

Variations Between the HPR and the United States Hazard Communication Standard (2012)

A "variance" is defined as a difference between the *Hazardous Products Regulations* (HPR) and the United States (U.S.) *Hazard Communication Standard* (2012) (HCS 2012) that would result in a different classification or different labelling, safety data sheet (SDS) or other information requirements for a hazardous product in Canada versus the U.S.. Variations are necessary in order to maintain the current level of protection for workers or due to the requirements of the respective legislative frameworks. Health Canada and U.S. Occupational Safety and Health Administration have worked collaboratively to keep the variations between the two countries to a minimum. It is now possible to meet both Canadian and U.S. requirements using a single label and SDS for each hazardous product.

Disclaimer

Information contained in this section is of a general nature only and is not intended to constitute advice for any specific fact situation. For particular questions, users should contact their legal advisor and/or the occupational health and safety authority having jurisdiction for their workplace.

The table below highlights some of the key variations between the HPR and the U.S. HCS 2012.

Key variations between the HPR and the U.S. HCS 2012

| Key Variance | Requirements | |
|----------------------------------|---|---|
| | Canada | United States |
| Bilingual labels and SDSs | <p>Labels and SDSs must be in both English and French (subsection 6.2(1) of the HPR).</p> <p>This information may appear either on a single bilingual SDS or on two separate unilingual documents that constitute one bilingual SDS. The same applies to labels (subsection 6.2(2) of the HPR).</p> | <p>Labels and SDSs must be in English.</p> |
| Supplier Identifier | <p>A Canadian supplier identifier must appear on the label and SDS (subsection 3(1) and item 1(d) of Schedule I of the HPR).</p> <p>A Canadian distributor may omit the name of the initial supplier if they list their own identity (name, address and telephone number) instead (section 5.8 of the HPR). A Canadian importer may retain 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 work place (section 5.9 of the HPR).</p> | <p>The name, address and telephone number of the manufacturer, importer, or other responsible party must appear on the label and SDS.</p> <p>The responsible party need not have a U.S. address; however, the telephone number must be a U.S. number.</p> |

Requirements

| Key Variance | Canada | United States |
|--|--|--|
| Mixture containing a Category 2 carcinogen at a concentration between 0.1 - 1.0% | All mixtures containing a carcinogenic ingredient (whether Category 1 or 2) at a concentration of 0.1% or more are required to have label as well as an SDS (sections 8.6.3 and 8.6.4 of the HPR). | <p>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.</p> <p>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.</p> <p>Mixtures containing a Category 2 carcinogen at a concentration between 0.1% and 1% are not required to have a label, that is, a label warning is optional for such mixtures.</p> |
| Physical Hazards Not Otherwise Classified (PHNOC)/Health Hazards Not Otherwise Classified (HHNOC) vs. Hazards Not Otherwise Classified (HNOC) | <p>Label elements are required for PHNOC and HHNOC (paragraph 3(1)(d) of the HPR).</p> <p>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 (item 3(2) of Schedule I of the HPR).</p> | <p>No label elements required for HNOC.</p> <p>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.</p> |
| Biohazardous Infectious Materials (BIM) | 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 (subsection 4(3), subpart 11 of Part 8 and Schedule 2 of the HPR). | No hazard class for biohazardous infectious materials since these materials in the workplace are not regulated by U.S. HCS 2012. |
| Water-Activated Toxicants | Supplemental hazard statement required on the label and SDS indicating that, in contact with water, the product releases gases which are fatal/ toxic/harmful if inhaled (paragraph 3(1)(f) of the HPR). | 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. |

Requirements

| Key Variance | Canada | United States |
|--|---|---|
| Updating of SDS and label information | <p>Suppliers and importers are allowed a period of 90 days to update SDSs with new data and 180 days to update labels.</p> <p>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 (section 5.12 of the HPR).</p> <p>The same applies also to labels, except that the corresponding period of time is 180 days.</p> | <p>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.</p> <p>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.</p> |
| Labels on multi-container shipments | <p>Where a hazardous product is packaged in more than one container, each container must be fully labelled, unless: (a) the small capacity container (\leq 100 mL) exemption applies (subsection 5.4(1) of the HPR); or (b) one of the outer container exemptions applies (section 5.2 of the HPR).</p> | <p>Only the innermost container is required to be labelled.</p> <p>The outer container does not need to be labelled.</p> |
| Labels on kit outer containers | <p>Outer container of a kit (containing at least two different hazardous products) must be labelled.</p> <p>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 (section 5.3 of the HPR).</p> | <p>Only the inner containers are required to be labelled. The outer container of a kit does not need to be labelled.</p> |