CHAPTER 3
Partial and Complete Exemptions

GUIDE TO CHAPTER 3

3.1 Introduction: Products Exempt from WHMIS Legislation ........ 75

3.2 Conditions of Exemption
   3.2.1 Consumer Products ........................................ 78
   3.2.2 Explosives .................................................. 80
   3.2.3 Cosmetics, Drugs, Foods, and Devices ...................... 80
   3.2.4 Pest Control Products .................................... 81
   3.2.5 Radioactive Prescribed Substances ....................... 82
   3.2.6 Wood of Products Made of Wood ........................ 83
   3.2.7 Manufactured Articles ................................... 83
   3.2.8 Tobacco or Products Made of Tobacco ................... 84
   3.2.9 Hazardous Wastes ....................................... 85
   3.2.10 Products Handled or Transported under
          the Transportation of Dangerous Goods Act .......... 85

APPENDICES

Appendix 3A
Sample Hazardous Waste Profile Sheet ....................... 88
3.1 **Introduction: Products Exempt from WHMIS**

Ten types of products are exempt in whole or part from WHMIS information requirements.

Partially exempt products, which are labelled under federal legislation other than WHMIS, can be sold without WHMIS labels and MSDSs. However, when these products are used in the workplace, provincial OSH regulations require worker education and training, and workplace labels must be applied if they are not in their original containers. The following categories of products are exempt from WHMIS labels and MSDSs:

- Restricted products when packaged as a consumer product and labelled under the *Consumer Chemicals Containers Regulations (CCCR)*
- Explosives within the meaning of the *Explosives Act*
- Cosmetics, drugs, food or (medical) devices within the meaning of the *Food and Drugs Act*
- Pest control products within the meaning of the *Pest Control Products Act (PCP Act)*
- Radioactive substances within the meaning of the *Atomic Energy Control Act (AEC Act)* now the *Nuclear Safety and Control Act (NSC Act)*

Completely exempt products are excluded from both federal (HPA, CPR) and provincial (model OSH) WHMIS requirements, although general occupational health and safety requirements governing workplace education and training, as well as hazard identification, must be met. Completely exempt products are:

- Wood or products made of wood
- Manufactured articles
- Tobacco or products made of tobacco
- Hazardous wastes
- Products handled or transported pursuant to the *TDG Act*

Although these products are exempt (in part or in whole) from WHMIS legislation, WHMIS is only one area of right-to-know legislation. Some requirements for information on partially exempt products are covered by separate legislation. In addition, health and safety regulatory agencies typically have generic right-to-know legislation other than WHMIS that requires provision of information on products that could be harmful to workers. All forms of legislation must be complied with. Figure 3.1 summarizes the information requirements for exempt products.

Other materials meeting the WHMIS definition of a controlled product may be exempt only under specific conditions of size and shape. For example, sand or gravel (which meet the WHMIS definition of a controlled product because they contain silica) do not endanger workers when piled at a quarry or on the site of a construction project. The policy followed by regulatory agencies for these special cases states that WHMIS requirements apply only if such materials are packaged or processed for a specific purpose, for example, stone crushed and sized for use in abrasive cleaners.
## The Application of WHMIS Information Requirements

<table>
<thead>
<tr>
<th>Completely Included:</th>
<th>Partially Exempt:</th>
<th>Completely Exempt:</th>
</tr>
</thead>
</table>
| Products classified in any of the six WHMIS Hazard Classes (under the CPR and the HPA) and intended for use in the workplace | • Consumer restricted products  
• Cosmetics, drugs, foods, and medical devices  
• Explosives  
• Pesticides  
• Radioactive substances | • Wood or products made of wood  
• Manufactured articles  
• Tobacco or products made of tobacco  
• Hazardous wastes  
• Transported products |

The federal legislation establishing WHMIS, required that the matter of excluded (completely or partially exempt) products be reviewed by a committee of Parliament. This review, which led to proposed legislation called “WHMIS II,” was completed in October 1990. However, passage of WHMIS II was dropped in May, 1993. Instead, a Globally Harmonized System has been proposed, for which no exemptions are being considered.

Presently, the exemptions provided for cosmetics, consumer restricted products, and controlled product carrier materials in radionuclides are being revised. In addition, the Pest Management Regulatory Agency (PMRA) may adopt WHMIS-equivalent requirements. These proposed changes will be consistent with global harmonization.

Further information on the Global Harmonization System can be found on Health Canada’s website:  
www.hc-sc.gc.ca/ahc-asc/intactiv/ghs-sgh/index_e.html
Figure 3.1
Information Requirements for Exempt Products

Controlled product for sale

- Consumer Product
- Explosive
- Cosmetic, drug, food, or medical device
- Pest control product
- Radioactive substance

Product for both retail and industrial sale

- Wood product or product made of wood
- Manufactured article
- Hazardous waste
- Tobacco product or tobacco
- Transported product

Explosives Act

- Does it release a controlled substance under normal conditions of use?
- Yes
  - PCP label with PCP number and disclosure of active ingredients
  - DIN on label for drugs
  - Waste profile sheet and label
  - No MSDS No label
- No
  - MSDS & label
  - No MSDS No label

Food & Drugs Act

- Does it release a controlled substance under normal conditions of use?
- Yes
  - Consumer label
  - Consumer packaging label
- No
  - Wood dust
  - Other

Transportation of Dangerous Goods Act

- Nuclear Safety and Control Act
- AEC Regulations
- Transport Packaging of Radioactive Materials Regulations

Retail product

Is it a consumer restricted product?

- Yes
  - CCCR consumer label
  - Explosives Act label
- No
  - MSDS & label
  - No MSDS No label

No label

- No MSDS No label
3.2 Conditions of Exemption

3.2.1 Consumer Products

Supplier Exemption

A restricted product (that is, included in Part II of Schedule I of the *HPA*) that is “packaged as a consumer product” is exempted, under paragraph 12(f) of the *HPA*, from the WHMIS requirements for a supplier label and supplier MSDS. In such cases, the labelling and packaging requirements of the *CCCR* and the *Consumer Packaging and Labelling Act* and Regulations apply.

Many consumer products are likely to contain hazardous substances and may be used in the workplace.

To be considered packaged as a consumer product, the product must meet two conditions:

- It must be packaged, individually or in cases, for the consumer. This condition means that the product is packaged in the size and type of receptacle or package normally offered for sale and displayed to the consuming public.
- It must be available to the general public through retail systems, either at outlets or on a door-to-door basis.

Figure 3.2 outlines the decision-making process for determining whether consumer or WHMIS requirements apply.

Health Canada recently reviewed the *CCCR*. Instead of the current list of restricted products, the proposed *CCCR 2000* is a criteria-based system that uses hazard criteria to classify each consumer chemical product and pressurized container. Hazard categories are Toxic, Corrosive, Flammable, Quick Skin-Bonding Adhesives and Pressurized Containers; these groups are further divided into subcategories of varying degree of hazard (for example, Toxic substances are categorized as very toxic, toxic, or harmful).

Employer Exemption

Model OSH requirements for MSDSs and supplier labels do not apply to the employer for products packaged as consumer products, in quantities normally used by the consuming public. However, the employer must provide workplace labelling on workplace containers into which consumer products are decanted, and workers must be instructed in the hazards of controlled products and proper procedures for their storage, handling, use, and disposal.

Quantities normally used by the consuming public will vary from product to product. For example, paint may normally be available to the consumer in quantities of up to five gallons (23 litres) while a nut-locking compound is found in much smaller quantities, 200 ml or less.

Employers who purchase such products on a consumer basis are encouraged to ask if MSDSs are available.

Requirements for labels on restricted products sold for consumer use are provided in Appendix 4A, “Federal Labelling Requirements in Canada - Other than WHMIS,” in Chapter 4 of this Manual.
When a restricted product in a container available on a retail basis to the public is sold in the same container to an industrial account for workplace use, the consumer labelling and packaging required for sale to the public is sufficient. However, the supplier is encouraged to make an MSDS available upon request.

Alternatively, the supplier can separate product distribution into two streams: a retail stream with consumer labelling and packaging, and an industrial stream with WHMIS labelling and MSDS.
3.2.2 Explosives

Explosives are not subject to the federal WHMIS requirements for labels and MSDSs. The *Explosives Act* defines an explosive as:

Any substance that is made, manufactured, or used to produce an explosion or detonation or a pyrotechnic effect and includes gunpowder, propellant powders, blasting agents, dynamite, detonating cord, lead azide, detonators, ammunition, rockets, fireworks, safety flares, or other signals.

Explosives are distinct from substances such as ethers and furans, which may form explosive peroxides and picric acid, a chemical that may become explosive when dry. Such products are considered controlled products within Class F, Dangerously Reactive Material.

Labelling requirements for the manufacture and sale of explosives in Canada are described in Appendix 4A, “Federal Labelling Requirements in Canada - Other than WHMIS” in Chapter 4 of this Manual.

3.2.3 Cosmetics, Drugs, Foods, and Devices

Products containing controlled products are exempt from the WHMIS requirements for labels and MSDSs if the products are governed by the *Food and Drugs Act*. The Act defines these products as:

**Cosmetic:** Any substance or mixture of substances manufactured, sold, or represented for use in cleansing, improving, or altering the complexion, skin, hair, or teeth, and includes deodorants, perfumes, soaps, tattoo inks, and products used to groom animals.

A review of the *Cosmetic Regulations of the Food and Drugs Act* was undertaken in 1997. Proposed changes include ingredient disclosure on cosmetics packaging; an International Nomenclature for Cosmetic Ingredients; a comprehensive “Restricted List,” based on the European List, to replace the current “Hot List” of cosmetic ingredients; and an Annual Registration (licensing) System to replace the current product notification system.

**Drug:** Includes any substance or mixture of substances manufactured, sold, or represented for use in:

- The diagnosis, treatment, mitigation, or prevention of a disease, disorder, abnormal physical state, or the symptoms thereof, in man or animal
- Restoring, correcting, or modifying organic functions in man or animal; or
- Disinfection in premises in which food is manufactured, prepared, or kept.

**Device:** Any article, instrument, apparatus, or contrivance...for use in the diagnosis, treatment...or prevention of a disease, restoring...body function, the diagnosis of pregnancy...or care...during pregnancy and at and after birth... [An example is a portable emergency oxygen inhalator].

**Food:** Any article...for use as food or drink for man, chewing gum, and any ingredient that may be mixed with food...”

Because carbon dioxide used in carbonated beverages and phosphoric acid used for pH control are considered ingredients in certain foods, these chemicals are exempt from WHMIS labels and MSDSs.

If a product ordinarily considered a food has a non-food use in the workplace, it is not exempted from WHMIS as a food product. For example, flour, which is a respiratory tract sensitizer, would fall within WHMIS Class D if sold and used as an additive to industrial filler.
Of the four types of products subject to the *Food and Drugs Act*, cosmetics and drugs are the most likely to contain controlled products. Three criteria help distinguish between products used in the cosmetic and drug industries that are subject to the *Food and Drugs Act* and those that must meet WHMIS supplier information requirements:

- All drugs are issued with *Drug Identification Numbers (DINs)*, which must appear on the label. Health Canada maintains lists of drugs available in Canada and their ingredients in the publication *Canadian Drug Identification Code*. The Council of the Pharmaceutical Society of Great Britain summarizes the properties, actions, and uses of most drugs in clinical use throughout the world in the publication *Martindale, the Extra Pharmacopeia*.

- Cosmetics and drugs are defined in terms of being sold or represented for specific purposes. A controlled product sold as a drug or cosmetic would be subject to WHMIS supplier requirements if sold for a different use. For example, the chemical 2,4-diaminoanisole is excluded from WHMIS supplier requirements when sold in hair dye formulations, but is included when used as a fur dye.

- Cosmetics and drugs are usually products that are applied on or taken into the body. A hair dye is a cosmetic, but the formaldehyde solution used to disinfect a hairbrush is not.

**NOTE:** The exception to this rule is the use of a drug for disinfection in premises in which food is manufactured, prepared, or kept. A disinfectant labelled for use in such locations and having a DIN number is a drug. (In addition, some disinfectants are excluded from WHMIS supplier requirements because they are either restricted products meant for consumer use (see Section 3.2.1) or pest control products (see Section 3.2.4)).

Labelling requirements for the supply of cosmetics and drugs in Canada are described in Appendix 4A, “Federal Labelling Requirements in Canada - Other than WHMIS,” in Chapter 4 of this Manual.

### 3.2.4 Pest Control Products

Products used for pest control are exempt from WHMIS-legislated labels and MSDSs. Under the *Pest Control Products Act*, a pest is “any injurious, noxious, or troublesome insect, fungus, bacterial organism, virus, weed, rodent, or other plant or animal pest, and includes any injurious, noxious, or troublesome organic function of a plant or animal.”

A pest control product is:

- any product, device, organism, substance, or thing that is manufactured, represented, sold, or used as a means for directly or indirectly controlling, preventing, destroying, mitigating, attracting, or repelling any pest, and includes:
  - Any compound or substance that enhances or modifies or is intended to enhance or modify the physical or chemical characteristics of a control product to which it is added, and
  - Any active ingredient used for the manufacture of a control product.

Substances in category (a) include stickers, spreaders, adjuvants, and emulsifiers that are not primarily responsible for the controlling effect of the product, but enhance or modify that effect. Category (a) does not include products that do not alter effect (“non-active” ingredients), such as various solvents, diluents, and products intended to adjust pH. Examples of non-actives include asbestos, benzene, formaldehyde, free silica, lead compounds, toluene, and toluene diisocyanate.

Active ingredients in category (b) are the substances that cause the effect of the control product (for example, the insecticide parathion, the herbicide glyphosate, and the fungicide pentachlorophenol) and synergists such as piperonyl butoxide.
Pest control products are, like cosmetics and drugs, defined in terms of intended use. Any controlled product present in a pesticide, manufactured and intended for another use, is subject to all WHMIS information requirements. For example, Stoddard solvent is used as a herbicide but has a variety of other industrial applications as a solvent and cleaning agent. WHMIS label and data sheet requirements also apply to containers of “non-active” controlled products at pesticide manufacturing and formulation facilities prior to their inclusion in control products.

Pest control products require registration numbers unless exempted for any of the following reasons:

- The product is used for research
- The product is used for seed treatment
- The product is used for cleansing (for example, as a general disinfectant)

The Pest Management Regulatory Agency, Health Canada, administers the *Pest Control Regulations* and registration of pesticides. Labels required for the sale of pest control products in Canada are described in Appendix 4A, “Federal Labelling Requirements in Canada Other than WHMIS,” in Chapter 4 of this Manual.

### 3.2.5 Radioactive Prescribed (Nuclear) Substances

WHMIS labels and MSDSs are not required for radioactive prescribed (nuclear) substances covered under the *Atomic Energy Control Act* (to be replaced by the *Nuclear Safety and Control Act*). Under the *AEC Act*, a prescribed substance means:

Uranium, thorium, plutonium, neptunium, deuterium, their respective derivatives and compounds, and any other substances that the Atomic Energy Control Board may by regulation designate as being capable of releasing atomic energy or as being requisite for the production, use, or application of atomic energy.

Currently, the definition of a prescribed substance includes the whole product, including any non-radioactive carrier and accessories. Lists of radioactive substances pursuant to this definition are provided in the schedules to the *Atomic Energy Control Regulations* and the *Transport Packaging of Radioactive Materials Regulations*.

Under the new *Nuclear Safety and Control Act*, the definition of nuclear substance includes:

- Deuterium, thorium, uranium, or an element with an atomic number greater than 92
- Derivatives or compounds of deuterium, thorium, uranium, or elements with atomic numbers greater than 92
- A radioactive nuclide
- A substance prescribed by the Canadian Nuclear Safety Commission as capable of releasing nuclear energy, or required for the production or use of nuclear energy
- A radioactive byproduct of the development, production, or use of nuclear energy

A radioactive substance or thing used for the development or production of, or connected with the use of, nuclear energy.

Under this Act, nonradioactive, hazardous carrier materials in radioactive mixtures are no longer exempt from WHMIS. Proposed amendments to the *CPR* will require MSDSs and supplier labels for these carrier materials.

Appendix 4A, “Federal Labelling Requirements in Canada - Other than WHMIS,” in Chapter 4 of this Manual provides a summary of labelling requirements pursuant to those regulations.
3.2.6 Wood or Products Made of Wood

**Definition**
Wood and products made of wood are exempt from all WHMIS requirements. Wood is composed of cellulose fibre, hemicellulose, lignin, and various sugars. Products are considered to be made of wood if they are composed entirely or in large measure of wood, but they need not be manufactured in the specific shape or design of their intended use. Examples include lumber of all sizes, laminated beams, plywood, chipboard, particleboard, wood chips, sawdust, and any such products that have been coated with paints or preservatives.

A product made from one or more chemical components of wood, but lacking the properties of wood, for example, pulp, paper (a manufactured article), turpentine, and tall oil, is not considered a product made of wood.

At facilities where specialized products made of wood are manufactured, additives such as adhesives, paints, and preservatives are subject to all applicable WHMIS information requirements prior to their addition to the finished product.

**Wood dust**
Wood dust that is sold or imported for use in Canadian workplaces and meets the criteria of a controlled product is not exempt. For example, wood dust from an allergenic species of tree or certain hardwoods such as beech and oak, which are classified as group A1 carcinogens by ACGIH, are subject to all applicable WHMIS requirements.

3.2.7 Manufactured Articles

**Definition**
A manufactured article, which is completely exempt from WHMIS regulations, is any article that all of these conditions:
- It is formed to a specific shape or design during manufacture
- Its intended use when in that form depends in whole or in part on its shape or design as manufactured
- It will not, under normal conditions of use, release or otherwise cause a person to be exposed to a controlled product

The following interpretations apply:
- *Shape, design, and form* refer to the external outline and contours of the product, rather than to the material of which it is made.
- *Normal conditions of use* means the normally expected conditions under which the product is employed for its intended purpose. *Normal conditions of use* excludes release of a controlled product that may occur during installation or maintenance or that occur if the article is abused.
- *To be exposed to a controlled product* means to be exposed to hazardous amounts of a controlled product present in the manufactured item, rather than to decomposition products or byproducts formed and released during the use of the product.

The manufactured article exemption does not apply if, during normal use, a controlled product in the manufactured article is released, in either an unaltered form or an *altered form that is also a controlled product* (for example, an oxide).

For an article that is not exempted because it releases a controlled product under normal conditions of use, the hazard information and ingredient disclosure requirements relate only to those ingredients that are both controlled products and that are released under normal conditions.

In addition, any hazardous decomposition and combustion products (of which the supplier is aware, or ought reasonably to be aware) that are released during normal use must be identified on the MSDS. The supplier is not expected to give toxicological data on probable releases that are not ingredients of the product.
If a supplier is uncertain if a controlled product releases hazardous chemicals under normal conditions of use (for example, the product is intended to be cut, melted, or heated), general warnings about possible toxic releases must be provided. (*CPR*, Section 12(11) requires that an MSDS include any other hazard information related to the controlled product of which the supplier is aware or ought reasonably to be aware.) See Chapter 5, “The Material Safety Data Sheet,” for further information.

### When Is an Article Considered a Manufactured Article?

- Welding rods are not manufactured articles. Although formed to a specific design, they release controlled products, previously contained in the rods, when used as intended. 
  however: 
  Precut, threaded piping is a manufactured article. Air contaminants are not released during its intended use of conveying fluids from one point to another.
- Sheets of friction materials containing asbestos and manufactured for users to cut or shape into specific friction products are not manufactured articles. Asbestos fibres may be released when the sheets are used.
  however: 
  Specific friction products containing asbestos, such as vehicular brake shoes fitted with pre-arced linings, are manufactured articles. While workers may be exposed to asbestos fibres during installation or maintenance of these articles, exposure is not likely when used for braking, as intended. For the protection of workers, non-WHMIS right-to-know regulations must be used.
- A cylinder produced as a container for acetylene is a manufactured article.
  however: 
  Once filled with acetylene, this gas cylinder becomes a container for a controlled product and, when sold as such, is not a manufactured article, and must be sold with labels and data sheets in conformity with WHMIS requirements.

Note: A refrigerator is considered a manufactured article, even though it also includes a system for containing compressed gases. Unlike the compressed gas cylinder, the refrigerator is not considered to be a container of a controlled product.

### 3.2.8 Tobacco or Products Made of Tobacco

Tobacco and products made of tobacco are completely exempt from WHMIS requirements and include cigarettes, cigars, chewing tobaccos, and snuffs. Requirements for the labelling of these products are found in the *Tobacco Products Control Act*, administered by Health Canada.

Chemicals derived from tobacco—nicotine, for example—are not considered to be products made of tobacco, and are not exempt from WHMIS.
3.2.9 Hazardous Wastes

Hazardous wastes are not subject to specific federal or provincial WHMIS requirements unless the hazardous waste is recycled/recovered for sale (testing may be needed to identify ingredients). A hazardous waste is defined in WHMIS as a “controlled product that is intended for disposal or is sold for recycling or recovery.” Examples of wastes include various solid and liquid materials such as waste insulation in asbestos removal projects; the contents of tailing ponds or sewage systems; and products for recycling, such as used engine oils. A byproduct of a process, such as black liquor from the pulping process, that is recycled or otherwise used on-site is not a hazardous waste. A byproduct supplied to a party off-site for use as is (that is, not subjected to a conversion process such as recycling or recovery) is also not considered a hazardous waste.

The definition of a hazardous waste implies intent to manage or handle the product. In that sense, a hazardous waste differs from a fugitive emission, which is defined in the Model OSH Regulations as a “gas, liquid, solid, vapour, fume, mist, fog, or dust that escapes from process equipment, from emission control equipment, or from a product.” Fugitive emissions include examples such as stack emissions, leaks from corroded process equipment, and the release of asbestos fibre from friable insulation.

While WHMIS legislation does not apply, under OSH Regulations, an employer must ensure that workers are instructed in safe disposal of a product and in procedures to be followed when fugitive emissions are present.

In addition, when hazardous wastes are produced on-site, the employer must take additional steps to ensure worker safety through a combination of any means of identifying the waste (such as placards, coded labels, or workplace labels) and worker education and training. For example, a barrel of used oil must be identified at the originating service station, but not at the oil recycling depot to which it is sent; an asbestos removal firm must identify the contents of containers of waste insulation at the asbestos removal site, while no identification is required at the hazardous waste disposal site receiving the asbestos waste. Completion of a Waste Profile Sheet (see Appendix 3A, “Sample Hazardous Waste Profile Sheet”) is also recommended.

The identification of wastes during transport is subject to applicable TDG and provincial regulations, while identification and handling of wastes at waste disposal or recycling sites are governed by applicable environmental and health and safety regulations.

3.2.10 Products Handled or Transported under the Transportation of Dangerous Goods Act

While being transported or handled for transport, products are not subject to any WHMIS requirements but instead, to the Transportation of Dangerous Goods Act. TDG and WHMIS are complementary information systems. TDG covers information requirements on products in the course of shipment to or from workplaces, while WHMIS applies to products within workplaces. No overlap is intended; one system takes over where the other leaves off. Although WHMIS labels and MSDSs may be provided with shipments, WHMIS requirements formally apply only at the point of sale and in the workplace after the controlled product is received.

Because workers are most likely to be exposed to dangerous goods in transit during emergency, short-term circumstances such as vehicle accidents and spills, TDG requirements deal with acute exposure information and the use of symbol alerts on labels and placards.

In contrast, worker exposure to controlled products in the workplace can occur in a wider variety of circumstances and over longer periods of time. WHMIS requirements are more extensive than TDG, and include the use of explicit labels and MSDSs.

Dangerous goods defined under TDG legislation include any product, substance, or organism listed in Schedule 1 or 2 of the TDG Regulations or otherwise classified as dangerous goods when the criteria described in Part 2 of those regulations are applied.
The TDG Act and Regulations apply to the handling, offering for transport, and transportation of dangerous goods except in the circumstances described in Part 1 of the TDG Regulations, for example:

- Goods under the sole direction of the Minister of National Defence
- Transport of oil or gas by pipeline where governed by appropriate federal or provincial legislation
- Transport of goods, other than explosives and radioactive substances, solely within the confines of the manufacturing or processing facility, if public access to the facility is controlled
- Bulk transport of goods within the meaning of the Canada Shipping Act

The following interpretations will help determine where TDG requirements apply:

- **Handling and offering for transport.** Refers to activities such as packing, unpacking, storing, loading, and unloading for transport. For example, WHMIS does not apply to products in temporary storage in a distribution warehouse.
- **Storing for transport.** Refers to storage in which goods will not be handled at the workplace except to load goods directly onto a transport vehicle for removal from the workplace (in transshipment).
- **Transportation.** Generally means to and from workplaces. WHMIS applies to all circumstances where goods are transported from one point to another within a workplace, except for radioactive substances and explosives, in which case TDG applies.
- **Warehousing.** When warehoused, controlled products can be stored for transport, repackaged, used, processed, or sold. TDG applies only to products stored for transport. WHMIS applies when products in a warehouse are handled (that is, repackaged, used, processed, or sold).

The exemption for products being transported means that an employer does not have to provide WHMIS labels, MSDSs, or education and training to drivers of vehicles transporting controlled products. However, if the driver is exposed to the controlled product by being actively involved in loading or unloading the product (for example, the driver of an oil or gasoline truck), the driver should have access to the MSDS at the point of loading or unloading and should undergo training as outlined in Chapter 6, “Worker Education and Training.”

Figure 3.3 outlines how WHMIS and TDG information requirements generally apply to the flow of goods through commerce. Although not shown in Figure 3.3, WHMIS labels will, subject to exemptions (for example, bulk shipment, outer containers if inner containers bear a WHMIS symbol), also be applied to containers of controlled products between the points of product supply and use (where TDG applies). These WHMIS labels are intended for use at the points of sale or use rather than during shipment.

Amendments to the TDG Act were enacted in 1992. A review of the TDG Regulations also resulted in revisions, which were proposed in clear language and published in the Canada Gazette (Part I) on August 7, 1999.
Figure 3.3
The Application of WHMIS and TDG Information Requirements as Goods Flow through Commerce

Workplace of supplier of raw materials (WHMIS applies)

Transport (TDG applies)

Transshipment point (TDG applies)

Transport (TDG applies)

Warehouse for distributor storage, repackaging, and handling (WHMIS applies)

Transport (TDG applies)

Manufacturing plant (WHMIS applies)

Transport (TDG applies)

End user – employer workplace (WHMIS applies)

Transport (TDG applies)

Waste Transport (TDG and applicable provincial regulations apply)

Waste site (Environmental and OS&H information requirements apply)
Appendix 3A
Sample Hazardous Waste Profile Sheet (WPS)

WPS No. ___________  Hazardous Waste Profile Sheet (WPS)  Example of a WPS
Provincial Licence No. ___________

Name of Waste Stream and/or Waste Class No.: ________________________________

Waste Management Company: ____________________________________________
Address: _______________________________________________________________
Telephone #: ( ) ________________ Fax #: ( ) ________________
Date of Collection (dd/mm/yy): ___________________________________________

SECTION 1: GENERATOR INFORMATION

Generator Name: __________________________________________________________
Address: _______________________________________________________________
Telephone #: ( ) ________________ Fax #: ( ) ________________
Provincial Generator Registration No. ________________________________ WPS Prepared by: ________________________________

SECTION 2: HAZARD CLASSIFICATION

1. WHMIS Class(es): Please Check:
   - [ ] Class A
   - [ ] Class B1
   - [ ] Class B2
   - [ ] Class B3
   - [ ] Class B4
   - [ ] Class B5
   - [ ] Class B6
   - [ ] Class C
   - [ ] Class D1
   - [ ] Class D2
   - [ ] Class D3
   - [ ] Class E
   - [ ] Class F

2. TDG Information:
   - PIN: ________________
   - TDG Class: ________________
   - Packing Group: ________________
   - Type of Packing Group: ________________

3. Other Hazard Information:
   - [ ] Ozone Depleting? [ ] No
   - [ ] Scrap Metal? [ ] No
   - [ ] Radioactive? [ ] No
   - [ ] Rocks > 15mm [ ] No
   - [ ] Concrete debris [ ] No
   - [ ] > 15mm [ ] No

SECTION 3: CHEMICAL COMPOSITION OF WASTE

1. Ingredients % LD₅₀ (specify species and route) LC₅₀ (specify species)
   - ________________________________________________________________
   - ________________________________________________________________
   - ________________________________________________________________
   - ________________________________________________________________
   - ________________________________________________________________
   - ________________________________________________________________
   - ________________________________________________________________
   - ________________________________________________________________
   - ________________________________________________________________
   - ________________________________________________________________
   - ________________________________________________________________

   Total: ____________________________________________________________

LD₅₀ for Mixture (if available): __________________________________________
LC₅₀ for Mixture (if available): __________________________________________

2. Metals (ppm) [ ] Total [ ] Leachable
   - [ ] Arsenic
   - [ ] Mercury
   - [ ] Barium
   - [ ] Nickel
   - [ ] Cadmium
   - [ ] Selenium
   - [ ] Chromium
   - [ ] Silver
   - [ ] Cobalt
   - [ ] Thallium
   - [ ] Copper
   - [ ] Vanadium
   - [ ] Lead
   - [ ] Zinc

3. [ ] No Metals

4. Other Components (specifically identify):
   - [ ] PCBs
   - [ ] Cyanides
   - [ ] Sulfides
   - [ ] Pesticides
   - [ ] Phenolics
   - [ ] Dioxins
   - [ ] Furans
   - [ ] Halogens

SECTION 4: PHYSICAL CHARACTERISTICS OF WASTE

Colour: ________________________________
Evaporation Rate: ________
  - [ ] Liquid
  - [ ] Solid
  - [ ] Gas
  - [ ] Aerosol
  - [ ] Powder
  - [ ] Sludge
  - [ ] Lab-pack

Physical State % Other Properties of a Liquid, Paste or Sludge
   - [ ] Layers
     - [ ] Single Phase
     - [ ] Bi-layered
     - [ ] Multi-layered
   - [ ] Viscosity
     - [ ] Low
     - [ ] Medium
     - [ ] High
   - [ ] Free Liquids
     - [ ] Yes
     - [ ] No

Volatility ______ %
SECTION 5: FIRE/EXPLOSION/REACTIVITY DATA

1. Flammability Data

<table>
<thead>
<tr>
<th></th>
<th>Y</th>
<th>N</th>
</tr>
</thead>
<tbody>
<tr>
<td>Flammable?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>If yes, under what conditions?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Means of Extinction:</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Flash Point Estimate (specify exact f.p. if known):
- □ < 23°C
- □ 23 - 60°C
- □ > 93°C

Upper flammable limit: _____
Lower flammable limit: _____

2. Reactivity Data

<table>
<thead>
<tr>
<th></th>
<th>Y</th>
<th>N</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chemically stable?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Incompatible Substances:</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Reactivity Conditions: _____

SECTION 6: HEALTH HAZARDS/ TOXICOLOGICAL PROPERTIES

Routes of Entry: □ Skin Contact □ Skin Absorption □ Eye Contact □ Inhalation □ Ingestion
Effects of Acute Exposure: _____

Effects of Chronic Exposure: _____

- □ Irritant
- □ Carcinogen
- □ Teratogen
- □ Reproductive Toxin
- □ Mutagen

Occupational Exposure Limits: _____

SECTION 7: PREVENTATIVE MEASURES

Specific Protective Equipment:
Respirator: _____
Eyewear: _____
Gloves: _____
Safe Handling Procedures & Equipment: _____
Storage Requirements: _____

SECTION 8: FIRST AID MEASURES

Specific Measures for:
Eye Contact: _____
Skin Contact: _____
Inhalation: _____
Ingestion: _____

SECTION 9: GENERATOR CERTIFICATION STATEMENT

I hereby certify that all information submitted in this and all attached documents is complete and accurate to the best of my knowledge and all known or suspected hazards have been disclosed. Also, I certify that the materials tested are representative of all materials described on this waste profile sheet.

Generator's Authorized Signature: ___________________ Date: ______________

SECTION 10: ADDITIONAL INFORMATION

<table>
<thead>
<tr>
<th></th>
<th>Y</th>
<th>N</th>
</tr>
</thead>
<tbody>
<tr>
<td>Additional Pages Attached:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>If yes, how many</td>
<td></td>
<td></td>
</tr>
<tr>
<td>MSDS Attached:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>If yes, how many</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Comments:</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Note: N/AV = Not Available  N/AP = Not Applicable  N/E = Not Established
**Fiche du résidu dangereux (FRD)**

Nom du flux de résidus et (ou) no. du type du résidu: _______________________________ Permis provincial no. __________________

Compagnie de gestion de résidus: ____________________________

Adresse: _______________________________________________________

No. de téléphone: ( ) ____________________________

No. de télécopieur: ( ) ____________________________

Date de collecte (aa-mm-jj)): ____________________________

---

**SECTION 1: RENSEIGNEMENTS SUR LE PRODUCTEUR**

Nom du producteur: ____________________________

Adresse: _______________________________________________________

No. de téléphone: ( ) ____________________________

No. de télécopieur: ( ) ____________________________

No. d'enregistrement provincial du producteur: ____________________________

FRD préparée par: ____________________________

---

**SECTION 2: CLASSIFICATION DES DANGERS**

1. Catégorie(s) du SIMDUT : Veuillez cocher :

- [ ] Catégorie A
- [ ] Catégorie B1 □ B2 □ B3 □ B4 □ B5 □ B6
- [ ] Catégorie C
- [ ] Catégorie D1 □ D2
- [ ] Catégorie D3
- [ ] Catégorie E
- [ ] Catégorie F

2. Renseignements TMD :

- [ ] Classe TMD: ____________________________
- [ ] Type de groupe d'emballage: ____________________________

3. Autres renseignements sur les dangers :

- [ ] Appauvrit la couche d'ozone? □ □
- [ ] Ferraille? □ □
- [ ] Radioactif? □ □
- [ ] Roches > 15mm □ □
- [ ] Débris de ciment > 15mm □ □

---

**SECTION 3: COMPOSITION CHIMIQUE DU RÉSIDU**

1. Ingrédients % DL50 (spécifiez espèce et voile d'administration) CL50 (spécifiez l'espèce)

<table>
<thead>
<tr>
<th>Ingrédient</th>
<th>% DL50</th>
<th>CL50</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

2. Métaux (ppm) □ Total □ Lixiviable

- Argent □
- Mercure □
- Arsenic □
- Nickel □
- Baryum □
- Plomb □
- Cadmium □
- Sélénium □
- Chrome □
- Thallium □
- Cobalt □
- Vanadium □
- Cuivre □
- Zinc □

3. □ Aucun métal

---

**SECTION 4: CARACTÉRISTIQUES PHYSIQUES DU RÉSIDU**

<table>
<thead>
<tr>
<th>Caractéristiques</th>
<th>Apparence</th>
<th>%</th>
<th>Couches</th>
<th>État physique</th>
<th>Viscosité</th>
<th>Liquides Libres</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Taux d'évaporation: □ Liquide</td>
<td>□ Une</td>
<td>□ Basse</td>
<td>□ Oui</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>pH: □ Solide</td>
<td>□ Deux</td>
<td>□ Moyenne</td>
<td>□ Non</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Seuil de l'odeur: □ Gaz</td>
<td>□ Plusieurs</td>
<td>□ Élevée</td>
<td>□ Volume</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Point d'ébullition: □ Aérosol</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Poids spécifique: □ Poudre</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Densité: □ Boue</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Enthalpie: □ «Labpack»</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

---

90 WHMIS Core Material
### SECTION 5: DONNÉES SUR LES DANGERS D’INCENDIE, D’EXPLOSION OU DE RÉACTION

1. **Inflammabilité**
   - O N
   - Inflammable? □ □
   - Si oui, conditions d’inflammabilité __________________
   - Moyens d’extinction :
     - Estimation du point d’éclaire : (p. d’é. exact si connu) :
     - □ < 23°C    □ 61 - 93°C
     - □ 23 - 60°C □ > 93°C
   - Seuil maximal d’inflammabilité _____
   - Seuil minimal d’inflammabilité _____

2. **Réactivité**
   - Chimiquement stable? □ □
   - Substances incompatibles :
     - Conditions de réactivité :

### SECTION 6: DANGERS POUR LA SANTÉ / PROPRIÉTÉS TOXICOLOGIQUES

- **Voies d’administration :** □ Contact avec la peau □ Absorption par la peau □ Contact oculaire □ Inhalation □ Ingestion
- **Effets de l’exposition aiguë :**

- **Effets de l’exposition chronique :**

- □ Irritant □ Cancérigène □ Tétragène
- □ Sensibilisant □ Agent toxique pour la reproduction □ Mutagène
- **Limites d’exposition au travail :**

### SECTION 7: MESURES PRÉVENTIVES

- **Matériel de protection spécifique :**
  - Respirateur :
  - Lunettes :
  - Gants :
  - Méthode et équipement pour la manutention :
  - Exigences en matière d’entreposage :

### SECTION 8: PREMIERS SOINS

- **Premiers soins particuliers à administrer en cas de :**
  - Contact oculaire :
  - Contact avec la peau :
  - Inhalation:
  - Ingestion:

### SECTION 9: ATTESTATION DU PRODUCTEUR

J’atteste par la présente qu’à ma connaissance tous les renseignements inclus dans ce document et dans les pièces jointes sont complets et exacts et que tous les dangers connus ou soupçonnés ont été divulgués. J’atteste également que les matières mises à l’essai sont caractéristiques de toutes les matières décrites dans cette fiche du produit dangereux.

**Signature autorisée du producteur :** ___________________________ **Date:** ____________

### SECTION 10: RENSEIGNEMENTS SUPPLÉMENTAIRES

<table>
<thead>
<tr>
<th>O N</th>
<th>Pages additionnelles jointes : □ □ Si oui, combien _____</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Fiche signalétique jointe : □ □ Si oui, combien _____</td>
</tr>
<tr>
<td></td>
<td>Commentaires :</td>
</tr>
</tbody>
</table>

**Note:** N. d. = Non disponible  S. o. = Sans objet