

Proposed amendments to the *Hazardous Products Regulations (HPR)*

May 14, 2018

	HPR Provision	Category of Amendment	Description of proposed amendment
1	1(1) – definition of “GHS”	Align with the GHS (rev. 7)	Refer to the 7 th revised edition of the GHS instead of the 5 th revised edition.
2	2(9)	Clarify existing provisions	Clarify that data from a particular species of animal must not be used for classification when it has been demonstrated conclusively that the mechanism or mode of action in that particular species of animal is not relevant to humans.
3	3(1) (f)	Clarify existing provisions	Clarify that, for Water-Activated Toxicants (WAT), the selection of the appropriate supplemental hazard statement is based on the classification of the gas emitted upon contact with water.
4	New 3(1)(g)	Clarify existing provisions	Clearly specify the supplemental hazard statements required for products that, as sold or imported, do not meet the criteria for Acute Toxicity – Inhalation, but pose a WAT hazard.
5	3(5)(a) and (b)	Align with the GHS (rev. 7)	<p>Delete paragraphs 3(5)(a) and (b).</p> <p>These provisions were included in the HPR because, in some cases, the hazard class name in the HPR is not the same as that in the GHS (rev. 5). For example: “Flammable Gases” (in the HPR) versus “Flammable Gases (Including Chemically Unstable Gases)” (in the GHS rev. 5).</p> <p>With the proposed amendments, the hazard class names in the HPR would all be aligned with the GHS (rev. 7). Therefore, paragraphs 3(5)(a) and (b) would no longer be required.</p>
6	3(5)(c) and (d)	Align with the GHS (rev. 7)	<p>Delete paragraphs 3(5)(c) and (d).</p> <p>These provisions were included in the HPR for two reasons:</p> <p>(1) in some cases, the hazard class name in the HPR is not the same as that in the GHS (rev. 5). For example: “Flammable Aerosols” (in the HPR) versus “Aerosols” (in the GHS rev. 5).</p> <p>(2) under the current HPR, it is possible for a product to be classified as both a flammable aerosol and a gas under pressure, in which case there would be two duplicative hazard statements. To avoid having duplicative hazard statements, paragraphs 3(5)(c) and (d) were included.</p> <p>With the proposed amendments, the hazard class names in the HPR would all be aligned with the GHS (rev. 7). In addition, as per the GHS (rev. 7), products classified as Aerosols need not be classified as Gases Under Pressure, therefore, there would no longer be duplicative hazard statements. Thus, paragraphs 3(5)(c) and (d) would no longer be required.</p>

7	3.6	Amend existing provisions	Specify that, for products which, as sold or imported, do not meet the criteria for Acute Toxicity – Inhalation, but pose a WAT hazard, the GHS-prescribed hazard statement: “Fatal / toxic / harmful if inhaled” would no longer be required. The supplemental hazard statement would still be required, as per the proposed new paragraph 3(1)(g).
8	4.2	Clarify existing provisions	Add a provision to the effect of “and any replacement information required under subsections 5.7(9) and (10)” to address situations where a claim has been filed by an employer under the <i>Hazardous Materials Information Review Act</i> (HMIRA) to protect the product identifier or the initial supplier identifier as CBI.
9	5.7(9)	Clarify existing provisions	Clarify that, in situations where employers have filed a claim to protect the product identifier as CBI, the code name or code number that replaces the product identifier must be provided on both the label and SDS.
10	5.7(10)	Clarify existing provisions	Clarify that, in situations where employers have filed a claim to protect the initial supplier identifier as CBI, the replacement information must be provided on both the label and SDS.
11	5.7(9) and (10)	Clarify existing provisions	Clarify that these provisions apply to both SDSs and labels
12	5.7(11)	Clarify existing provisions	Clarify that this provision applies to situations where the subject of an employer CBI claim is something other than the product identifier or initial supplier identifier.
13	5.12	Clarify existing provisions	Clarify that, in situations where a written document providing the significant new data (SND) is required, the written document does not need to actually provide the SND itself, but rather, it must provide the changes to the SDS and label that result from the SND.
14	7.2	Align with the GHS (rev. 7)	Add definitions of “chemically unstable gas” and “pyrophoric gas”, as per the GHS (rev. 7)
15	7.2.1(1)	Align with the GHS (rev. 7)	As part of the proposed amendments to align with the GHS (rev. 7), the hazard class name “Flammable Aerosols” would change to “Aerosols”. Therefore, this provision would need to be amended.
16	Table to 7.2.1(2)	Align with the GHS (rev. 7)	Align this table with the GHS (rev. 7). This includes the following: a) subcategorization of Category 1 into 1A and 1B b) addition of criteria for Category 1A c) adoption of new criteria for Category 1B d) amendment of the criteria for Category 2
17	7.2.1(2.1)	Align with the GHS (rev. 7)	Adopt new subcategories for flammable gases that are chemically unstable, as per the GHS (rev. 7).
18	7.2.1(2.2)	Align with the GHS (rev. 7)	Adopt new subcategories for flammable gases that are pyrophoric, as per the GHS (rev. 7).
19	7.2.1(3) and new 7.2.1(4)	Clarify existing provisions	Specify that if a calculation method is used and that method allows the classifier to determine that a gas is flammable and allows the determination of the category, then the gas must be classified accordingly in Category 1A, 1B, or Category 2.

			If a calculation method is used and it allows the classifier to determine that a gas is flammable, but does not allow determination of the category, then the gas must be classified in Category 1A.
20	Heading to Subpart 3 of Part 7	Align with the GHS (rev. 7)	As part of the proposed amendments to align with the GHS (rev. 7), the hazard class name “Flammable Aerosols” would change to “Aerosols”. Therefore, the heading to Subpart 3 of Part 7 and item 3 of Schedule 2 of the HPA would need to be amended accordingly.
21	Table to 7.3.1(1)	Align with the GHS (rev. 7)	As part of the proposed amendments to align with the GHS (rev. 7), the hazard class name “Flammable Aerosols” would change to “Aerosols”. Therefore, the Table to 7.3.1(1) would need to be amended accordingly.
22	Table to 7.3.1.(1)	Align with the GHS (rev. 7)	Adopt Aerosols – Category 3 (non-flammable aerosols), to align with the GHS (rev. 7).
23	7.3.1(2)	Align with the GHS (rev. 7)	As part of the proposed amendments to align with the GHS (rev. 7), the hazard class name “Flammable Aerosols” would change to “Aerosols”. Therefore, this provision would need to be amended accordingly.
24	Subpart 5 of Part 7	Align with the GHS (rev. 7)	<p>According to section 2.3.2.1, Note 2 of the GHS (rev. 7), products classified in a category of the Aerosols hazard class do not fall additionally within the scope of the Flammable Gases, Flammable Liquids, Flammable Solids, or Gases Under Pressure hazard classes.</p> <p>There are already provisions in the HPR to indicate that products classified as Flammable Aerosols (hazard class name to be changed to “Aerosols”) need not be classified in any category of the Flammable Gases, Flammable Liquids, or Flammable Solids hazard classes. However, this same exclusion for the Gases Under Pressure hazard class would need to be added.</p>
25	7.6.1(1)	Align with the GHS (rev. 7)	As part of the proposed amendments to align with the GHS (rev. 7), the hazard class name “Flammable Aerosols” would change to “Aerosols”. Therefore, this provision would need to be amended accordingly.
26	7.7.1(1)	Align with the GHS (rev. 7)	As part of the proposed amendments to align with the GHS (rev. 7), the hazard class name “Flammable Aerosols” would change to “Aerosols”. Therefore, this provision would need to be amended accordingly.
27	Table to subsection 7.11.1(2)	Align with the GHS (rev. 7)	<p>The test method N.4 of sub-section 33.3.1.6 of Part III of the Manual of Tests and Criteria is designed to test the ability of a substance to undergo oxidative self-heating when exposed to air at temperatures of 100°C, 120°C or 140°C, in a 25 mm or 100 mm wire mesh cube. It is not designed to determine the spontaneous ignition temperature of a 450 l volume of a substance. Therefore, the words “and the spontaneous ignition temperature of a 450 l volume of the solid or liquid is ≤ 50°C” are proposed to be deleted.</p> <p>Furthermore, under the criteria for Category 2 of this hazard class [item 2, Column 2 of the Table to subsection 7.11.1(2)], paragraph (b) must be deleted. With the proposed deletion of the words “and the spontaneous ignition temperature of a 450 l volume of the solid or liquid is ≤ 50°C”, any solid or liquid in respect of which a positive result is obtained in a test using a 25 mm sample cube at 140°C will be classified in Category 1, not Category 2, regardless of what the spontaneous ignition temperature of a 450 l volume of the solid or liquid is.</p>
28	7.12 and the	Align with the	Align with the GHS (rev. 7) by specifying that dangerous quantities are quantities that are greater than (not equal to or greater

	Table to 7.12.1(2)	GHS (rev. 7)	than) one litre of gas per kilogram of the mixture or substance per hour.
29	Table to 7.14.1(2)	Align with the GHS (rev. 7)	Align with GHS (rev. 7), by providing criteria for test O.3 in Part III, sub-section 34.4.3, of the UN Recommendations on the Transport of Dangerous Goods, Manual of Tests and Criteria.
30	Table to 7.15.1(3), item 7(a)	Make a correction	Amend item 7(a) in the Table to 7.15.1(3) to read “60°C or higher” instead of “60°C to 75°C”.
31	7.15.1(4)	Clarify existing provisions	Allow the possibility of using data from a scientifically-validated test method to classify a mixture of organic peroxides. Clarify that the phrase “unless the self-accelerating decomposition temperature of the mixture results in the mixture being classified in a category that represents a more severe hazard” only applies to mixtures of Type G organic peroxides.
32	Table to 7.17.1, item 1(a)	Amend existing provisions	The international experts at the UN reviewed the criteria for combustible dusts and determined that the wording “dispersed in air” covers all potential mediums and therefore, the words “or an other oxidizing medium” are not required. Therefore, the words “or an other oxidizing medium”, are proposed to be deleted.
33	Subpart 19 of Part 7	Align with the GHS (rev. 7)	As part of the proposed amendments to align with the GHS (rev. 7), pyrophoric gases would be captured under the Flammable Gases hazard class (Subpart 2 of Part 7). Therefore, Subpart 19 of Part 7 would need to be repealed. In addition, item 19 of Schedule 2 of the HPA lists “Pyrophoric Gases” as a distinct hazard class in the HPR. Therefore, item 19 of Schedule 2 of the HPA would also need to be repealed.
34	8.1.1(2)	Amend existing provisions	Clarify the classification procedure for substances and mixtures which, as sold or imported, do not meet the criteria for Acute Toxicity – Inhalation but pose a WAT hazard. These substances and mixtures are classified in accordance with Table 3 to subsection (3) with regards to the LC ₅₀ of the gas emitted upon contact with water.
35	8.1.7	Clarify existing provisions	Add an exception to table 8.1.7 to address situations where a range of LD ₅₀ or LC ₅₀ values overlaps between two of the ranges (or associated categories) shown in the Table to section 8.1.7.
36	Table to subsection 8.2.2(2)	Align with the GHS (rev. 7)	Align with the GHS (rev.7) wording of “in at least one animal”. OECD Test Guideline No. 404 also states “at least one tested animal”. This is consistent with international efforts to reduce testing in animals.
37	8.3	Align with the GHS (rev. 7)	Amend the definitions of “eye irritation” and “serious eye damage” to clarify “after exposure of the eye to a mixture or substance”
38	Subparts 2, 3, 5, 6 and 7 of Part 8	Clarify existing provisions	Clarify for subparts 2, 3, 5, 6 and 7 of Part 8 that, where the classification of a mixture is being determined based on data available for the ingredients of the mixture, classification in the appropriate subcategory is allowed when there are sufficient data available to enable determination of the appropriate subcategory. For example: a mixture may be classified in Eye Irritation – Category 2B, rather than Category 2, when there are sufficient data

			available to support the classification of the mixture in Category 2B.
39	Table to 8.7.1(1) item 3	Make a correction	For Reproductive Toxicity – Category 2, amend the criteria in the classification table to specify that adverse effects must not be considered to be a secondary non-specific consequence of other toxic effects.
40	8.8.5(1)(c)(iii)	Clarify existing provisions	Adjust this provision to clarify that ingredients with the same hazards, being either transient narcotic effects or transient respiratory tract irritation, can be summed up.
41	Schedule 1, item 9	Align with the GHS (rev. 7)	Amend the physical and chemical properties listed under item 9 of Schedule 1 of the HPR to align with Table 1.5.2 of the GHS (rev. 7).
42	Schedule 1, item 14(f)	Align with the GHS (rev. 7)	Amend item 14(f) of Schedule 1 of the HPR to read as follows: “(f) Transport in Bulk according to International Maritime Organization Instruments”. The name of the instruments that apply to bulk transport has changed in the GHS (rev. 7).