

WHMIS 2015 – Variances Fact Sheet



WHAT ARE VARIANCES?

Health Canada and United States (U.S.) Occupational Safety and Health Administration have worked collaboratively to align the implementation of the Globally Harmonized System of Classification and Labelling of Chemicals (GHS) in the two countries. However, variances are sometimes necessary in order to maintain the current level of protection for workers or due to the requirements of the respective legislative frameworks. A key objective of implementing the GHS is to create a system that will allow Canadian and U.S. requirements to be met through the use of a single label and safety data sheet (SDS) for each hazardous product.

A “variance” is defined as a difference between the Hazardous Products Regulations (HPR) and the U.S. Hazard Communication Standard (HCS 2012) that would result in a different classification, labelling, SDS or other information requirements for a hazardous product in Canada versus the U.S.

What are some key variances between the requirements for the Canadian HPR and the U.S. HCS 2012?

Bilingual labels and SDSs

Canada	United States
Labels and SDSs must be in both English and French. This information may appear either on a single bilingual SDS or on two separate unilingual documents that constitute one bilingual SDS. The same requirement applies to labels.	Labels and SDSs must be in English.

Supplier Identifier

Canada	United States
--------	---------------

A Canadian supplier identifier must appear on the label and SDS. A Canadian distributor may change the name of the initial supplier if they list their own identity (name, address and telephone number) instead. A Canadian importer may keep the name of the foreign supplier instead of replacing it with their own identity only if the hazardous product is imported for use in their own workplace.	The name, address and telephone number of the U.S. manufacturer, importer, or other responsible party must appear on the label and SDS.
---	--

Mixture containing a Category 2 carcinogen at a concentration between 0.1 – 1.0%

Canada	United States
All mixtures containing a carcinogenic ingredient (whether Category 1 or 2) at a concentration of 0.1% or more are required to have label and an SDS.	All mixtures containing a carcinogenic ingredient (whether Category 1 or 2) at a concentration of 0.1% or more are required to have an SDS. All mixtures containing a Category 1 carcinogen at 0.1% or more, or a Category 2 carcinogen at 1% or more must have a label. Mixtures containing a Category 2 carcinogen at a concentration between 0.1% and 1% are not required to have a label (a label warning is optional for such mixtures).

Physical Hazards Not Otherwise Classified (PHNOC)/Health Hazards Not Otherwise Classified (HHNOC) vs. Hazards Not Otherwise Classified (HNOC)

Canada	United States
--------	---------------

Label elements are required for PHNOC and HHNOC. For mixtures that contain an HHNOC ingredient at a concentration of 1% or more, information relating to the HHNOC ingredient, including its chemical name and concentration or concentration range, must be disclosed on the SDS.	No label elements required for HNOC. The exclamation mark pictogram is permitted (but not required) for HNOCs as long as the words “Hazard Not Otherwise Classified” or the letters “HNOC” appear below the pictogram. For a mixture that contains an HNOC ingredient at a concentration of 1% or more, there is no requirement to disclose the chemical name or concentration of the HNOC ingredient on the SDS.
--	---

Biohazardous Infectious Materials (BIM)

Canada	United States
A hazard class for BIM is included and products that meet the criteria for this hazards class must be appropriately labelled. Also, besides the standard SDS, there is a requirement for an appendix that provides information specific to the BIM.	There is no hazard class for biohazardous infectious materials since these materials in the workplace are not regulated by U.S. HCS 2012.

Water-Activated Toxicants

Canada	United States
A supplemental hazard statement is required on the label and SDS indicating that, in contact with water, the product releases gases which are fatal/ toxic/harmful if inhaled.	A supplemental hazard statement is required on the SDS if substances which, upon contact with water, release a toxic gas are present in the workplace in such a manner that employees may be exposed under normal conditions of use or in a foreseeable emergency. A supplemental hazard statement is NOT required on the label.

Updating of SDS and label information

Canada	United States
Suppliers and importers are allowed a period of 90 days to update SDSs with new data and 180 days to update labels. If a hazardous product is sold or imported within 90 days after significant new data became available, the new data is not required to be included on the SDS so long as a written notice providing the new data and the date upon which it became available is transmitted to the purchaser of the product, or obtained or prepared where the product is imported. The same requirement applies also to labels, except that the corresponding period of time is 180 days.	Chemical manufacturers, importers, distributors, and employers are allowed a period of 3 months to update SDSs with new information and 6 months to update labels. There is no requirement for a written notice providing the significant new information for importation or sale occurring within the 3 month or 6 month period.

Labels on multi-container shipments

Canada	United States
For a hazardous product is packaged in more than one container, each container must be fully labelled, unless: (a) the small capacity container (? 100 mL) exemption applies; or (b) one of the outer container exemptions applies.	Only the innermost container is required to be labelled. The outer container does not need to be labelled.

Labels on kit outer containers

Canada	United States

Outer container of a kit (containing at least two different hazardous products) must be labelled. There is an exemption which allows reduced information on the outer container label, as long as a special statement referring the user to the individual product labels for signal words, hazard statements and precautionary statements is provided on the outer container label.	Only the inner containers are required to be labelled. The outer container of a kit does not need to be labelled.
---	--

Source: © Copyright 1997-2021 CCOHS