



Mr. Sorosh Ziarati

Job title: Regulatory Affairs Executive

Global Product Compliance (GPC)
Canada

Email: Sorosh@eu.gpcregulatory.com

Updates of Canadian hazardous product regulations – requirements for GHS and SDS



Outline

- Canadian Chemical Regulation
- Recent update
- Deadlines and your Obligations
- Compliance Strategy
- GPC services
- Q&A



Key words and Abbreviation

- Canadian Agent (CA)
- Domestic Substance List (DSL)
- None Domestic Substance List (NDSL)
- Canadian Environmental Protection Act (CEPA)
- Hazardous Products Regulation (HPR)
- The Revised In Commerce List (RICL)
- New Substances (NSN)
- Significant New Activity (SNAc)



Canada Chemical Regulation



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Canada Chemical Regulation

Canadian Environmental Protection Act, 1999(CEPA)
principal federal legislation for protecting environment
and human health from pollution

CEPA enables programs, such as:

- Disposal at sea
- Environmental emergencies
- Environmental science and technology
- **Existing substances**
- Federal Environmental Quality Guidelines
- **New substances**
- Pollution and waste management
- Risk assessment
- Risk management
- Wildlife enforcement and legislation



Inventory

DSL

- “The DSL is a compilation of about 23 000 substances used, imported or manufactured in Canada for commercial purposes between January 1, 1984, and December 31, 1986, at a quantity of greater than 100 kg per year”.
- Consist of 5 different flags depending on the substance

NDSL

- “The NDSL is a database for substances which are not on the DSL but are accepted as being in use internationally worldwide”.
- Based on USEPA’s TSCA Chemical Substances Inventory.



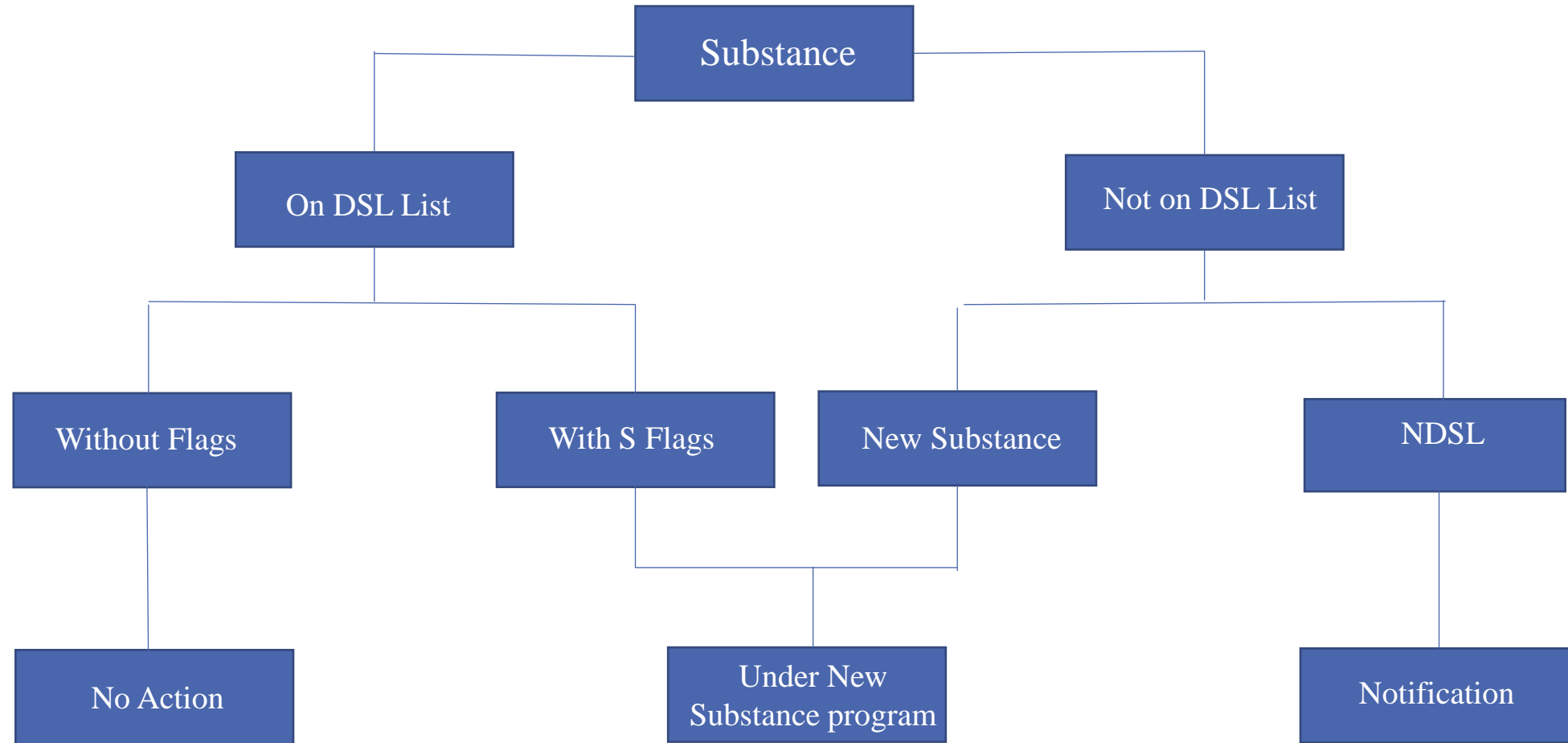
New substance

The New Substances (NSN) program consists of officials from both Environment Canada and Health Canada.

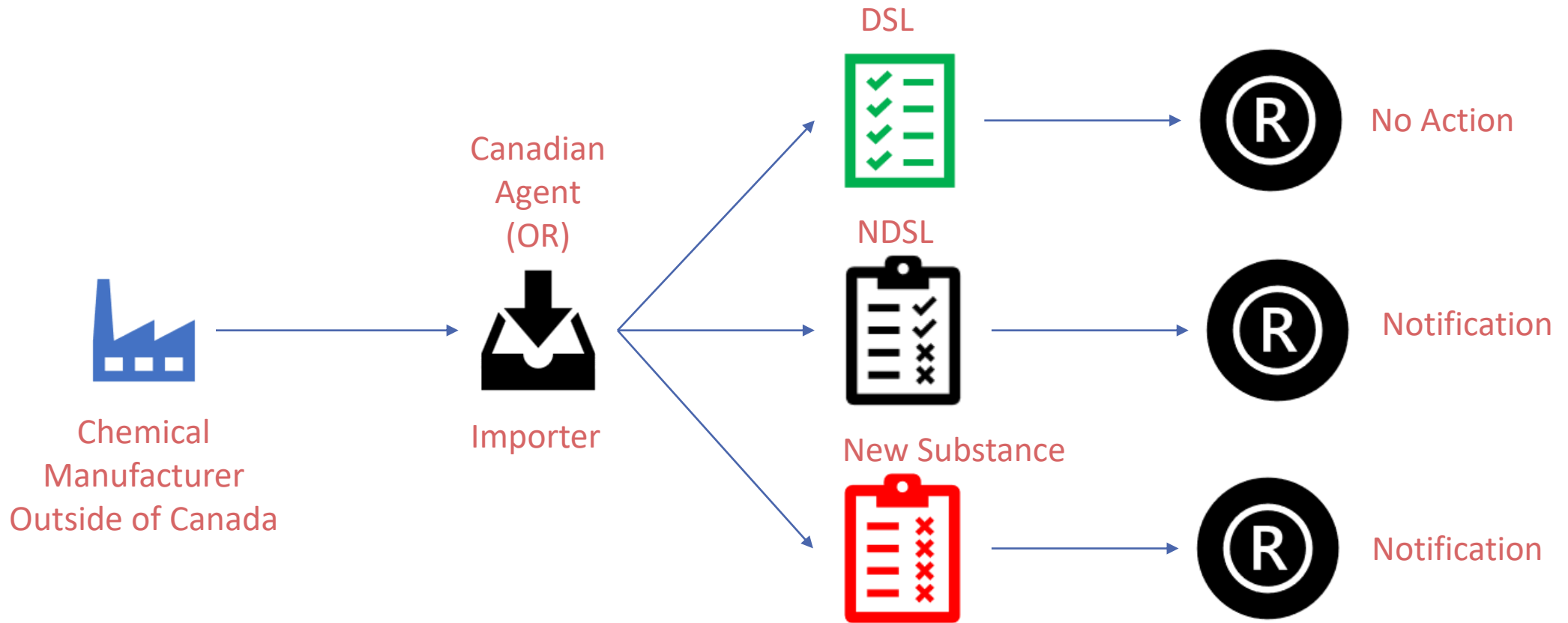
- the substance is new to Canada and it is **not on DSL list**.
- the substance has a **significant new activity** that is listed on the DSL (S flag).
- **S flag**: indicates that the substance is subject to SNAC requirements and is applied when the substance was subject to SNAC requirements prior to its addition to the DSL.



Procedures



Procedures



Recent updates



Transition to GHS 7th

Coming into force of the amended Hazardous Products Regulation (HPR).

- On **January 4, 2023**, Health Canada published amendment in Canada Gazette, part II to update the Hazardous Products Regulation.

These amendments include:

- Align the HPR with 7th Edition of the Globally Harmonized System of Classification and labelling of Chemicals (**GHS 7th edition.**).
- Adopt new physical hazard class, Chemicals under pressure from **GHS 8th edition.**

Health Canada is adopting a general **3-year** transition period, whereby all stakeholders must be in compliance with amendment by **December 15th, 2025.**



Key summary to GHS 7th benefits

Increasing health and safety benefits to Canadian workers	Maintaining alignment with benefits to Canadian the U.S. workers Hazard Communication Standard	Addressing issues identified since the coming into force of the HPR in Feb. 2015
<ul style="list-style-type: none"> Improving the classification and testing of hazardous chemicals Being more precise in terminology and definitions; Providing more comprehensive and more detailed health and safety information on labels and SDSs. 	<ul style="list-style-type: none"> Permitting the continued use of one label and one SDS per workplace hazardous product to meet the hazard communication requirements of both countries, subject to Canada's legal. Fulfilling Health Canada's international commitment to align the HPR with the GHS 7th revised edition. 	<ul style="list-style-type: none"> Making substantive changes that include corrections and amendments to other provisions; Revising the criteria or requirements to better reflect the original intent of the HPR



Summary of Key Amendments of the HPR

	Topics	Former HPR (5 th . Ed)	Amended HPR (GHS 7 th and 8 th ed.)
Administration updates	Transition period	3 years plus 9 months (February 11, 2015 to November 30, 2018); rolled out in three phases (phase 1 for manufacturers and importers, phase 2 for distributors and phase 3 for employers)	3-year general transition period for all stakeholders
Adoption of a new Hazard classes and Categories	Hazard Class	list of chemical substance	Adoption of new physical hazard class
	Aerosols- New Category	Flammable Aerosols hazard class includes two categories - Category 1 and Category 2	Change of hazard class name to Aerosols and adoption of a new category: Aerosols -Category 3 (non-flammable aerosol products)

Update to SDS page

- Mandatory requirement for **bilingual Label** and SDS across the country.
- The SDS should be both in English and French
- Any product that is classified in a category of the hazard class "Aerosols" must not be classified in any category of the "Chemicals Under Pressure" hazard class
- The SDS has important modifications in Section 9;
 - **Add** Kinematic to viscosity
 - **Add** Particle characteristic as a for solid products only
- Narrower concentration range on SDS labels



Bill S-5



Bill S-5

- Effort to reform the CEPA
- CEPA was last time updated in 1999
- Bill S5 try to make the Canada chemical management system to more like EU-REACH
- Bill S5 was approved by the senate by the June 2022

The implementation of this Bill is expected in **early 2023**

Amends CEPA in two main ways:

- Recognizes a right to a healthy environment, as provided under CEPA
- Strengthens the foundation for the management of chemicals and other substances



Bill S-5 contents

- **New Substances**
- **Domestic Substances List (DSL)**
- **Risk Management and Assessment**
- Right to a Healthy Environment
- Information-Gathering



Risk Management

- A substance Watch List
- The list of toxic substances in Schedule 1 under CEPA will be split into two parts:
 - Part 1: Substance which Contains most toxic substance (**priority given to prohibition**)
 - Part 2: Substance which are subjected to regular risk management (**priority given to pollution prevention**)



New Substances

- Strengthening the Significant New Activity (SNAC) Provision.
 - Adds power to vary certain elements of a SNAC notice or order.
 - extends the obligation to communicate a SNAC notice.

Amendments to the *Food and Drugs Act* to enable the creation of an environmental risk assessment and risk management regime for drugs under the *Food and Drug Regulations*.



Domestic Substances List (DSL)

“The Revised In Commerce List (R-ICL) is comprised of substances which were in products that were regulated under the Food and Drugs Act (F&DA) and that were in Canadian commerce between January 1, 1987 and September 13, 2001”.

- Power to Add Revised In-Commerce List (R-ICL) Substances to the DSL.
- Adding to DSL will clarify their status under CEPA as existing substances
- Power to Remove Substances from the DSL



Timeline and Obligations

➤ Timeline

- Bill S5 Would come into force in the near future (possibly first half of 2023)
- **14 December 2025** for SDS alignment.

➤ Obligations

- To gather information regarding your product
- Be ready for new changes within the Chemical Inventory (DSL)
- To update your product SDSs according to the **GHS 7th and GHS 8th**



Compliance Strategy

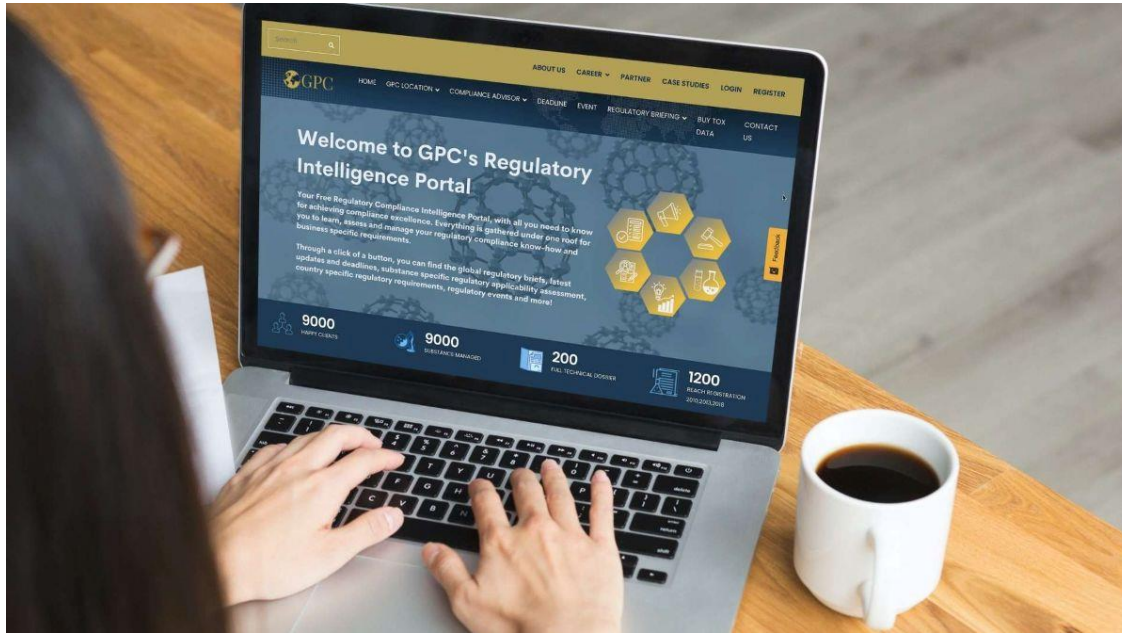
- List all substances that you will export to Canada .
- Determine which list the substance is listed: DSL, NDSL or considered as New Substance .
- Access which Notification type needs to be done .
- Appoint a Canadian agent .
- Update your SDS to GHS 7 & 8th.



Our services in Canada

- **Help you update SDS;**
- **what obligation you need in Canada;**
- **Provide latest update on the Canadian chemical regulation;**
- **We can help you with the registration of :**
 - New Substances,
 - Fertilizer/Supplements,
 - Natural Health Products and Cosmetics,
 - Disinfectants and Pest Control Products
 - Novel Food, Food Additives and Food Contact Packaging Materials





Regulatory Intelligence

You can explore regulatory information and intelligence related to:

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- **40+** regulations
- Over **100,000** chemicals
- **100+** regulatory events
- **50+** regulatory summaries
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15+ Regions | 5 Continents | 40+ Regulations |

1000+ Regulatory Briefings

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IDEON Science Park, Beta 5.
Scheelevägen 17,
223 63 Lund, Sweden



compliance@gpcregulatory.com



+ 46 (0) 46 211 46 15



www.gpcgateway.com



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Thanks For Listening!

Any Questions?