

WHMIS

WHMIS - Information for Suppliers and Importers

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Important Information

Canada has aligned the Workplace Hazardous Materials Information System (WHMIS) with the Globally Harmonized System of Classification and Labelling of Chemicals (GHS).

This document discusses the WHMIS supplier requirements as regulated by federal legislation – the *Hazardous Products Act* (HPA) and the *Hazardous Products Regulations* (HPR). This document reflects the *Hazardous Products Regulations* requirements as of December 15, 2022.

Health Canada is the government body responsible for the overall WHMIS supplier-related laws. Note that WHMIS is also regulated in the workplace by the provinces, territories and federal governments (for federally regulated workplaces) under their occupational health and safety legislation. While these jurisdictions based their WHMIS regulations on a common model, small variations between jurisdictions may exist.

Suppliers and employers must use and follow the WHMIS requirements for labels and safety data sheets (SDSs) for hazardous products sold, distributed, or imported into Canada.

Please refer to the following OSH Answers documents for information about WHMIS:

- [WHMIS – General](#)
- [WHMIS - Hazard Classes and Categories](#)
- [WHMIS – Confidential Business Information \(CBI\)](#)
- [WHMIS – Labels](#)
- [WHMIS – Safety Data Sheets \(SDSs\)](#)
- [WHMIS – Variances](#)
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- [WHMIS – Education and Training](#)
- [WHMIS – WHMIS Program](#)
- [WHMIS – Laboratories](#)
- [WHMIS – Glossary](#)
- [WHMIS - Legislation](#)

Who is a supplier under WHMIS legislation?

Under WHMIS:

- a supplier is “a person who, in the course of business, sells or imports a hazardous product”
- a manufacturer is “a supplier who, in the course of business in Canada, manufactures, produces, processes, packages or labels a hazardous product and sells it”
- an importer* is “a supplier who brings a hazardous product into Canada, but does not sell the product”, and
- a distributor is “a Canadian supplier to whom a hazardous product was sold, and who then resells the hazardous product without modifying it in any way. If a distributor does modify a hazardous product that they purchased (for example, by repackaging or relabeling it) and subsequently sells it, then the distributor meets the definition of a “manufacturer.”

If you are an employer who imports a hazardous product only for use in your own workplace, you are considered to be the importer and are responsible for compliance with all WHMIS supplier requirements.

What products does WHMIS cover?

The *Hazardous Products Regulations* set out specific hazard classification criteria. If a product covered by the Hazardous Products Act meets the criteria described in the Hazardous Products Regulations to be included in a hazard class or category, that product is considered to be a WHMIS-regulated “hazardous product.”

For more information about which products are and are not covered by WHMIS, see the OSH Answers [WHMIS – General](#).

What are the suppliers' duties under WHMIS?

Suppliers must ensure the appropriate classification of hazardous products. See the “What do I need to know about classification” section below for more information.

When a product meets the criteria to be a WHMIS “hazardous product,” the supplier must label the product or container, and they must provide a safety data sheet (SDS) to their customers that meets the requirements of the Hazardous Products Regulations.

Visit the Supplier page on whmis.org and Health Canada’s [Tools and Resources for WHMIS suppliers](#) web page for more information about suppliers’ duties under WHMIS.

What do I need to know about classification?

WHMIS has adopted two hazard groups from the GHS: physical hazards and health hazards. Each group includes several classes. The classes have subdivisions called “categories” or “types”. Suppliers must evaluate products that are covered by the *Hazardous Products Act* against specific criteria that are provided in the [Hazardous Products Regulations](#) (HPR). The hazard classification of a product is based on a comparison of all available hazard data to the WHMIS hazard classification criteria. This data must have been generated by test methods that are scientifically sound and valid. Note that there is specific guidance for classifying mixtures for health hazards.

If the product meets any of the criteria for a hazard class, it is known as a hazardous product. All hazardous products must be labelled according to the regulations and must have a corresponding safety data sheet provided to the purchaser at the time of sale.

The following changes were introduced in December 2022:

- new information elements on the safety data sheets
- a new physical hazard class (Chemicals Under Pressure)
- a new hazard category for non-flammable aerosols, and
- new subcategories for flammable gases

For more information about classification, see the OSH Answers [WHMIS - Hazard Classes and Categories](#). More tools and guidance on classification for suppliers are available on [whmis.org](#).

What is required on a WHMIS supplier label?

In most cases, suppliers are responsible for labelling the hazardous products they provide to customers. Requirements for supplier labels include a product and supplier identifier in addition to prescribed (required) pictograms, signal words, hazard statements, and precautionary statements. Supplier labels must be provided in both English and French and must be accurate at the time of sale or import, for each sale or import.

Employers are responsible for making sure that hazardous products that come into the workplace are labelled and for preparing and applying a workplace label when appropriate. For more information on label requirements, see the OSH Answers on [WHMIS – Labels](#). On [whmis.org](#), there are several tools available to assist suppliers such as the [Label Compliance Tool](#).

Who is responsible for creating the safety data sheet?

The supplier must provide a safety data sheet to their customers meeting the requirements of the *Hazardous Products Regulations*.

Note that employers, in some circumstances, may be required to prepare a safety data sheet (e.g., when the hazardous product is produced and used in the workplace).

The federal supplier and provincial/territorial/federal employer WHMIS legislation do not specify qualifications for safety data sheet authors. However, for due diligence reasons, the supplier needs to use a competent author in case of an incident, insurance requirements, or lawsuit from a customer. The authors should be knowledgeable in the following subjects:

- The WHMIS federal supplier and provincial employer regulatory requirements according to the most recent WHMIS legislation.
- Chemistry
- Toxicology
- Industrial hygiene

For more information on what is required on a safety data sheet, see the OSH Answers [WHMIS - Safety Data Sheet \(SDS\)](#). On [whmis.org](#), there are several tools available to assist suppliers such as the [Safety Data Sheet Compliance Tool](#).

When does the safety data sheet need to be updated?

The *Hazardous Products Act* and regulations require that safety data sheets be accurate at the time of sale. An SDS will be required to be updated within 90 days of when the supplier becomes aware of any "significant new data" – that is, new information that changes how the hazardous product is classified and/or how it should be safely stored and/or handled. While the requirement for suppliers to update a safety data sheet every 3 years no longer exists (since the safety data sheet needs to be accurate at the time of each sale), note that half of the Canadian jurisdictions still require the employer to update or obtain updated safety data sheets in the workplace.

For more information on this topic, see the OSH Answers [WHMIS – Safety Data Sheets \(SDSs\)](#). More information on requirements for the different jurisdictions is available from whmis.org.

What is confidential business information (CBI) within WHMIS?

WHMIS legislation requires that suppliers of hazardous products provide employers, through safety data sheets and labels, the necessary information to make it possible to safely use hazardous products in Canadian workplaces. If suppliers want to protect certain information that is required to be disclosed on a safety data sheet and label, they can protect it as confidential business information (CBI) by filing a claim under the Hazardous Materials Information Review Act (HMIRA).

For more information on this topic, see the OSH Answers [WHMIS – Confidential Business Information \(CBI\)](#) and Health Canada's, [Tools and Resources for WHMIS suppliers web page](#).

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 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) that would result in a different classification, labelling, safety data sheet or other information requirements for a hazardous product in Canada versus the U.S.

For more information on the specific variances, see the OSH Answers [WHMIS – HCS Variances](#).

What are my responsibilities for WHMIS training?

While the products are regulated under WHMIS (federal laws), remember that the workplace and workers specifically are regulated by the WHMIS regulations for your jurisdiction.

In Canada, these jurisdictional laws state that there must be a WHMIS program in place at any workplace where hazardous products are present. All workers who work with a hazardous product or who may be exposed to a hazardous product as part of their work activities must learn about the hazard information for these products. Workers must be educated and trained so they understand the hazards and know how to work safely with the hazardous products in their workplace.

For more information about your responsibilities as an employer, see the OSH Answer [WHMIS – Education and Training](#) and [WHMIS - WHMIS Program](#).

Who enforces WHMIS?

WHMIS requirements are implemented through coordinated and interlocking Health Canada and federal, provincial and territorial occupational health and safety laws. The Hazardous Products Act and regulations are regulated by Health Canada.

In the workplace, WHMIS is enforced by the provincial or territorial government [departments or agencies responsible for health and safety](#), or by the Labour Program for federally regulated workplaces. Some of these occupational health and safety inspectors (or officers) have been trained and designated by Health Canada to conduct inspections and enforce compliance with the supplier requirements of the Hazardous Products Act (HPA) and the Hazardous Products Regulations (HPR).

For more information on WHMIS legislation and enforcement, see the OSH Answers [WHMIS - Legislation](#).

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