WHMIS

WHMIS - US HCS 2024 Variances

On this page

Important Information

What are variances?

What are some key variances between the requirements of the Canadian amended Hazardous Products Regulations (HPR) and the 2024 U.S. Hazard Communication Standard?

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 the 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. The changes introduced in December 2022 are in force.

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 more information about WHMIS:

- WHMIS - General
- WHMIS – Pictograms
- WHMIS – Labels
- WHMIS – Hazard Classes and Categories

- WHMIS – Safety Data Sheets (SDSs)
- WHMIS – Education and Training
- WHMIS – WHMIS Program
- WHMIS – Glossary
- WHMIS – Confidential Business Information (CBI)
- WHMIS – Laboratories
- WHMIS - Information for Suppliers and Importers
- WHMIS - Legislation

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 2024) that would result in a different classification, labelling, SDS or other information requirements for a hazardous product in Canada versus the U.S.

Please note that this document is not an exhaustive list of all of the variances between HCS 2024 and current WHMIS requirements.

What are some key variances between the requirements of the Canadian amended Hazardous Products Regulations (HPR) and the 2024 U.S. Hazard Communication Standard?

Bilingual labels and safety data sheets (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. Additional languages are allowed.

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.

Concentration ranges used on the safety data sheet

Canada	United States
When using a concentration range prescribed by the Hazardous Products Regulations (section 4.4.1) to protect a trade secret on the safety data sheet, a narrower concentration range that falls within one of the prescribed concentration ranges is allowed to be used. There is no requirement that the prescribed concentration range used must be the narrowest range possible to protect the trade secret.	If the concentration or concentration range is being claimed as a trade secret, then the ingredient's concentration on the safety data sheet is provided as one of the prescribed ranges as set out in paragraphs (i)(1)(iv)(A) to (M) of the *Hazard Communication Standard*. The prescribed concentration range used must be the narrowest range possible. If the exact concentration range falls between 0.1% and 30% and does not fit entirely into one of the prescribed concentration ranges, a single range created by the combination of 2 applicable consecutive ranges (for example, between (i)(1)(iv)(A) and (G)) may be disclosed instead, provided that the combined concentration range does not include any range that falls entirely outside the exact concentration range in which the ingredient is present. Manufacturers may provide a range narrower than one prescribed in (i)(1)(v).

Information required under section 11 of the SDS

Canada	United States
Concise but complete description of the various toxic health effects and the data used to identify those effects, including: (a) Information on the likely routes of exposure (inhalation, ingestion, skin and eye contact); (b) Symptoms related to the physical, chemical and toxicological characteristics reported for all classifications (as applicable); (c) Delayed and immediate effects, and chronic effects from both short-term and long-term exposure; and (d) Numerical measures of toxicity (e.g., LD50s/LC50s), including acute toxicity estimates (ATEs).\ Additional toxicological information beyond what is required may be included on the safety data sheet, as long as the information is not false, misleading, or likely to create an erroneous impression.	Description of the various toxicological (health) effects and the available data used to identify those effects, including: (a) Information on the likely routes of exposure (inhalation, ingestion, skin, and eye contact); (b) Symptoms related to the physical, chemical, and toxicological characteristics; (c) Delayed and immediate effects and also chronic effects from short- and long-term exposure; (d) Numerical measures of toxicity (such as acute toxicity estimates); (e) Interactive effects; information on interactions should be included if relevant and readily available; (f) Whether the hazardous chemical is listed in the National Toxicology Program (NTP) Report on Carcinogens (latest edition) or has been found to be a potential carcinogen in the International Agency for Research on Cancer (IARC) Monographs (latest edition), or by OSHA. (g) When specific chemical data or information is not available, the preparer must indicate if alternative information is used and the method used to derive the information (for example, where the preparer is using information from a class of chemicals rather than the exact chemical in question and using structure-activity relationships to derive the toxicological information).

Updating of safety data sheet and label information

Canada	United States
Suppliers and importers are allowed a period of 90 days to update safety data sheets when they become aware of significant 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 safety data sheet as long as the supplier provides a safety data sheet plus a document providing the new data and the date upon which the new data became available. This information can be transmitted to the purchaser of the product or obtained or prepared when the product is imported. The same requirement applies also to labels, except the supplier and importer has 180 days to make the change.	Chemical manufacturers, importers, distributors, and employers are allowed a period of 3 months to update safety data sheets when they become aware of significant 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 occurs within the 3-month or 6-month period. Chemicals that have already been released for shipment and are awaiting further distribution need not be relabelled to reflect the significant new hazard information. However, the manufacturer, importer or distributor must produce updated labels for each container to be sent with the shipment.

Classification-related variances

Hazard Class	Canada requirements	United States requirements
Biohazardous infectious materials	This hazard class is included and products that meet the criteria for this hazards class must be appropriately labelled. Also, besides the standard safety data sheet, there is a requirement for an appendix that provides information specific to the biohazardous infectious material.	There is no hazard class for biohazardous infectious materials since these materials in the workplace are not regulated by the U.S. HCS.
Combustible dusts: which products must have a label and SDS, and the wording of the hazard statement	Only products that are sold or imported in dust form and that present a combustible dust hazard are required to have a label and SDS with the information elements specified for combustible dusts in Schedule 5 to the HPR. Either of these hazard statements must be used for combustible dusts: (a) May form combustible dust concentrations in air; or (b) May form explosible dust-air mixture.	Chemicals that are shipped in dust form and present a combustible dust hazard in that form when used downstream are required to be classified and labelled as combustible dusts. In addition, chemicals that are shipped in a non-dust form but which, when used in a downstream workplace, present a combustible dust hazard, are required to be classified and labelled as combustible dusts. Either of these hazard statements can be used for combustible dusts: • May form combustible dust concentrations in air [if small particles are generated during further processing, handling or by other means.]; or • May form explosible dust-air mixture [if small particles are generated during further processing, handling or by other means.]

Hazard Class	Canada requirements	United States requirements
		Text in square brackets may be used when the material can only create a combustible dust hazard due to the creation of small particles during the processing or handling of the chemical.
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 a label and an SDS (unless specific rules pertaining to the mixture apply – see HPR subsections 8.6.3(1) and 8.6.3(2) for more information)	All mixtures containing a carcinogenic ingredient (whether Category 1 or 2) at a concentration of 0.1% or more are required to have a safety data sheet. 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).
Water-activated toxicants	A supplemental hazard statement is required on the label and safety data sheet 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 safety data sheet 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.

Hazard Class	Canada requirements	United States requirements
Physical hazards not otherwise classified (PHNOC) / Health hazards not otherwise classified (HHNOC) vs. Hazards not otherwise classified (HNOC)	Label elements are required for Physical hazards not otherwise classified (PHNOC) and Health hazards not otherwise classified (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 safety data sheet.	No label elements required for Hazards not otherwise classified (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 safety data sheet.
Explosives hazard class	The explosives hazard class has not been adopted because, as specified in Schedule 1 to the HPA, explosives, as defined in section 2 of the Explosives Act, are excluded from the application of the HPA.	U.S. OSHA has adopted the Explosives hazard class.
Desensitized explosives hazard class	The desensitized explosives hazard class has not been adopted because, as specified in Schedule 1 to the HPA, explosives, as defined in section 2 of the Explosives Act, are excluded from the application of the HPA.	U.S. OSHA has adopted the Desensitized explosives hazard class.

Labelling-related variances

Labelling situation/condition	Canada requirements	United States requirements
Multi-container shipments	For a hazardous product packaged in more than one container, each container must be fully labelled, unless: (a) the small capacity container (less than or equal to 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.
Kit outer containers	The outer container of a kit (containing at least two different hazardous products) must be labelled. Reduced information on the outer container label may be provided, 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.	Full label information is allowed to be on the immediate outer package when the inner containers are 100 ml and 3 ml or less and the manufacturer has determined it is not feasible to include all label elements on the container.
Small packages	Containers that have a capacity of less than or equal to 100 ml may omit precautionary statements and hazard statements on the label. All other information elements that would normally be required on the label are still required.	Containers that have a capacity less than or equal to 100 ml may omit precautionary statements and hazard statements from the label. However, the label must include a statement that the full information for the hazardous chemical is provided on the immediate outer package. For containers less than or equal to 3 ml capacity, no label is required, but the container must bear the product identifier. This only applies when the manufacturer, importer, or

Labelling situation/condition	Canada requirements	United States requirements
	Products in containers less than or equal to 3 ml capacity do not require that labels remain attached to the immediate container during normal conditions of use, if the label would interfere with the normal use of the hazardous product. In this situation, there is no requirement for a product identifier to appear on the container.	distributor can demonstrate that a label would interfere with the normal use of the container. The above provisions apply where the manufacturer, importer, or distributor can demonstrate that it is not feasible to use labels containing all required label elements. In addition, for all small containers, the immediate outer package must include: (A) the full label information required by paragraph (f)(1) of the HCS for each hazardous chemical in the immediate outer package. The label must not be removed or defaced. (B) A statement that the small container(s) inside must be stored in the immediate outer package bearing the complete label when not in use.
Bulk shipments	A supplemental hazard statement is required on the label and safety data sheet 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 safety data sheet 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.

Adapted from: Health Canada (2024): "Variances between the Hazardous Products Regulations and the United States Hazard Communication Standard" and "Questions & Answers for OSHA's Update to the HCS Final Rule"

Fact sheet last revised: 2026-05-28

Disclaimer

Although every effort is made to ensure the accuracy, currency and completeness of the information, CCOHS does not guarantee, warrant, represent or undertake that the information provided is correct, accurate or current. CCOHS is not liable for any loss, claim, or demand arising directly or indirectly from any use or reliance upon the information.