

Backgrounder: Emergency procedures for hazardous substances

Part 5 of the Occupational Health and Safety Regulation sets out the requirements for emergency planning relating to hazardous substances. On February 3, 2025, **amendments** to these requirements will come into effect, to provide additional clarity and to further reduce risk to workers and other people posed by emergencies involving hazardous substances. This resource provides an overview of the changes to help affected employers prepare for the new requirements. OHS Guidelines are also being developed to provide additional support for employers; these guidelines will be available on February 3.

Background

Hazardous substances are defined as biological, chemical, or physical agents that, by reason of their properties, are hazardous to the health or safety of people exposed to them. Examples of hazardous substances include hazardous products covered by the workplace hazardous materials information system (WHMIS), explosives, pesticides, radioactive materials, hazardous wastes, consumer products, etc. Employers must minimize the risks posed by the products both during normal processes and in the event of emergencies.

Key changes to the Regulation

Key changes included in these amendments are as follows.

Restructuring of Regulation

The sections have been reorganized and renumbered to better reflect the order of tasks conducted in the development of an emergency plan. The sections cited here reflect the amended numbering structure.

Section 5.97 Definitions and application

This section provides clarity on the application of the emergency planning requirements, which broadly includes all emergencies involving hazardous substances — whether they arise from inside or outside the workplace.

Examples of emergency situations that are within the scope of this section include:

- An accidental spill or release of hazardous substances at the employer's workplace or at a neighbouring workplace
- A fire caused by or involving hazardous substances
- A natural disaster that could result in spills or other process upset conditions involving hazardous substances

OHS Guidelines will clarify that, although both the terms “hazardous substance” and “emergency” should be interpreted very broadly, employers only need to plan for those emergencies that can reasonably be anticipated.

Section 5.98 Worker participation

This section clarifies that all parts of emergency planning must be done in consultation with workers and requires that workers have ready access to all elements of the emergency plan.

Section 5.99 Inventory of hazardous substances

This section provides additional information on the maintenance of an inventory of hazardous substances present at the workplace, and the information needed to adequately assess the risk posed by these substances. Inventories prepared under this section need only include substances that are present in the workplace in sufficient quantities that they may endanger a person in an emergency.

Section 5.100 Risk assessment

This section has been amended to require employers to assess the risk posed by:

- All hazardous substances in the inventory
- Hazardous substances that could foreseeably enter the workplace due to an emergency outside of the workplace
- Hazardous substances that could be generated at the workplace (for example, because of an accidental reaction)

Guidelines are being developed that will provide additional information on what constitutes a “reasonably foreseeable risk” for the purpose of this section.

This section has also been amended to include additional considerations previously in OHS Guidelines, as well as the requirement for employers to consider human factors when assessing the effectiveness of existing and planned control measures, and a requirement for assessments to be conducted in consultation with a qualified person. Guidelines will clarify

that anyone experienced, knowledgeable, and capable of conducting a risk assessment may be considered a “qualified person” for this section.

Section 5.101 Emergency response plan

This section clarifies that the inventory, risk assessment, procedures, training, and drills are all components of the emergency plan. It also provides an overarching requirement to develop a written plan for responding to emergencies involving hazardous substances in a manner that will minimize the risk to people. In addition to the existing requirement to review emergency plans annually, this section has been amended to also require a review of the plan in light of actual emergencies, significant changes in workplace circumstances, or when there is reason to believe the risk assessment is no longer valid.

Section 5.102 Emergency procedures — protection and notification

This section requires employers to develop written procedures for:

- Notifying people about the nature and location of an emergency and the recommended action to minimize risks
- Protecting people from the risks associated with the emergency and confirming their ongoing safety
- Preventing access to the workplace or unsafe areas within the workplace

The amendments expand the list of people who must be notified under this section to include anyone who may be at risk of serious injury, serious illness, or death, or whose ability to reach a place of safety unassisted may be impaired because of exposure to the hazardous substance. This includes people outside of the workplace if the risk extends beyond workplace boundaries.

Section 5.103 Emergency procedures — safe work

This section requires employers to develop written procedures for:

- Determining the location and extent of a hazardous substance release
- Controlling spills or release of hazardous substances
- Cleaning up spills, or taking other remedial action
- Disposing of a hazardous substance
- Evaluating the safety of the workplace prior to re-entry

Section 5.103 Training and drills

This section maintains the requirement to ensure workers are adequately trained in emergency procedures, and clarify that drills must be designed to ensure procedures are effective. The amendment also adds a new requirement for drills to be conducted annually and after any significant change to the emergency response plan are made.

For more information

For the full text of the Regulation amendments, see the [Board of Directors decision document](#).