (GHS) for workplace chemicals. This modified WHMIS is referred to as WHMIS 2015.

Please note that:

- The HPR set out specific hazard classification criteria. If a product covered by the HPA meets the HPR's criteria to be included in a hazard class or category, it is a "hazardous product".
- A supplier is "a person who, in the course of business, sells or imports a hazardous product". This definition includes:
    - importers who use hazardous products in their own workplace,
    - importers who distribute hazardous products within Canada,
    - manufacturers of hazardous products who sell and/or distribute them within Canada, and
    - distributors of hazardous products within Canada.
- Sell means "offer for sale or distribution, expose for sale or distribution, have in possession for sale or distribution or distribute – whether for consideration or not – to one or more recipients".

While WHMIS 2015 includes new definitions, new harmonized criteria for hazard classification and new requirements for labels and safety data sheets (SDS) that are important to your operations, the roles and responsibilities for suppliers, employers and workers have not changed significantly.

Suppliers will continue to:

- identify whether their products are hazardous products; and
- prepare labels and SDSs and provide these to purchasers of hazardous products intended for use in a workplace.

Employers will continue to:

- educate and train workers on the hazards and safe use of hazardous products in the workplace;
- ensure that hazardous products are properly labelled;
- prepare workplace labels and SDSs (as necessary); and,
- ensure appropriate control measures are in place to protect the health and safety of workers.

Workers will continue to:

- participate in WHMIS and chemical safety training programs;
- take necessary steps to protect themselves and their co-workers; and
- participate in identifying and controlling hazards.

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To give suppliers, employers and workers time to adjust to WHMIS 2015, its implementation will take place over a transition period and will end as per the following timelines:

Regulated Party	Transition Period Ends On
Suppliers manufacturing and/or importing hazardous products	May 31, 2018
Suppliers distributing hazardous products	August 31, 2018
Employers using hazardous products in the workplace	November 30, 2018

Attached to this letter, you will find an appendix listing information which may help you better understand WHMIS 2015 and to assist you in complying with its requirements. If you are a supplier, it is important for you to understand and meet your obligations under the HPA when you sell or import hazardous products in Canada. If you are an employer whose workers use, store or handle hazardous products in the workplace, it is important for you to understand the obligations of your suppliers when they sell and/or distribute hazardous products to your workplace.

To verify compliance with the HPA and HPR and that Canadian workers and employers have the necessary information for the safe use of hazardous products, an HPA Inspector may visit your workplace to conduct an inspection. Please note that the HPA Inspector may or may not provide advance notification of the inspection.

We appreciate your cooperation in this matter. Should you have any questions regarding this letter or the information contained in the appendix, please do not hesitate to contact me at [EMAIL] or [PHONE NUMBER]. Additionally, should you have any questions regarding WHMIS 2015, you may also contact Health Canada at WHMIS_SIMDUT@hc-sc.gc.ca or 1-855-407-2665.

Kind regards,

Carla Sanson
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Occupational Health and Safety