



**MEMORANDUM NOTE DE SERVICE**

To / À A. Cotterill  
 Chair  
 GHS General Issues Committee  
 Health Canada

From / De Abbey Klugerman  
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 WHMIS Division

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Date March 7, 2005

Subject / Objet **Issues to be brought to General Issues Committee from WHMIS Stakeholders**

**PURPOSE:**

On behalf of the Government’s WHMIS MOU F/P/T partners and other WHMIS stakeholders, as these parties have requested, this is to bring forward for discussion at the General Issues Committee (GIC), the issues and views these parties have raised relating to implementation of the Globally Harmonized System of Classification and Labelling of Chemicals (GHS) in Canada.

**BACKGROUND:**

Section 19 of the *HPA* places a legal obligation on the Minister of Health Canada to consult with WHMIS stakeholders. The 13 Ministerial MOUs place an additional obligation to consult with F/P/T governments. The long established Intergovernmental WHMIS Coordinating Committee (IWCC) and the WHMIS multi-stakeholder Current Issues Committee (CIC) serves as the fora for this consultation on matters concerning the modification of WHMIS. These two fora have also been used as a medium to engage WHMIS stakeholders on all matters potentially affecting the program. The CIC’s mandate is to make recommendations to departments and agencies responsible for WHMIS legislation including recommendations for modifications to WHMIS or changes in its scope.

The WHMIS Division was tasked by the IWCC, for example, to advise the GIC of the OHS regulators' concerns with regard to the building block approach and request that other federal regulations cross reference the modified WHMIS requirements as opposed to duplicating or modifying them.

**ISSUES:**

**Product “Convergence” / Jurisdiction for the Workplace** - At their meeting on January 19, 2005, IWCC members expressed concern and frustration with the multitude of federal classification and hazard communication schemes for chemicals citing the regulations for consumer chemicals and pesticides as examples. Members stated that WHMIS is the national classification and hazard communication standard in Canada, has by far the greatest scope, and that, irrespective of the intended end use and user, all of these products do converge in the workplace and thereby come under their jurisdiction.

Members were unanimous in their request that WHMIS be considered as the lead program for implementation of the GHS in Canada. They were also unanimous in their request that where the possibility exists, other regulations cross reference the classification criteria and hazard communication requirements to be specified in the revised [WHMIS] *Controlled Products Regulations*.

The WHMIS Division was tasked by the IWCC to advise the GIC of the OHS regulators' concerns with regard to the multiplicity of federal regulatory schemes for chemical products and request that other federal regulations cross reference the modified WHMIS requirements as opposed to duplicating or modifying them.

**Classification of skin sensitization for untested mixtures** - the IWCC considered options for the classification and labelling of mixtures for skin sensitization: use a cut-off level of 1.0% (option 1); use a cut-off level of 0.1% (option 2); or use a cut-off level of 0.1% and include a special provision in amended regulations that allows for reduced labelling requirements for mixtures that contain skin sensitizers at concentrations between 0.1% and 1.0% (option 3). The purpose of including such a special provision is to harmonize with other regulators in the event that they provide for reduced labelling requirements. IWCC members expressed the view that there is the need to harmonize classification criteria of sensitizers within Canada and with other competent authorities.

The WHMIS Division was tasked by the IWCC to share the WHMIS approach to classifying sensitizers with the GIC. The WHMIS Division was also tasked by the IWCC to share its suggestion with the GIC that the consumer chemical sector should consider addressing skin sensitization hazards.

**Classifying products as physical hazards** - as a result of clarification on the use of scientific and professional judgement for the classification of physical hazards, the IWCC expressed concerns with classifying products as physical hazards in the absence of data.

The WHMIS Division was tasked by the IWCC to share with the GIC its concern regarding physical hazard classification of a product in the absence of data without using scientific and professional judgement.

**Coordination of Canadian Approach to GHS implementation** - the WHMIS Current Issues Committee (CIC) discussed how the Building Block Approach should be applied when implementing the GHS. Representatives of the industry caucus suggested preparing a list of the pros and cons of adopting the full range of GHS building blocks versus adopting those elements that best fit the needs of the national WHMIS program. They suggested that if the intention was for all sectors to adopt all elements of the GHS, then there would be no need for the WHMIS Working Group nor any need for consultations. They also stated that it would be in the best interest of all WHMIS stakeholders to implement the GHS in a logical harmonized manner as opposed to having to make corrections down the road and that as the GHS is undergoing revision it is a moving target and, thus, difficult to implement. One industry representative proposed that a guidance document be developed by the UNSCEGHS that identifies which building blocks should be adopted by each competent authority.

Others expressed concerns regarding the difficulty of ascertaining which building blocks should be adopted by each sector to facilitate a truly internationally harmonized system of hazard classification/hazard communication. In terms of progress to date, Canada appears amongst the leading countries and is at a much more advanced stage than its biggest trading partner, i.e., the United States. Being at a different stage of progress also makes it difficult for Canada to determine which building blocks to adopt in order to ensure harmonization, i.e., a globally level playing field.

The CIC was unanimous in its recommendation that the four key Canadian sectors should continue to coordinate their efforts in order to ensure a nationally consistent approach to GHS implementation.

cc. WHMIS Current Issues Committee