

Table of Contents

1 Citation

DEFINITIONS

2 Definition of “hazardous product”

3 Definitions

Act — Loi

bulk shipment — expédition en vrac

CAS registry number — numéro d’enregistrement CAS

container — contenant

education — éducation

employer safety data sheet — fiche de données de sécurité de l’employeur

fugitive emission — émission fugitive

hazard information — renseignements sur le danger

Hazardous Materials Information Review Act — Loi sur le contrôle des renseignements relatifs aux matières dangereuses

Hazardous Products Act — Loi sur les produits dangereux

Hazardous Products Regulations — Règlement sur les produits dangereux

hazardous waste — résidu dangereux

instruction — instruction

label — étiquette

laboratory sample — échantillon pour laboratoire

manufactured article — article manufacturé

product identifier — identificateur de produit

readily available — facilement accessibles

research and development — recherche et développement

safety data sheet — fiche de données de sécurité

significant new data — nouvelles données importantes

supplier — fournisseur

supplier label — étiquette du fournisseur

supplier safety data sheet — fiche de données de sécurité du fournisseur

training — formation

workplace label — étiquette du lieu de travail

APPLICATION

4 Application

PROHIBITION

5 Prohibition

EMPLOYEE EDUCATION, INSTRUCTION AND TRAINING

6 Hazard information

- 7 Program of employee education, instruction and training

LABELLING AND IDENTIFICATION

- 8 Supplier labels
 9 Workplace labels
 10 Workplace label for decanted products
 11 Identification of a hazardous product in piping systems and vessels
 12 Placard identifiers
 13 Laboratory labels

SAFETY DATA SHEETS

- 14 Supplier safety data sheets
 15 Employer safety data sheets
 16 Availability of safety data sheets

CLAIMS FOR EXEMPTION

- 17 Claims for exemption
 18 Procedure
 19 Disclosure of certain information despite an exemption from a requirement to disclose made under this Regulation
 20 Disclosure of certain information despite an exemption from a requirement to disclose made under the *Hazardous Materials Information Review Act*

TRANSITIONAL PROVISIONS

- 21 Transitional provisions
 employer material safety data sheet — fiche signalétique de l'employeur
 former Regulation — ancien règlement
 material safety data sheet — fiche signalétique
 order — décret
 supplier material safety data sheet — fiche signalétique du fournisseur

REPEAL AND COMMENCEMENT

- 22 Repeal
 23 Commencement

Under section 51 of the *Occupational Health and Safety Act*, the Lieutenant-Governor in Council makes the following Regulation:

Citation

- 1 This Regulation may be cited as the *Workplace Hazardous Materials Information System Regulation - Occupational Health and Safety Act*.

DEFINITIONS

Definition of “hazardous product”

- 2 In the Act and this Regulation, “hazardous product” means any product, mixture, material or substance that is classified in accordance with the regulations made under subsection

15(1) of the *Hazardous Products Act* in a category or subcategory of a hazard class listed in Schedule 2 of that Act.

Definitions

3 The following definitions apply in this Regulation.

“Act” means the *Occupational Health and Safety Act*. (*Loi*)

“bulk shipment” means a shipment of a hazardous product that is contained in any of the following, without intermediate containment or intermediate packaging:

- (a) a vessel that has a water capacity equal to or greater than 450 litres;
- (b) a freight container, road vehicle, railway vehicle or portable tank;
- (c) the hold of a ship; or
- (d) a pipeline. (*expédition en vrac*)

“CAS registry number” means the identification number assigned to a chemical by the Chemical Abstracts Service, a division of the American Chemical Society. (*numéro d’enregistrement CAS*)

“container” includes a bag, barrel, bottle, box, can, cylinder, drum or similar package or receptacle but does not include a storage tank. (*contenant*)

“education” means the delivery of general or portable information to employees. (*éducation*)

“employer safety data sheet” means, in respect of a hazardous product, a document prepared by an employer which discloses the information referred to in subsection 15(1). (*fiche de données de sécurité de l’employeur*)

“fugitive emission” means a gas, liquid, solid, vapour, fume, mist, fog or dust that escapes from process equipment, from emission control equipment or from a product in a place of employment where employees may be readily exposed to it. (*émission fugitive*)

“hazard information” means information on the proper and safe use, storage and handling of a hazardous product and includes information relating to its health and physical hazards. (*renseignements sur le danger*)

“*Hazardous Materials Information Review Act*” means the *Hazardous Materials Information Review Act*, chapter 24 (3rd Supp.), Part III of the Revised Statutes of Canada, 1985. (*Loi sur le contrôle des renseignements relatifs aux matières dangereuses*)

“*Hazardous Products Act*” means the *Hazardous Products Act*, chapter H-3 of the Revised Statutes of Canada, 1985. (*Loi sur les produits dangereux*)

“*Hazardous Products Regulations*” means the *Hazardous Products Regulations* made under the *Hazardous Products Act*. (*Règlement sur les produits dangereux*)

“hazardous waste” means a hazardous product that is acquired or generated for recycling or recovery or is intended for disposal. (*résidu dangereux*)

“instruction” means detailed information provided either verbally or in writing to an employee describing how something should be done, operated or assembled. (*instruction*)

“label” means a group of written, printed or graphic information elements that relate to a hazardous product, and which group is designed to be affixed to, printed on or attached to

the hazardous product or the container in which the hazardous product is packaged. (*étiquette*)

“laboratory sample” means a sample of a hazardous product that is packaged in a container that contains fewer than 10 kg of the hazardous product and that is intended solely to be tested in a laboratory, but does not include a sample that is to be used

- (a) by the laboratory for testing other products, mixtures, materials or substances, or
- (b) for educational or demonstration purposes. (*échantillon pour laboratoire*)

“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, when being installed, if the intended use of the article requires it to be installed, and under normal conditions of use, will not release or otherwise cause an individual to be exposed to a hazardous product. (*article manufacturé*)

“product identifier” means, in respect of a hazardous product, the brand name, chemical name, common name, generic name or trade name. (*identificateur de produit*)

“readily available” means present in an appropriate place and accessible to an employee at all times in either of the following forms:

- (a) a physical copy that can be handled; or
- (b) an electronic copy. (*facilement accessibles*)

“research and development”, with respect to a hazardous product, means systematic investigation or search carried out in a field of science or technology by means of experiment or

analysis, other than investigation or search in respect of market research, sales promotion, quality control or routine testing, and includes

(a) applied research, namely, work undertaken for the advancement of scientific knowledge with a specific practical application in view, and

(b) development, namely, use of the results of applied research for the purpose of creating new processes or hazardous products or improving existing processes or hazardous products. (*recherche et développement*)

“safety data sheet” includes an employer safety data sheet and a supplier safety data sheet. (*fiche de données de sécurité*)

“significant new data” means new data regarding the hazard presented by a hazardous product that changes its classification in a category or subcategory of a hazard class, or result in its classification in another hazard class, or change the ways to protect against the hazard presented by the hazardous product. (*nouvelles données importantes*)

“supplier” means a supplier as defined in the *Hazardous Products Act*. (*fournisseur*)

“supplier label” means a label provided by a supplier that contains information elements required under the *Hazardous Products Act*. (*étiquette du fournisseur*)

“supplier safety data sheet” means a document provided by a supplier that contains information elements required under the *Hazardous Products Act*. (*fiche de données de sécurité du fournisseur*)

“training” means the delivery of worksite and job-specific information to employees. (*formation*)

“workplace label”, with respect to a hazardous product, means a label provided by an employer which discloses

- (a) a product identifier which is identical to that found on the safety data sheet of the corresponding hazardous product,
- (b) information for the safe handling of the hazardous product which is conveyed in a manner appropriate to the workplace, and
- (c) that a safety data sheet, if supplied or produced, is available. (*étiquette du lieu de travail*)

APPLICATION

Application

4(1) Subject to subsection (3), this Regulation does not apply at a place of employment to a hazardous product that is

- (a) wood or a product made of wood,
- (b) a tobacco product as defined in section 2 of the *Tobacco Act* (Canada),
- (c) a manufactured article,
- (d) hazardous waste, or
- (e) being transported or handled under the *Transportation of Dangerous Goods Act, 1992* (Canada).

4(2) Subsections 8(1) to (4) and sections 14, 15, 16 and 18 do not apply at a place of employment if the hazardous product is

- (a) an explosive as defined in section 2 of the *Explosives Act* (Canada),
- (b) a cosmetic, a device, a drug or a food as defined in section 2 of the *Food and Drugs Act* (Canada),
- (c) a pest control product as defined in subsection 2(1) of the *Pest Control Products Act* (Canada),
- (d) a nuclear substance as defined in section 2 of the *Nuclear Safety and Control Act* (Canada) that is radioactive, and
- (e) a consumer product as defined in section 2 of the *Canada Consumer Product Safety Act* (Canada).

4(3) An employer shall ensure the safe storage and handling of a hazardous waste by identification of the hazardous waste and by the provision of information, education, instruction and training in accordance with sections 6 and 7.

PROHIBITION

Prohibition

5(1) An employer shall ensure that a hazardous product is not used, stored or handled at a place of employment unless the requirements of this Regulation are complied with.

5(2) Despite subsection (1), an employer may store a hazardous product at a place of employment while actively seeking information required under this Regulation.

EMPLOYEE EDUCATION, INSTRUCTION AND TRAINING

Hazard information

6(1) An employer shall ensure that an employee who works with a hazardous product or who may be exposed to a hazardous product in the course of his or her work activities is informed of all hazard information received from a supplier concerning the hazardous product, as well as any further hazard information concerning the hazardous product of which the employer is aware or ought to be aware concerning the use, storage and handling of the hazardous product.

6(2) If a hazardous product is produced at a place of employment, an employer shall ensure that an employee who works with the hazardous product or who may be exposed to the hazardous product in the course of his or her work activities is informed of all hazard information of which the employer is aware or ought to be aware concerning the hazardous product.

Program of employee education, instruction and training

7(1) An employer shall ensure that an employee who works with a hazardous product or who may be exposed to a hazardous product in the course of his or her work activities receives education, instruction and training in

- (a) the content required on a supplier label and workplace label and the purpose and significance of the information contained on the labels,
- (b) the content required on a safety data sheet and the purpose and significance of the information contained on the safety data sheet,
- (c) procedures for the safe use, storage, handling and disposal of a hazardous product,

(d) specific information needed for the safe use, storage, handling and disposal of a hazardous 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 where employees may be exposed to the fugitive emissions, and

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

7(2) An employer shall ensure that the program of employee education, instruction and training required by subsection (1) is

(a) developed and implemented for the employer's place of employment,

(b) related to any other hazard prevention and control program at the place of employment, and

(c) developed and implemented in consultation with the committee, if any, or the health and safety representative, if any.

7(3) So far as is reasonably practicable, an employer shall ensure that

- (a) the program of employee education, instruction and training required by subsection (1) results in an employee being able to apply the information as needed to protect the employee's health and safety,
- (b) the knowledge of the employees is periodically evaluated using a written test, practical demonstration or other suitable means, and
- (c) the requirements of paragraph (b) are determined in consultation with the committee, if any, or the health and safety representative, if any.

7(4) An 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, or health and safety representative, if any, the education, instruction and training provided to employees concerning hazardous products.

LABELLING AND IDENTIFICATION

Supplier labels

8(1) Subject to any exemptions with respect to labelling requirements under the *Hazardous Products Regulations*, an employer shall ensure that a hazardous product or the container of a hazardous product that is received at a place of employment has a label that complies with the requirements set out in those regulations affixed to it, printed on it or attached to it or to the container in which it was packaged in a manner that complies with the requirements set out in those regulations.

8(2) If, pursuant to an exemption under section 5.15 of the *Hazardous Products Regulations*, a hazardous product is imported and received at a place of employment without a supplier label, or with a supplier label that does not comply with the requirements of the *Hazardous Products Regulations*, an employer

- (a) if the product is to be used solely in the workplace, shall affix a workplace label that meets the requirements of this Regulation, and
- (b) if the product is intended to be resold, shall affix a label that meets the requirements of the *Hazardous Products Regulations*.

8(3) An employer who receives an unpackaged hazardous product or a hazardous product transported as a bulk shipment at a place of employment to which, pursuant to an exemption under subsection 5.5(2) of the *Hazardous Products Regulations*, a supplier label has not been affixed or attached, shall affix a label having the information required of a supplier label to the container of the hazardous product or to the hazardous product.

8(4) Subject to an exemption with respect to labelling requirements under the *Hazardous Products Regulations*, and subject to section 17, if any amount of a hazardous product remains in a place of employment in the container in which it was received from the supplier, an employer shall not remove, deface, modify or alter the supplier label, with the exception of the removal of the label under normal conditions of use of a hazardous product in a container that has a capacity of 3 ml or less where the label interferes with the normal use of the product.

8(5) An employer shall update the labels or the information on containers as soon as significant new data is provided to the employer from the supplier.

8(6) If a label applied to a hazardous product or a container of a hazardous product becomes illegible or is accidentally removed, other than the removal of a label where the container of the hazardous product has a capacity of 3 ml or less under normal conditions of use and the label interferes with the normal use of the product, the employer shall replace the label with either a supplier label or a workplace label.

Workplace labels

9(1) If an employer produces a hazardous product, other than a fugitive emission, the employer shall ensure that the hazardous product or the container of the hazardous product has a workplace label applied to it.

9(2) An employer shall update the workplace labels as soon as significant new data is available to the employer.

9(3) Subsection (1) does not apply if the hazardous product is in a container that is intended to contain the hazardous product for sale or disposition and the container is or is about to be appropriately labelled.

Workplace label for decanted products

10(1) If a hazardous product is in a container that is not the container in which it was received from the supplier, an employer shall ensure that the container is labelled with a workplace label.

10(2) Subsection (1) does not apply in respect of a portable container that has been filled directly from a container with a supplier label or workplace label if

(a) the hazardous product

(i) is under the control of and is used exclusively by the employee who filled the portable container,

(ii) is used only during the shift in which the portable container is filled, and

(iii) in the portable container is clearly identified, or

- (b) all of the hazardous product in the portable container is required for immediate use.

Identification of a hazardous product in piping systems and vessels

11 An employer shall ensure the safe use, storage and handling of a hazardous product through employee education, instruction and training and the use of colour coding, labels, placards or any other mode of identification if the hazardous product is contained or transferred in any of the following:

- (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.

Placard identifiers

12 Despite sections 8, 9 and 10, an employer may fulfil the labelling requirements set out in those sections by posting a placard near the hazardous product that discloses the information required for a workplace label and is of a size and in a location that the information on the placard is conspicuous and clearly legible to employees, if the hazardous product is

- (a) not in a container,
- (b) in a container or form intended for export, or
- (c) in a container that is intended to contain the hazardous product for sale or disposition and the container is not about to be appropriately labelled under subsection 9(3) and is to

be appropriately labelled within the normal course of the employer's business and without undue delay.

Laboratory labels

13(1) If a laboratory sample of a hazardous product is the subject of a labelling exemption under subsection 5(5) or (6) of the *Hazardous Products Regulations*, a label provided by the supplier and affixed to, printed on or attached to the container of the product received at the place of employment that discloses the following information in place of the information required under paragraphs 3(1)(c) or (d) of the *Hazardous Products Regulations* complies with the requirements of section 8 with respect to a supplier label:

- (a) the chemical name or generic chemical name of any material or substance in the hazardous product that, individually, is classified pursuant to the *Hazardous Products Act* and the *Hazardous Products Regulations* in any category or subcategory of a health hazard class and is present above the relevant concentration limit, or is present at a concentration that results in the mixture being classified in a category or subcategory of any health hazard class, if known by the supplier; and
- (b) the statement "Hazardous Laboratory Sample. For hazard information or in an emergency, call / Échantillon pour laboratoire de produit dangereux. Pour obtenir des renseignements sur les dangers ou en cas d'urgence, composez" followed by an emergency telephone number for the purpose of obtaining the information that must be provided on the safety data sheet of the hazardous product.

13(2) If a hazardous product is in a container, other than the container in which it was received from a supplier, or is produced in the place of employment, the employer is exempt from the requirement of section 10 if the hazardous product

- (a) is a laboratory sample;
- (b) is intended by the employer solely for use, analysis, testing or evaluation in a laboratory, and
- (c) is clearly identified through a combination of
 - (i) a mode of identification visible to employees at the place of employment, and
 - (ii) employee education, instruction and training required by this Regulation.

13(3) The employer shall ensure that the mode of identification and employee education, instruction and training used under subsection (2) enables the employees to readily identify and obtain either the information required on a safety data sheet, if one has been produced, or a label or document disclosing the information referred to in paragraphs (1)(a) and (b) with respect to the hazardous product or the sample.

13(4) If a hazardous product is produced in a laboratory, the employer is exempt from the requirements of sections 9 and 10 if the hazardous product

- (a) is intended by the employer solely for evaluation, analysis or testing for research and development,
- (b) is not removed from the laboratory, and
- (c) is clearly identified through a combination of
 - (i) any mode of identification visible to employees at the place of employment, and
 - (ii) employee education, instruction and training required by this Regulation.

13(5) The employer shall ensure that the mode of identification and employee education, instruction and training used under subsection (4) enables employees to readily identify and obtain either the information required on a safety data sheet, if one has been produced, or any other information that is necessary to ensure the safe use, storage and handling of the hazardous product.

SAFETY DATA SHEETS

Supplier safety data sheets

14(1) Subject to subsection (2), an employer who acquires a hazardous product for use, handling or storage at a place of employment shall obtain a supplier safety data sheet in respect of that hazardous product that complies with the requirements of the *Hazardous Products Regulations*.

14(2) If a supplier is exempted by the *Hazardous Products Regulations* from the requirement to provide a safety data sheet for a hazardous product, the employer is exempt from the requirement to obtain and provide a safety data sheet for that hazardous product.

14(3) If an employer is unable to obtain an up-to-date supplier safety data sheet referred to in subsection (1), the employer shall add any significant new data applicable to the hazardous product to the most recent supplier safety data sheet obtained under that subsection on the basis of the ingredients of the hazardous product disclosed in that supplier safety data sheet.

14(4) An employer may provide a safety data sheet in a format different from the format in the supplier safety data sheet or containing additional hazard information if

- (a) it discloses no less information than that disclosed on the supplier safety data sheet,

- (b) it indicates that the supplier safety data sheet is available, and
- (c) the employer makes the supplier safety data sheet readily available.

14(5) If a hazardous product is received at a laboratory from a laboratory supply house or is a laboratory sample and the supplier has provided a safety data sheet, an employer shall ensure that a copy of the safety data sheet is made available to employees in the laboratory.

Employer safety data sheets

15(1) If an employer produces a hazardous product in the workplace, the employer shall prepare a safety data sheet in respect of that product which discloses, subject to section 17 of this Regulation and Part 5 of the *Hazardous Products Regulations*, the information required under the *Hazardous Products Regulations*.

15(2) For 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.

15(3) If a hazardous product is received or produced at a laboratory and the employer has prepared a safety data sheet, the employer shall ensure that the safety data sheet is made available to employees in the laboratory.

15(4) An employer shall disclose the source of any toxicological data used in preparing an employer safety data sheet to

- (a) an employee on request,
- (b) an officer on request, and

(c) a member of the committee, if any, or to a health and safety representative, if any, on request.

15(5) An employer shall update an employer safety data sheet as soon as practical and not later than 90 days after significant new data becomes available to the employer.

Availability of safety data sheets

16 An employer shall ensure that

(a) a copy of a safety data sheet referred to in sections 14 and 15 is readily available to employees who may be exposed to the hazardous product and to the committee, if any, or to a health and safety representative, if any, and

(b) the committee, if any, or a health and safety representative, if any, is consulted on the means to best achieve safety data sheet accessibility in the place of employment.

CLAIMS FOR EXEMPTION

Claims for exemption

17 Despite any other provision in this Regulation, if an employer claims an exemption from a requirement to disclose information under section 18, the employer may delete from a supplier label or from a safety data sheet referred to in section 14 or 15, for the time period prescribed by subsection 18(5), the information that is the subject of the claim, but may not delete hazard information.

Procedure

18(1) Any employer who is required to disclose any of the following information on a label or safety data sheet may claim, if the employer considers it to be confidential business information, an exemption from the requirement to disclose that information

- (a) in the case of a material or substance that is a hazardous product,
 - (i) the chemical name of the material or substance,
 - (ii) the CAS registry number or any other unique identifier of the material or substance, and
 - (iii) the chemical name of any impurity, stabilizing solvent or stabilizing additive that is present in the material or substance that is classified in a category or subcategory of a health hazard class under the *Hazardous Products Act* and that contributes to the classification of the material or substance in the health hazard class under that Act;
- (b) in the case of an ingredient that is in a mixture that is a hazardous product,
 - (i) the chemical name of the ingredient,
 - (ii) the CAS registry number or any other unique identifier of the ingredient, and
 - (iii) the concentration or concentration range of the ingredient;
- (c) in the case of a material, substance or mixture that is a hazardous product, the name of any toxicological study that identifies the material or substance or any ingredient in the mixture;

- (d) the product identifier of a hazardous product, being its chemical name, common name, generic name, trade-name or brand name;
- (e) information about a hazardous product, other than the product identifier, that constitutes a means of identification; and
- (f) information that could be used to identify a supplier of a hazardous product.

18(2) The Minister of Health (Canada) is designated for the purpose of determining if a claim for an exemption from the requirement to disclose the information considered by the employer to be confidential business information is valid.

18(3) A claim under subsection (1) shall be filed in accordance with the procedures for a claim established under the *Hazardous Materials Information Review Act*.

18(4) The Minister of Health (Canada) shall, with the necessary modifications, exercise the powers, perform the functions and follow the procedures under the *Hazardous Materials Information Review Act* and the regulations under that Act in respect of a claim made under subsection (1).

18(5) 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 final disposition of the proceedings in relation to the claim and, if the claim is found to be valid, for a period of three years from the date that the claim is determined.

18(6) An employer who makes a claim under subsection (1) shall abide by orders and decisions issued under the *Hazardous Materials Information Review Act* and the regulations under that Act.

18(7) An appeal of an order or decision referred to in subsection (6) shall be made in the same manner, with the necessary modifications, as an appeal under the *Hazardous Materials Information Review Act* and the regulations under that Act.

Disclosure of certain information despite an exemption from a requirement to disclose made under this Regulation

19(1) An employer who files a claim under section 18 for an exemption from a requirement to disclose information in respect of a hazardous product on a safety data sheet or on a label shall disclose on the safety data sheet and, if applicable, on the label of the hazardous product or container in which the hazardous product is packaged, the date that the claim for exemption was filed and any registry number assigned to the claim.

19(2) The requirements of subsection (1) apply until

(a) in the case that an order was issued by a screening officer under subsection 17(1) or 18(1) of the *Hazardous Materials Information Review Act*, the end of the period that begins on the final disposition of the proceedings in relation to the claim for exemption and does not exceed the period specified in the order, as the word “proceedings” is defined in subsection 19(3) of the *Hazardous Materials Information Review Act*; or

(b) in any other case, the end of the period not exceeding 30 days after the final disposition of the proceedings in relation to the claim for exemption, as the word “proceedings” is defined in subsection 19(3) of the *Hazardous Materials Information Review Act*.

19(3) An employer who receives notice of a decision made under the *Hazardous Materials Information Review Act* that its claim or a portion of its claim for exemption from a requirement to disclose information in respect of a hazardous product on a safety data sheet or a label is valid shall, during the period beginning no later than the end of the applicable period

specified in subsection (2) and on compliance with any order issued under subsection 16(1) or 17(1) of the *Hazardous Materials Information Review Act*, if applicable, and ending on the last day of the exemption period, in respect of the sale or importation of the hazardous product, provide on the safety data sheet and, if applicable, on the label of the hazardous product or container in which the hazardous product is packaged, the following information:

- (a) a statement that an exemption has been granted;
- (b) the date of the decision granting the exemption; and
- (c) the registry number assigned to the claim under the *Hazardous Materials Information Review Act*.

Disclosure of certain information despite an exemption from a requirement to disclose made under the *Hazardous Materials Information Review Act*

20(1) An employer is in compliance with subsection 15(1) where the employer produces a hazardous product in the workplace and files a claim for exemption under paragraph 11(2)(a) or subparagraphs 11(2)(b)(i) or (ii) of the *Hazardous Materials Information Review Act* and the employer prepares a safety data sheet in respect of that hazardous product that discloses, in place of the information elements listed in paragraphs 3(1)(a), (b), (c) and (d) or 3(2)(a), (b) and (c) of Schedule 1 to the *Hazardous Products Regulations*, the following information:

- (a) in the case of a hazardous product that is a material or substance, the generic chemical name of the material or substance; or
- (b) in the case of a hazardous product that is a mixture, the generic chemical name of each material or substance in the mixture that, individually, is classified in any category or

subcategory of a health hazard class under the *Hazardous Products Act* and is present above the relevant concentration limit or is present at a concentration that results in the mixture being classified in a category or subcategory of any health hazard class under that Act.

20(2) If an employer produces a hazardous product in the workplace and files a claim for exemption under subparagraph 11(2)(b)(iii) of the *Hazardous Materials Information Review Act*, and the employer prepares a safety data sheet in respect of that hazardous product that does not disclose the information element listed in paragraph 3(2)(d) of Schedule 1 to the *Hazardous Products Regulations*, the employer is in compliance with subsection 15(1).

20(3) If an employer produces a hazardous product in the workplace and files a claim for exemption under subsection 11(2)(d) of the *Hazardous Materials Information Review Act*, and the employer prepares a safety data sheet in respect of that hazardous product that discloses, in place of the product identifier, a code name or code number for the product, the employer is in compliance with subsection 15(1).

TRANSITIONAL PROVISIONS

Transitional provisions

21(1) The following definitions apply in this section:

“employer material safety data sheet” means an employer material safety data sheet as defined in subsection 2(2) of the former Regulation. (*fiche signalétique de l’employeur*)

“former Regulation” means New Brunswick Regulation 88-221 under the *Occupational Health and Safety Act* as it existed immediately before the commencement of this section. (*ancien règlement*)

“material safety data sheet” means a material safety data sheet as defined in subsection 2(2) of the former Regulation. (*fiche signalétique*)

“order” means an order made by the Lieutenant-Governor in Council. (*décret*)

“supplier material safety data sheet” means a supplier material safety data sheet as defined in subsection 2(2) of the former Regulation. (*fiche signalétique du fournisseur*)

21(2) If an employer meets the requirements of the former Regulation respecting supplier labels, the requirements of this Regulation respecting the receipt of supplier labels on hazardous products acquired by the employer do not apply to the employer commencing on the day this Regulation comes into force until the day before the date to be fixed by order for the purposes of this section.

21(3) If an employer meets the requirements of the former Regulation respecting workplace labels, the requirements of this Regulation respecting workplace labels do not apply to the employer commencing on the day this Regulation comes into force until the day before a date to be fixed by order for the purposes of this section.

21(4) If an employer meets the requirements of the former Regulation respecting laboratory labels, the requirements of this Regulation respecting laboratory labels do not apply to the employer commencing on the day this Regulation comes into force until the day before the day to be fixed by order for the purposes of this section.

21(5) If an employer meets the requirements of the former Regulation respecting supplier material safety data sheets, the requirements of this Regulation respecting supplier safety data sheets do not apply to the employer commencing on the day this Regulation comes into force until the day before the day to be fixed by order for the purposes of this section.

21(6) If an employer meets the requirements of the former Regulation respecting employer material safety data sheets, the requirements of this Regulation respecting employer safety data sheets do not apply to the employer commencing on the day this Regulation comes into force until the day before the day to be fixed by order for the purposes of this section.

21(7) Before the date to be fixed by order, hazardous products that are present in the workplace on the date to be fixed by order for the purposes of subsection (2) shall have their labels and material safety data sheets updated to reflect the requirements for labels and safety data sheets under this Regulation.

21(8) For a period beginning on a day to be fixed by order and ending on a day to be fixed by order for the purposes of this section, an employer may only meet the requirements of paragraphs 7(1)(a) and (b) if the employer ensures that an employee who works with a hazardous product or who may be exposed to a hazardous product in the course of his or her work activities receives education, instruction and training,

(a) with respect to paragraph 7(1)(a), on the content required on a supplier label and workplace label and the purpose and significance of the information contained on the labels in accordance with the requirements of the *Controlled Products Regulations* (Canada) as it existed immediately before its repeal and the *Hazardous Products Regulations* (Canada),

(b) with respect to paragraph 7(1)(b), on the content required on a material safety data sheet and the purpose and significance of the information contained on the material safety data sheet in accordance with the requirements of the *Controlled Products Regulations* (Canada), as well as the content required on a safety data sheet and the purpose and significance of the information contained on the safety data sheet in accordance with the requirements of the *Hazardous Products Regulations* (Canada).

REPEAL AND COMMENCEMENT

Repeal

22 *New Brunswick Regulation 88-221 under the Occupational Health and Safety Act is repealed.*

Commencement

23 *This Regulation comes into force on April 1, 2016.*

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ÉBAUCHE