What You Need to Know about the New WHMIS Regulations

The changes took effect on April 4, 2023, but you don’t have to comply until Jan. 1, 2026

Significant changes to WHMIS requirements officially took effect across Canada on April 4, 2023. If you haven’t heard about them it may be because you don’t have to be in compliance with the new rules until January 4, 2026. Even so, you should be aware of the changes and how they’ll affect your current WHMIS program. Here’s an FAQs briefing of what you need to know so you can at least start planning for the transition.

FAQ 1: Why are the WHMIS rules changing?

Answer: In 2015, Canada revised its WHMIS regulations to align with a UN standard called the Globally Harmonized System (GHS) designed to coordinate how hazardous products are regulated in industrialized countries around the world. Current Canadian WHMIS requirements are based on edition 5 of GHS. However, the UN updates GHS every 2 years. The new regulatory requirements are necessary to bring WHMIS into line with the newest rules contained in the seventh revised edition (GHS 7).

FAQ 2: Which Laws Are Changing?

Answer: Technically, WHMIS requirements are contained in the OHS laws of each jurisdiction. The GHS changes are not to the OHS laws but the national Hazardous Products Regulations (HPR) on which WHMIS requirements are based. The dynamic: WHMIS establishes the framework for ensuring that workers are properly informed of the dangers posed by the hazardous products to which they’re exposed, such as by requiring labels, SDS and training. The HPR identify which products are hazardous, how they’re classified and what hazard information workers must know about them.

FAQ 3: When Do the Changes Take Effect?

Answer: The HPR changes officially took effect on April 4, 2023, three months after they were published in the *Canada Gazette* on Jan. 4, 2023. But don’t panic. As with the original GHS changes, this latest round of revisions will be phased in over 3 years. **Practical effect:** Between now and Jan. 1, 2026, you can comply with **either** the old GHS 5 **or** new GHS 7 rules. But after Jan. 1, 2026, you must comply with GHS 7 and only GHS 7.

FAQ 4: What Are the Classification Changes?

Answer: Many of the changes affect how current hazardous products are classified. Key changes:

Revised Classification for Flammable Gases

Under the previous HPR classification, extremely flammable gases were all lumped together into one category. The new GHS rules create a new Flammable Gases – Category 1, subdivided into:

- Subcategory 1A including pyrophoric gases and unstable gases; and
- Subcategory 1B including flammable gases that aren't pyrophoric or chemically unstable but have a lower flammability hazard that those of Subcategory 1A.

The revised HPR also includes new definitions of pyrophoric gas and chemically unstable gas.

Revised Classification for Aerosols

Aerosols were previously classified as "Flammable Aerosols," with categories for very flammable and less flammable products. The new GHS rules change the name of the Flammable Aerosols hazard class to Aerosols and establish a new Category 3 for non-flammable aerosols.

New Chemicals Under Pressure Classification

The new rules establish a new "Chemicals Under Pressure" categorization that's distinct from the "Gases Under Pressure" class. There are also new provisions specifying the hazard symbol, signal word, hazard statement and precautionary statements that must be listed on the labels of products classified as Chemicals Under Pressure. They also clarify that products classified in the Chemicals Under Pressure hazard class may not be classified in any category or subcategory of the following hazard classes:

- Flammable Gases;
- Flammable Solids; and
- Flammable Liquids.

Other Classification Changes

Other key changes affecting HPR classification:

- Clarification on how to identify and classify substances that evolve toxic gases on contact with water, but which aren't toxic in their original dry condition;
- Corrosives/Irritants to Skin and Serious Eye Damage/Irritant to Eyes substances that are classified based on ingredients without testing can now be classified into subcategories based on the subcategories of their ingredients;
- New criteria for classification in Specific Target Organ Toxicity – Single Exposure, Category 3.

FAQ 5: What Are the Hazardous Communication/WHMIS Changes?

Answer: Under the HPR, once a material is classified, the supplier must provide labels and SDSs listing hazard information about the product based on its

classification. OHS WHMIS rules require employers that use these products downstream to make that hazard information available to their workers. The revised HPR includes changes affecting this hazard communication that will eventually have to be delivered to workers via labels and the SDS. The most significant of these changes affect the content of the SDS.

The New SDS Section 9 Requirements

The new rules change the information that must be listed in Section 9 of the SDS describing the product's physical and chemical properties, as summarized by the following chart:

Current Section 9	Revised Section 9
• Appearance, such as physical state and colour; • Odour; • Odour threshold; • pH; • Melting point and freezing point; • Initial boiling point and boiling range; • Flash point; • Evaporation rate; • Flammability, in the case of solids and gases; • Upper and lower flammability or explosive limits; • Vapour pressure; • Vapour density; • Relative density; • Solubility; • Partition coefficient – n – octanol/water; • Auto-ignition temperature; • Decomposition temperature; and • (r) Viscosity	Physical state; • Colour; • Odour; • Melting point and freezing point; • Boiling point or initial boiling point and boiling range; • Flammability; • Lower and upper explosion limit or lower and upper flammability limit; • Flash point; • Auto-ignition temperature; • Decomposition temperature; • pH; • Kinematic viscosity; • Solubility; • Partition coefficient – n-octanol/water (logarithmic value); • Vapour pressure; • Density and relative density; • Relative vapour density; and • (r) Particle characteristics

The New SDS Section 14 Requirements

The changes also affect Section 14 of the SDS, which lists transport information about the product:

Current Section 14	Revised Section 14
• UN number; • United Nations proper shipping name as provided for in the United Nations Model Regulations; • transport hazard class as provided in the United Nations Model Regulations; • packing group as provided in the United Nations Model Regulations; • environmental hazards according to the International Maritime Dangerous Goods Code and the United Nations Model Regulations; • additional safety and hazard information regarding shipments in bulk; and • special precautions in connection with transport or conveyance either within or outside the premises	**• UN number; • United Nations proper shipping name as provided for in the United Nations Model Regulations; • transport hazard class as provided in the United Nations Model Regulations; • packing group as provided in the United Nations Model Regulations; • environmental hazards according to the International Maritime Dangerous Goods Code and the United Nations Model Regulations; and • special precautions in connection with transport or conveyance either within or outside the premises**

Notice that the new Section 14 need no longer list additional safety and hazard information about shipments in bulk.

New Combustible Dusts Hazard Statement

Previously, the required hazard statement for combustible dusts was: “May form combustible dust concentrations in air.” Under the new rules, the SDS can use either the original hazard statement or a new version: “May form explosible dust-air mixture.” The point of the change is to align the HPR with US SDS regulations.