



Preparing and Maintaining a True Copy of a Label: A Requirement for Suppliers under WHMIS 2015 (May 17, 2019)

1.0 Purpose

The purpose of this document is to provide suppliers of hazardous products with guidance on the requirement specified in paragraph 14.3(1)(a) of the *Hazardous Products Act* (HPA), namely, the requirement for every supplier to prepare and maintain a document containing a true copy of a label for a hazardous product that is sold or imported and intended for use, handling or storage in a work place in Canada.

2.0 Background

The Workplace Hazardous Materials Information System (WHMIS) is a national information system designed to protect Canadian workers by providing safety and health information about hazardous products. The key elements of the system are hazard classification, hazard communication through cautionary labelling of containers and the provision of safety data sheets (SDSs), and worker education and training programs.

On February 11, 2015, the Government of Canada published in the *Canada Gazette*, Part II, the *Hazardous Products Regulations* (HPR) which, in addition to the amendments made to the HPA, modified WHMIS to incorporate the United Nations Globally Harmonized System of Classification and Labelling of Chemicals, 5th revised edition, for work place hazardous products. The *Controlled Products Regulations* (CPR) and the *Ingredient Disclosure List* of the original WHMIS 1988 were repealed and replaced by the HPR. The WHMIS requirements of the amended HPA and the HPR are referred to as “WHMIS 2015”.

A key amendment to the HPA includes document retention requirements for suppliers of hazardous products. As specified in section 14.3 of the HPA, every supplier who sells or imports a hazardous product that is intended for use, handling or storage in a work place in Canada is required to prepare and maintain documents, including true copies of labels and SDSs, as well as sales and purchasing information, keep these documents for the period set out in that provision, and to provide them to the Minister or an inspector upon request.

On May 17, 2019, Health Canada also published an update to the general factsheet that provides guidance to suppliers of hazardous products concerning the document retention requirements. This factsheet includes information about the requirement to maintain these documents in both official languages (i.e., English and French), the duration of the document retention requirements, the location where the documents must be maintained, and procedures that must be followed upon receipt of a written request from the Minister of Health or an inspector. The factsheet is available online at: http://whmis.org/documents/HPA_Document_Retention_Requirements_Factsheet_rev2.pdf

3.0 Obligation to Prepare and Maintain True Copies of Labels

With respect to the requirement for preparing and maintaining documents, specifically regarding the true copy of a label, the HPA outlines the following:

14.3(1) Every supplier who sells or imports a hazardous product that is intended for use, handling or storage in a work place in Canada shall prepare and maintain

- (a) a document containing a true copy of a label that represents the label that is affixed to, printed on or attached to the hazardous product or the container in which the hazardous product is packaged in order to meet the requirement set out in paragraph 13(1)(b) or 14(b), as the case may be, when they sell or import the hazardous product;

This requirement, which has been in force since February 11, 2015, was introduced in the amended HPA in order to better enable the enforcement of that Act and its regulations.



During the course of an inspection under the HPA, an inspector may assess whether the label and/or SDS for a hazardous product are in compliance with the requirements of the HPA and/or the HPR. This includes verifying the compliance of a label and/or SDS that is prepared and maintained pursuant to the document retention requirements of the HPA.

The inspector may request in writing that the supplier provide the true copy of the label for that hazardous product. Upon receipt of such a written request, the supplier must provide the true copy of the label, in accordance with subsection 14.3(3) of the HPA. By examining the true copy of the label, the inspector may then proceed to assess whether the actual label that is affixed to, printed on or attached to the hazardous product or the container in which it is packaged is in compliance with HPR requirements (for example, verification that the information elements of the label comply with section 3.4 of the HPR with respect to legibility). In this manner, the requirement to prepare and maintain true copies of labels may greatly improve inspection activities conducted as part of the HPA compliance and enforcement program.

3.1 Interpretation and Guidance on the Requirement to Prepare and Maintain True Copies of Labels

In the context of section 14.3 of the HPA, and to reiterate what is published in Health Canada's Technical Guidance on the Requirements of the *Hazardous Products Act* and the *Hazardous Products Regulations* (Technical Guidance Document), at a minimum, an inspector must be able to look at a "true copy" that meets the following requirements:

- a) In colour;
- b) Legible;
- c) Clear; and
- d) Representative of the true size of the label.

While it is ultimately the responsibility of the supplier to ensure that the "true copy" requirement is met (in whichever chosen format), the following documents are all considered to be "true copies" in the context of the HPA, as long as they meet the four requirements listed above. The program has in the past accepted the following:

- a) **A real example of the label** - a label cut or peeled from the container or packaging or a kept example of an empty container with its label, or physical copies of original labels printed as part of the original run (specimen);
- b) **An electronic mock-up** – the electronic mock-up of the original label used to print the physical copies of the label;
- c) **A real paper colour photocopy of the label*** - the photocopy must be clear and sufficiently large to allow an inspector to read the content of the label. A blurred photocopy is not a true copy;
- d) **A real colour photo of the label*** - the photo must be clear and sufficiently large to allow an inspector to read the content of the label. A blurred photo is not a true copy;
- e) **A digital colour photo (electronic) of the label*** – it must be accessible by the inspector with the applicable instrument provided on site by the supplier. The digital photo must be clear and sufficiently large to allow an inspector to read the content of the label on the supplier's computer screen or other applicable instrument. A blurred digital photo is not a true copy; and
- f) **A PDF colour photo (electronic) of the label*** – it must be accessible by the inspector with the applicable instruments provided on site by the supplier. The PDF photo must be clear and sufficiently large to allow an inspector to read the content of the label on the supplier's computer screen or other applicable instrument. A blurred PDF photo is not a true copy.

**Accurately reflecting the true label size.*



In the event that the supplier chooses to maintain a digital or PDF electronic colour photo or a photocopy of a label, with respect to how to accurately denote the true label size, using something that would objectively portray the size of the photo would be acceptable. Suppliers may also use other methods for denoting size as part of a digital, colour photo or photocopy.

Suppliers must keep these documents for a period of six years, and they must be maintained in both official languages.

The true copies do not have to be kept at the work place, but suppliers do have to be able to produce them at their place of business in Canada (e.g. from their head office in Canada) to an inspector, upon request. The same applies for the suppliers' electronic documents. Suppliers must be able to produce them at their place of business in Canada to an inspector, upon request.

4.0 For More Information

For more information on WHMIS, please refer to Health Canada's WHMIS website at: www.whmis.gc.ca or Canada's National WHMIS Portal at: WHMIS.org.

Health Canada welcomes inquiries and feedback from stakeholders. Please contact Health Canada's Workplace Hazardous Materials Bureau at: hc.whmis-simdut.sc@canada.ca or 1-855-407-2665.