

Regulatory Partnership Statement between Health Canada (HC) and the United States Occupational Safety and Health Administration (U.S. OSHA)

This describes the partnership between Health Canada (HC) and the United States Occupational Safety and Health Administration (U.S. OSHA) on workplace chemicals, to implement a deeper, collaborative relationship between these agencies.

In June 2013, HC and U.S. OSHA signed a Memorandum of Understanding (MOU) that would promote ongoing collaboration on the implementation of updates to the Globally Harmonized System of Classification and Labelling of Chemicals (GHS) for workplace chemicals.

This regulatory partnership will follow the common principles as set out in the 2013 MOU.

In meeting the key elements of the Regulatory Cooperation Council (RCC) Joint Forward Plan, HC and U.S. OSHA:

- **Established high-level partnership governance between the HC and U.S. OSHA's senior officials, consistent with the 2013 MOU, and supported by a technical level working group to review and track progress against medium and longer-term regulatory alignment opportunities.**
- **Implemented a bi-national work planning process that includes annual review of work plans to consider stakeholder input and provide for updates to senior officials on progress on regulatory cooperation initiatives.**
- **Regularized stakeholder engagement to inform HC and U.S. OSHA on regulatory alignment opportunities and provide input on future work.**

The following outlines HC and U.S. OSHA's approach to advancing regulatory cooperation and alignment in areas of mutual interest and benefit. This effort is not intended to, nor replaces, established consultation processes in relation to rule making or regulatory decision making. This cooperative dialogue is oriented to longer-term direction, medium-term opportunities, and developing annual work plans.

Governance between HC and U.S. OSHA

- The overall leadership and responsibility for implementing and managing this regulatory partnership, including its associated activities is the purview of the senior officials of the Healthy Environments and Consumer Safety Branch at HC and at U.S. OSHA.
- HC and U.S. OSHA senior officials will convene at least one annual bilateral meeting to discuss sector trends, areas of mutual interest and priority and barriers to regulatory cooperation, the first of which is planned for spring 2016.

- This annual bilateral meeting may also review and approve annual work plans, share information, review progress against work plan items, and set medium-term priorities for the conduct of collaborative work.

Outcomes from this work are intended to lead to identification of other cooperation and alignment opportunities. It also provides for discussions on approach to emerging issues, cooperation in international fora and with other countries.

Stakeholders will be engaged for the meeting with the senior-level officials, and asked to provide information pertaining to:

- Industry trends with specific reference to where they feel adjustments to priority areas governing workplace chemicals and overall direction may be required.
- New science, technology or innovations in the sector that would serve to initiate early agency discussion on how to approach these in the future.
- Issues that are seen as near-term binational priorities and costs associated with misalignment or the opportunity to assist priority setting.

In most instances, stakeholders should expect notification no later than six weeks prior to the meeting.

Establishing and Maintaining Annual Work Plans

The work planning process will identify and prioritize specific activities to achieve the medium-term opportunities and long-term direction identified through the senior-level discussions. Work plan priorities will be determined through the mutual agreement of HC and U.S. OSHA and will be informed by a number of factors, including benefits that will accrue to suppliers (manufacturers, importers, distributors), employers, workers, consumers, the public and the regulators themselves.

The *Joint Forward Plan* includes a specific commitment for HC and U.S. OSHA to undertake greater regulatory cooperation in workplace chemicals and, in particular, with respect to the Globally Harmonized System of Classification and Labelling of Chemicals (GHS), and identify potential areas for further regulatory cooperation. To meet this commitment HC and U.S. OSHA have established a *Working Group for Workplace Chemicals*, co-chaired by the Director for the Workplace Hazardous Materials Bureau (Health Canada) and the Director of the Office of Chemical Hazards – Metals (U.S. OSHA), to help meet the RPS objectives and to foster regular and ongoing regulatory cooperation in the implementation of the GHS. The Working Group will report to the Director General of Consumer Product Safety Directorate (HC) and the Director of the Directorate of Standards and Guidance (U.S. OSHA) on progress made in implementing the annual work plans and to seek approval of new initiatives and annual work plans.

Work plans will be informed through a variety of means including: stakeholder input; regulator-to-regulator plans to modernize regulatory systems and associated requirements; internal-to-government issues requiring renewal or common approaches in support of regulatory activities; and new or emerging common challenges. As such, these work plans will be “evergreen,” and should be adjusted and/or expanded throughout the year, as needed, as common challenges or priorities emerge. In this respect, stakeholders may provide input to regulators throughout the year.

Opportunities and Expectations for Stakeholders

As discussed above, it is agreed that stakeholders will be provided information in advance of work planning sessions and be invited to provide their input to work plan development.

In identifying issues of binational significance it is expected, where possible, that stakeholders will work with their binational partners to provide input and analysis so that HC and U.S. OSHA can work on developing joint positions for the senior level discussions.