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PART 14

PERMIT FOR EQUIVALENT LEVEL OF SAFETY

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Background

There is no obligation on any person to apply for a permit for equivalent level of safety to handle, offer for transport or transport dangerous goods. However, if a person wants to conduct an activity in a way that is not consistent with the Act or Regulations, the person must apply for a permit for equivalent level of safety to do so under section 31 of the Act.

Under subsection 31(1) of the Act, the Minister or a designated person may issue a permit for equivalent level of safety if the Minister or designated person is satisfied that the activity authorized by the permit will be conducted in a manner that will provide a level of safety at least equivalent to that provided by compliance with the Act and these Regulations.

The persons designated to issue a permit for equivalent level of safety are those people in the Transport Dangerous Goods Directorate, Transport Canada, who hold the following positions:

Director General

Director, Regulatory Affairs Branch

Chief, Permits and Approvals Division

PERMIT FOR EQUIVALENT LEVEL OF SAFETY

Definitions

Definitions for the following terms, used in this Part, are provided in Part 1, Coming into Force, Repeal, Interpretation, General Provisions and Special Cases:

| | | |
|-------------------------|--|------------------------|
| <i>Act</i> | <i>means of containment</i> | <i>railway vehicle</i> |
| <i>aircraft</i> | <i>Minister</i> | <i>road vehicle</i> |
| <i>classification</i> | <i>net explosives quantity</i> | <i>ship</i> |
| <i>dangerous goods</i> | <i>permit for equivalent level of safety</i> | |
| <i>Director General</i> | <i>person</i> | |

14.1 Applying for a Permit for Equivalent Level of Safety

A person must apply to the Minister or a designated person in writing for a permit for equivalent level of safety and must include the following information:

- (a) if the applicant is an individual, the name of the individual;
- (b) if the applicant is a company or an association, the name of the company or association and each association member, as the names appear in letters patent, articles of incorporation or any other document that shows the legal identity of the company or the association and each association member;
- (c) the address of the place of business of the applicant;
- (d) the telephone number, including the area code, and, if applicable, the electronic mailing address and the facsimile number of the applicant;
- (e) if a person submits an application on behalf of a company or an association, the person's name and position and the telephone number, including the area code, and address of the person's place of business;
- (f) the classification of the dangerous goods and, if the dangerous goods are in a solution or mixture, the composition and percentage (specified by volume, mass or net explosives quantity) of each chemical;
- (g) the method of packaging the dangerous goods, including a description of the means of containment and the quantity of dangerous goods in each means of containment;
- (h) whether the permit for equivalent level of safety is requested for transport by road vehicle, railway vehicle, aircraft or ship;
- (i) a description of the proposal for a permit for equivalent level of safety, including *SOR/2008-34*
 - (i) the requirements of the Act or these Regulations that the applicant proposes not to comply with,
 - (ii) the manner in which the activity will be carried out and how that manner will provide a level of safety at least equivalent to that provided by compliance with the Act and these Regulations, and
 - (iii) drawings, plans, calculations, procedures, test results and any other information necessary to support the proposal;
- (j) the length of time or the schedule of activities for which the permit for equivalent level of safety is requested; and
- (k) the name, position and business telephone number, including the area code, of the person who can be contacted regarding the application for a permit for equivalent level of safety and who is authorized by the applicant to speak on the applicant's behalf.

14.2 Issuance or Refusal of a Permit for Equivalent Level of Safety

Under subsection 31(1) of the Act, the Minister or a designated person may issue a permit for equivalent level of safety if the Minister or designated person is satisfied that the activity authorized by the permit will be conducted in a manner that will provide a level of safety at least equivalent to that provided by compliance with the Act and these Regulations.

If an application for a permit for equivalent level of safety is refused, the Minister or a designated person must notify the applicant, in writing, of the refusal and the reasons for the refusal.

14.3 Applying for Renewal of a Permit for Equivalent Level of Safety

A person must apply to the Minister or a designated person in writing to renew a permit for equivalent level of safety and must include the following information:

- (a) if the applicant is an individual, the name of the individual;
- (b) if the applicant is a company or an association, the name of the company or association and each association member, as the names appear in letters patent, articles of incorporation or any other document that shows the legal identity of the company or the association and each association member;
- (c) the address of the place of business of the applicant;
- (d) the telephone number, including the area code, and, if applicable, the electronic mailing address and the facsimile number of the applicant;
- (e) if a person submits an application on behalf of a company or an association, the person's name and position and the telephone number, including the area code, and address of the person's place of business;
- (f) certification that the information provided in the original application in accordance with paragraphs 14.1(f) to (i) is still applicable and complete;
- (g) the length of time or the schedule of activities for which the renewal is requested; and
- (h) the name, position and business telephone number, including the area code, of the person who can be contacted regarding the permit for equivalent level of safety and who is authorized by the applicant to speak on the applicant's behalf.

14.4 Issuance or Refusal of a Renewal of a Permit for Equivalent Level of Safety

- (1) The Minister or a designated person may renew a permit for equivalent level of safety if the Minister or designated person is satisfied, on the basis of the information available and the information submitted with the application for a renewal, that the activity authorized by the permit for equivalent level of safety will provide a level of safety at least equivalent to that provided by compliance with the Act and these Regulations.
- (2) If an application for a renewal is refused, the Minister or a designated person must notify the applicant, in writing, of the refusal and the reasons for the refusal.

14.5 Revoking a Permit for Equivalent Level of Safety

Under subsection 31(6) of the Act, the Minister or a designated person may revoke a permit for equivalent level of safety if

- (a) *the Minister or designated person is no longer satisfied that the manner in which the activity authorized by the permit will be conducted will provide a level of safety at least equivalent to that provided by compliance with the Act and these Regulations; or*
- (b) *the Regulations have been amended and address the activity authorized by the permit.*

The Minister or designated person must notify a person, in writing, of the revocation of a permit for equivalent level of safety under subsection 31(6) of the Act and the reasons for the revocation.

14.6 Requesting a Review of a Decision to Refuse or Revoke a Permit for Equivalent Level of Safety

- (1) A person may request a review of a decision to refuse or revoke a permit for equivalent level of safety within 30 days after receiving notification of the decision.
- (2) The request must be made in writing to the Minister or the Director General and must include the following information:
 - (a) the name and address of the place of business of the person requesting the review;
 - (b) the reasons why the decision should be reversed; and
 - (c) all of the information necessary to support the request for the review.

14.7 Processing a Request for a Review

The Minister or, in the case of a refusal or revocation by a designated person, the Director General may issue a permit for equivalent level of safety that was refused or reissue a revoked permit if the Minister or Director General is satisfied, on the basis of the information available and the information submitted with the request for review, that the activity authorized by the permit will provide a level of safety at least equivalent to that provided by compliance with the Act and these Regulations.

14.8 Notification of a Decision

The Minister or the Director General must notify, in writing, the person who made the request for a review of the decision and the reasons for the decision.