

**CONSOLIDATION OF WORK SITE HAZARDOUS MATERIALS  
INFORMATION SYSTEM REGULATIONS**

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**AS AMENDED BY**

This consolidation is not an official statement of the law. It is an office consolidation prepared by the Workers' Compensation Board of the Northwest Territories and Nunavut, for convenience of reference only. The authoritative text of regulations can be ascertained from the *Revised Regulations of the Northwest Territories, 1990* and the monthly publication of Part II of the *Northwest Territories Gazette*.

## **WORK SITE HAZARDOUS MATERIALS INFORMATION SYSTEM REGULATIONS**

### *INTERPRETATION*

1. In these regulations,

"bulk shipment" means a shipment of a controlled product that is contained without intermediate packaging in

- (a) a vessel with a water capacity of more than 454 l,
- (b) a freight container, a road vehicle, a railway vehicle, a portable tank, a freight container carried in a road vehicle, a railway vehicle, ship or aircraft or a portable tank carried on a road vehicle, a railway vehicle, ship or aircraft,
- (c) the hold of a ship, or
- (d) a pipeline;

"Commission" means the Hazardous Materials Information Review Commission established by subsection 28(1) of the *Hazardous Materials Information Review Act* (Canada);

"container" includes a bag, barrel, bottle, box, can, cylinder, drum, storage tank or similar package or receptacle;

"controlled product" means any product, material or substance specified by the regulations made under paragraph 15(1)(a) of the *Hazardous Products Act* (Canada) to be included in any of the classes listed in Schedule II of that Act;

"fugitive emission" means a gas, liquid, solid, vapour, fume, mist, fog or dust that escapes from process equipment or from emission control equipment or from a product;

"hazard information" means information on the proper and safe use, storage and handling of a controlled product and includes information relating to its toxicological properties;

"hazardous waste" means a controlled product that is intended for disposal or is sold for recycling or recovery;

"label" includes any mark, sign, device, stamp, seal, sticker, ticket, tag or wrapper;

"laboratory sample" means a sample of a controlled product that is intended solely to be tested in a laboratory, but does not include a controlled product that is to be used

- (a) by the laboratory for testing other products, materials or substances, or
- (b) for educational or demonstration purposes;

"manufactured article" means any article that is formed to a specific shape or design during manufacture, the intended use of which when in that form is dependent in whole or in part on its shape or design, and that, under normal conditions of use, will not release or otherwise cause a person to be exposed to a controlled product;

"material safety data sheet" means a document disclosing the information referred to in subparagraphs 13(a)(i) to (v) of the *Hazardous Products Act* (Canada);

"medical professional" means a person who

- (a) is entitled to practise medicine in the Territories under the *Medical Profession Act*, or
- (b) holds a valid certificate of registration under the *Nursing Profession Act* or is exempt from holding a certificate of registration, during the period of the exemption;

"product identifier" means, in respect of a controlled product, the brand name, code name or code number specified by a supplier or the chemical name, common name, generic name or trade name;

"readily available" means present in an appropriate place in a physical copy form that can be handled;

"research and development" means research and development as defined in the *Controlled Products Regulations*, SOR/88-66;

"risk phrase" means, in respect of a controlled product or a class, division or subdivision of controlled products, a statement identifying a hazard that may arise from the nature of the controlled product or the class, division or subdivision of controlled products;

"supplier label" means a label provided by a supplier disclosing the information and displaying the hazard symbols referred to in paragraph 13(b) of the *Hazardous Products Act* (Canada);

"supplier material safety data sheet" means a material safety data sheet provided by a supplier disclosing the information referred to in subparagraphs 13(a)(i) to (v) of the *Hazardous Products Act* (Canada); (*fiche signalétique du fournisseur*)

"work site label" means a label that discloses

- (a) a product identifier that is identical to that found on the material safety data sheet of the corresponding controlled product,
- (b) information for the safe handling of the controlled product, and
- (c) that a material safety data sheet, if supplied or produced, is available.

## **PART I**

### *APPLICATION*

**2.** (1) These regulations apply to employers and workers in respect of controlled products used, stored and handled at a work site.

(2) Notwithstanding subsection (1), these regulations do not apply where the controlled product is

- (a) wood or a product made of wood;
- (b) tobacco or a product made of tobacco;
- (c) a manufactured article; or
- (a) being transported or handled under the requirements of the *Transportation of Dangerous Goods Act* (Canada) or the *Transportation of Dangerous Goods Act*.

(3) Notwithstanding subsection (1), the provisions of these regulations in respect of a supplier label and a material safety data sheet do not apply where the controlled product is any

- (a) explosive within the meaning of the *Explosives Act* (Canada);
- (b) cosmetic, device, drug or food within the meaning of the *Food and Drugs Act* (Canada);
- (c) control product within the meaning of the *Pest Control Products Act* (Canada);
- (d) prescribed substance within the meaning of the *Atomic Energy Control Act* (Canada); or
- (e) product, material or substance packaged as a consumer product and in quantities normally used by the consuming public.

(4) Notwithstanding subsection (1), these regulations do not apply to a hazardous waste except that an employer shall ensure the safe storage and handling of a hazardous waste generated at the work site of the employer through identification and worker education.

### **Prohibition**

3. (1) An employer shall ensure that all applicable requirements of these regulations are complied with before the use, storage or handling of a controlled substance at a work site.

(2) Notwithstanding subsection (1), an employer may store a controlled product at a work site while actively seeking information required by these regulations.

### **Worker Education**

4. (1) An employer shall ensure that a worker who works with a controlled product or in proximity to a controlled product is informed about all hazard information received from a supplier concerning the controlled product as well as any further hazard information of which the employer is aware or ought to be aware concerning the use, storage and handling of the controlled product.

(2) Where an employer produces a controlled product at a work site, the employer shall ensure that a worker who works with that controlled product or in proximity to the controlled product is informed about all hazard information of which the employer is aware or ought to be aware concerning the controlled product and its use, storage and handling.

5. (1) An employer shall ensure that a worker who works with a controlled product or in proximity to a controlled product is instructed in

- (a) the content required on a supplier label and work site label, and the purpose and significance of the information contained on the label;
- (b) the content required on a material safety data sheet and the purpose and significance of the information contained on the material safety data sheet;
- (c) procedures for the safe use, storage, handling and disposal of a controlled product;
- (d) specific information needed for the safe use, storage, handling and disposal of a controlled product contained or transferred in
  - (i) a pipe,
  - (ii) a piping system including valves,
  - (iii) a process vessel,
  - (iv) a reaction vessel, or
  - (v) a tank car, tank truck, ore car, conveyor belt or similar conveyance;
- (e) procedures to be followed where fugitive emissions are present; and

(f) procedures to be followed in case of an emergency involving a controlled product.

(2) An employer shall ensure that the program of worker education required by subsection (1) is developed and implemented for the work site of the employer

- (a) in a manner that is related to the accident prevention program of the work site; and
- (b) in consultation with the Committee, if one is established at the work site.

(3) An employer shall ensure, so far as is reasonably practicable, that the program of worker education required by subsection (1) results in a worker being able to apply the information as needed to protect the health and safety of the worker.

(4) The employer shall review at least annually, or more frequently if required by a change in work conditions or available hazard information, and in consultation with the Committee, if any, the instruction and training provided to workers concerning controlled products.

## **PART II**

### *LABELS*

#### **Supplier Label**

**6.** (1) Subject to these regulations, an employer shall ensure that the container of a controlled product or a controlled product received at a work site is labelled with a supplier label.

(2) Subject to section 16, as long as any amount of a controlled product remains at a work site in the container in which it was received from the supplier, no person shall remove, deface, modify or alter the supplier label.

(3) Where a label applied to a controlled product or a container of a controlled product becomes illegible or is accidentally removed from the controlled product or the container, the employer shall replace the label with either a supplier label or a work site label.

(4) An employer who receives a controlled product of a multi-container shipment where the individual containers have not been labelled by the supplier shall affix to each container a label that meets the requirements of the *Controlled Products Regulations*, SOR/88-66.

(5) Where a controlled product imported under section 23 of the *Controlled Products Regulations*, SOR/88-66, is received at a work site without a supplier label, the employer shall affix a label that meets the requirements of the *Controlled Products Regulations*, SOR/88-66.

(6) An employer who receives a bulk shipment at a work site shall

- (a) affix a supplier label to the container of the controlled product or to the controlled product; or
- (b) affix a work site label to the container of a controlled product or to the controlled product where, under section 15 of the *Controlled Products Regulations*, SOR/88-66, the supplier is not required to label the controlled product.

### **Work Site Label for Employer-produced Products**

**7.** (1) Where an employer produces a controlled product at a work site, the employer shall ensure that a work site label is applied to the controlled product or the container of the controlled product.

(2) For the purposes of subsection (1), "produces" does not include the production of a fugitive emission.

(3) Subsection (1) does not apply where the controlled product is in a container that is intended to contain the controlled product for sale or disposition and the container is, or is about to be, appropriately labelled.

### **Work Site Label for Decanted Products**

**8.** (1) Where a controlled product at a work site is in a container other than the container in which it was received from a supplier, the employer shall ensure that a work site label is applied to the container.

(2) Subsection (1) does not apply to a portable container that is filled directly from a container bearing a supplier label or work site label

- (a) if the content of the container is clearly identified and if the controlled product
  - (i) is under the control of and is used exclusively by the worker who filled the portable container, and
  - (ii) is used only during the shift in which the portable container was filled; or
- (b) if all of the controlled product is required for immediate use.

### **Identification of a Controlled Product in Piping Systems and Vessels**

**9.** Where a controlled product at a work site is contained or transferred in

- (a) a pipe,
- (b) a piping system including valves,
- (c) a process vessel,
- (d) a reaction vessel, or
- (e) a tank car, tank truck, ore car, conveyor belt or similar conveyance,

the employer shall ensure the safe use, storage and handling of the controlled product through worker education and the use of colour coding, labels, placards or any other mode of identification.

### **Placard Identifiers**

**10.** Notwithstanding sections 6 to 8, where a controlled product is

- (a) not in a container,
- (b) in a container or in a form intended for export, or
- (c) in a container that is intended to contain the controlled product for sale or distribution and the container
  - (i) is not, and is not about to be, appropriately labelled as referred to in subsection 7(3), and
  - (ii) is to be appropriately labelled within the normal course of the business of the employer and without undue delay,

the employer may fulfill the labelling requirements under sections 6 to 8 by posting a placard which

- (d) discloses the information required for a work site label; and
- (e) is of such size and in such a location that the information on the placard is conspicuous and clearly legible to workers.

## Laboratory Labels

- 11.** (1) A controlled product that is received at a work site is exempt from the requirements of section 6 in respect of a supplier label where
- (a) the controlled product
    - (i) originates from a laboratory supply house,
    - (ii) is intended by the employer solely for use in a laboratory, and
    - (iii) is packaged in a container in a quantity of less than 10 kg; and
  - (b) the container in which the controlled product is packaged has affixed to it a label provided by the supplier that discloses the following information in respect of the controlled product:
    - (i) a product identifier,
    - (ii) where a material safety data sheet is available, a statement indicating that fact,
    - (iii) risk phrases that are appropriate to the controlled product,
    - (iv) precautionary measures to be followed when handling, using or being exposed to the controlled product,
    - (v) where appropriate, first aid measures to be taken in case of exposure to the controlled product.

(2) A sample of a product that is a controlled product, or that a supplier or an employer has reason to believe may be a controlled product, is exempt from the requirements of section 6 in respect of a supplier label where

- (a) the controlled product
  - (i) is contained in a container that contains less than 10 kg of the product,
  - (ii) is intended by the supplier or the employer solely for analysis, testing or evaluation in a laboratory, and
  - (iii) is one in respect of which the supplier is exempted by section 9 of the *Controlled Products Regulations*, SOR/88-66, from the requirement to provide a material safety data sheet; and
- (b) the container in which the controlled product is contained has affixed to it a label provided by the supplier that discloses the following information in respect of the controlled product:
  - (i) the product identifier,
  - (ii) the chemical identity or generic chemical identity of any ingredient of the controlled product referred to in any of subparagraphs 13(a)(i) to (v) of the *Hazardous Products Act* (Canada), if known to the supplier or the employer,
  - (iii) the name of the supplier,
  - (iv) the statement "Hazardous Laboratory Sample, for hazard information or in an emergency call (*number disclosed under subparagraph (v)*)",
- (v) an emergency telephone number of the supplier that will enable
  - (A) a user of the controlled product to obtain hazard information in respect of the controlled product, and
  - (B) a medical professional to obtain any information referred to in paragraph 13(a) of the *Hazardous Products Act* (Canada) in respect of the controlled product and that is in the possession of the supplier, for the purpose of making a medical diagnosis of, or rendering treatment to, a person in an emergency.

(3) Subject to subsection (4), where a controlled product referred to in paragraph (1)(a) or subparagraphs (2)(a)(i) and (ii) is in a container other than the container in which it was received from a supplier, the employer is exempt from the requirement of section 8 with respect to the application of a work site label if the controlled product

- (a) is intended by the supplier or the employer solely for use, analysis, testing or evaluation in a laboratory;
- (b) is clearly identified through any mode of identification visible to workers at the work site;
- (c) is clearly identifiable to workers through the worker education program required by these regulations; and
- (d) originates in a laboratory supply house or is a laboratory sample.

(4) The employer shall ensure that the mode of identification and employee education referred to in subsection (3) enables the workers to readily identify and obtain either the information required on a material safety data sheet or a label or document disclosing the information referred to in subparagraphs (2)(b)(i) to (v) with respect to the controlled product or the sample.

(5) Subject to subsection (6), where a controlled product is produced in a laboratory, the employer is exempt from the requirement of sections 7 and 8 if the controlled product

- (a) is intended by the employer solely for evaluation, analysis or testing for research and development;
- (b) is not removed from the laboratory;
- (c) is clearly identified through any mode of identification visible to workers at the work site; and
- (d) is clearly identifiable to workers through the worker education program required by these regulations.

(6) The employer shall ensure that the mode of identification and worker education program referred to in subsection (5) enables workers to readily identify and obtain either the information required on a material safety data sheet, if one has been produced, or such other information as is necessary to ensure the safe use, storage and handling of the controlled product.

### **PART III**

#### *MATERIAL SAFETY DATA SHEETS*

##### **Supplier Material Safety Data Sheets**

**12.** (1) An employer who acquires a controlled product from a supplier for use at a work site shall obtain a supplier material safety data sheet in respect of the controlled product.

(2) Where a supplier material safety data sheet obtained under subsection (1) in respect of a controlled product is three years old, the employer shall, if possible, obtain from the supplier an up-to-date supplier material safety data sheet in respect of any of that controlled product at the work site at that time.

(3) Where the employer is unable to obtain a material safety data sheet as required by subsection (2), the employer shall add any new hazard information applicable to that controlled product to the existing supplier material safety data sheet on the basis of the ingredients disclosed in that document.

(4) The employer may provide at a work site a material safety data sheet in a format different from the format provided by the supplier or containing additional hazard information if



- (a) the material safety data sheet provided by the employer, subject to section 16, contains no less content than the supplier material safety data sheet, or such lesser content as is accepted by the Committee, if any; and
- (b) the supplier material safety data sheet is available at the work site and the material safety data sheet provided by the employer indicates that fact.

(5) Where a supplier is exempted by section 9 of the *Controlled Products Regulations*, SOR/88-66, from the requirement to provide a material safety data sheet for a controlled product, the employer is exempt from the requirement to obtain and provide a material safety data sheet for that controlled product.

(6) Where a controlled product is received at a laboratory and the supplier has provided a material safety data sheet, the employer shall ensure that a copy of the material safety data sheet is readily available to the workers in the laboratory.

(7) Where a controlled product is received or produced at a laboratory and the employer has provided a material safety data sheet, the employer shall ensure that a copy of the material safety data sheet is readily available to workers in the laboratory.

### **Employer Material Safety Data Sheets**

**13.** (1) Where an employer produces a controlled product at a work site, the employer shall, subject to section 16, prepare a material safety data sheet in respect of the product.

(2) For the purposes of subsection (1), "produces" does not include the production of a fugitive emission or intermediate products undergoing reaction within a reaction or process vessel.

(3) An employer shall update the material safety data sheet referred to in subsection (1)

- (a) as soon as practical but not later than 90 days after new hazard information becomes available to the employer; and
- (b) at least every three years.

### **Availability of Material Safety Data Sheets**

**14.** (1) An employer shall ensure that a copy of a material safety data sheet required by section 12 or 13 is

- (a) made readily available at a work site to workers who may be exposed to the controlled product; and
- (b) made readily available to the Committee, if any.

(2) Notwithstanding subsection (1), where an employer is required by subsection (1) to make a material safety data sheet readily available, the material safety data sheet may be made available on a computer terminal if the employer

- (a) takes all reasonable steps to keep the terminal in active working order;
- (b) makes the material safety data sheet readily available at the request of a worker; and
- (c) provides training in accessing computer-stored material safety data sheets to
  - (i) a worker working at a work site where the material safety data sheet is available on a computer terminal, and
  - (ii) members of the Committee.

### **Deletions From a Material Safety Data Sheet**

**15.** Where an employer claims an exemption from a requirement to disclose information under section 16, the employer may delete from the material safety data sheet provided in accordance with sections 12 and 13, for the time period prescribed by subsection 16(4), the information that is the subject of the claim but may not delete hazard information.

### **PART IV**

#### *CONFIDENTIAL BUSINESS INFORMATION*

**16.** (1) An employer who is required under these regulations to disclose on a label or a material safety data sheet

- (a) the chemical identity or concentration of any ingredient of a controlled product,
- (b) the name of any toxicological study that identifies any ingredient of a controlled product,
- (c) the chemical name, common name, generic name, trade name or brand name of a controlled product, or
- (d) information that could be used to identify a supplier of a controlled product,

may, if the employer considers such information to be confidential business information, claim an exemption from the requirement to disclose that information.

(2) The claim under subsection (1) shall be made to the Commission established under the *Hazardous Materials Information Review Act* (Canada), and shall be filed in accordance with the procedure established under that Act and the regulations made under that Act.

(3) The Commission shall, under section 32 of the *Hazardous Materials Information Review Act* (Canada), exercise the powers and perform the functions specified in that Act and the procedures prescribed by regulations under that Act in respect of the claim made under subsection (1).

(4) Information that an employer considers to be confidential business information is exempt from disclosure from the time a claim is filed under subsection (1) until the claim is finally determined by the Commission and for a period of three years after that time if the claim is found to be valid.

(5) An employer who makes a claim under subsection (1) shall abide by decisions and orders of the Commission.

(6) Appeals of decisions made by the Commission shall lie exclusively with the procedures established under the *Hazardous Materials Information Review Act* (Canada).

**17.** (1) An employer who files a claim for exemption under section 15 shall disclose on the material safety data sheet and, where applicable, on the label of the controlled product or container in which the controlled product is packaged, the date that the claim for exemption was filed and the registry number assigned to the claim under the *Hazardous Materials Information Review Act* (Canada).

(2) The requirements of subsection (1) apply in respect of an employer who receives notice of a decision that the claim for exemption is valid,

- (a) where there is no appeal of the decision, for a period not exceeding 30 days after the expiry of the appeal period; and
- (b) where there is an appeal of the decision, for a period not exceeding 30 days after expiry of the appeal period in respect of the decision on appeal, if there is no appeal of that decision.

**18.** An employer who receives notice of a decision made under the *Hazardous Materials Information Review Act* (Canada) that his or her claim or a portion of his or her claim for exemption from a requirement to disclose information in respect of a controlled product on a material safety data sheet or a label is valid shall, during the period beginning not more than 30 days after the final disposition of the claim and ending on the last day of the exemption period, in respect of the sale or importation of the controlled product or any controlled product having the same product identifier, disclose on the material safety data sheet and, where applicable, on the label of the controlled product or container in which the controlled product is packaged the following information:

- (a) a statement that an exemption has been granted;
- (b) the date of the decision granting the exemption.

## **PART V**

### *CONFIDENTIALITY OF INFORMATION*

**19.** (1) Where an official of the Government of the Northwest Territories obtains information from the Commission under paragraph 46(2)(e) of the *Hazardous Materials Information Review Act* (Canada), the official to whom such information is communicated shall keep such information confidential and shall not disclose such information to any person except for the purposes of the administration or enforcement of the *Safety Act* and regulations.

(2) Any person to whom information is disclosed under subsection (1) shall keep the information confidential.

### **Disclosure of Information in Medical Emergencies**

**20.** (1) An employer shall, in respect of any controlled product present or which was present at the work site, provide such information respecting the controlled product, including confidential business information, that is in the possession of the employer, to a medical professional who requests information on the controlled product for rendering medical treatment to a person in an emergency.

(2) No person to whom information is provided by an employer under subsection (1) shall communicate or disclose the information to any other person except as may be necessary for the purposes mentioned in that subsection.

(3) Any person to whom information is disclosed under subsection (2) shall keep the information confidential.

**21.** No person shall use, disclose or release information protected as confidential business information under these regulations except as provided by sections 19 and 20.

**Disclosure of Source of Toxicological Data**

**22.** Subject to the *Hazardous Materials Information Review Act* (Canada), any employer who manufactures a controlled product at a work site shall, at the request of a safety officer, any concerned worker at the site, the Committee, or in the absence of a Committee at the request of the representative of the workers at the work site, disclose as quickly as possible under the circumstances the source of any toxicological data used in preparing the material safety data sheet referred to in subsection 13(1).