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PART 16

INSPECTORS

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INSPECTORS

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:

Act

inspector

Minister

person

16.1 Certificate of Designation

A certificate of designation issued to an inspector under subsection 10(2) of the Act must be in the following form:

Area of qualification / Domaine de compétence	This person is designated as an inspector for the purposes of the "Transportation of Dangerous Goods Act, 1992."	Cette personne est désignée à titre d'inspecteur pour l'application de la "Loi de 1992 sur le transport des marchandises dangereuses."						
Issuing Date / Date de délivrance Expiry Date / d'expiration	<table border="1"> <tr> <td data-bbox="824 884 992 940"> Photograph Photographie </td> </tr> <tr> <td data-bbox="824 974 992 1003"> 1 1/2" x 1 1/4" </td> </tr> <tr> <td data-bbox="824 1037 992 1094"> 3.8 cm x 3.2 cm 3,8 cm x 3,2 cm </td> </tr> </table>	Photograph Photographie	1 1/2" x 1 1/4"	3.8 cm x 3.2 cm 3,8 cm x 3,2 cm	<table border="1"> <tr> <td data-bbox="1122 856 1463 940"> Name / Nom </td> </tr> <tr> <td data-bbox="1122 947 1463 1031"> Inspector's Signature / Signature de l'inspecteur </td> </tr> <tr> <td data-bbox="1122 1037 1463 1119"> Minister's Signature / Signature du ministre </td> </tr> </table>	Name / Nom	Inspector's Signature / Signature de l'inspecteur	Minister's Signature / Signature du ministre
Photograph Photographie								
1 1/2" x 1 1/4"								
3.8 cm x 3.2 cm 3,8 cm x 3,2 cm								
Name / Nom								
Inspector's Signature / Signature de l'inspecteur								
Minister's Signature / Signature du ministre								

16.2 Inspection Certificate

An inspection certificate provided under subsection 11(1) of the Act when an inspector opens anything for inspection or takes a sample of anything that is sealed or closed up must be in the following form:

INSPECTION CERTIFICATE / ATTESTATION
Date of Activity / Date de l'activité
Activity (inspection or sample taking) / Activité (visite ou prise d'échantillon)
Quantity of Sample / Quantité de l'échantillon
Date Resealed / Date d'apposition du nouveau plomb
Seal Number, if any / Numéro du plomb, le cas échéant
Name / Signature / Certificate Number of Inspector Nom / Signature / Numéro du certificat de l'inspecteur
Date

16.3 Detention of Dangerous Goods or Means of Containment

SOR/2008-34

- (1) When an inspector detains dangerous goods or a means of containment under subsection 17(1) or (2) of the Act, the inspector must deliver a Detention Notice in the form following this section to the person who has charge, management or control of the dangerous goods or of the means of containment at the time they are detained.
SOR/2008-34
- (2) The inspector must sign and date the Notice.
SOR/2008-34
- (3) The detention takes effect when the Notice is signed and dated by the inspector. However, any non-compliance with the detention must not be enforced against a person until the person has received the Notice or a copy of it or a reasonable attempt has been made to give the person the Notice or a copy of it.
SOR/2008-34
- (4) The detention expires 12 months after the day on which it takes effect, but it may be revoked earlier, in writing, by an inspector.
SOR/2008-34
- (5) A person may request a review of the detention at any time after it takes effect and the Notice is delivered to the person who has charge, management or control of the dangerous goods or of the means of containment. 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) a copy of the Notice;
 - (c) the reasons why the detention should be revoked; and
 - (d) all of the information necessary to support the request for the review.

SOR/2008-34

- (6) The Minister or the Director General must notify the person, in writing, of the decision made and the reasons for the decision.
SOR/2008-34

DETENTION NOTICE

Subsection 17(1) or (2) of the Transportation of Dangerous Goods Act, 1992

Notice Number: _____ File Number: _____

The dangerous goods described in this Notice are not being handled, offered for transport, transported or imported in compliance with the Transportation of Dangerous Goods Act, 1992 and the Transportation of Dangerous Goods Regulations. They are detained until an inspector is satisfied that the dangerous goods will be handled, offered for transport, transported or imported in compliance with the Act and the Regulations.

The standardized means of containment described in this Notice are not being sold, offered for sale, delivered, distributed, imported or used in compliance with the Transportation of Dangerous Goods Act, 1992 and the Transportation of Dangerous Goods Regulations. They are detained until an inspector is satisfied that the means of containment will be sold, offered for sale, delivered, distributed, imported or used in compliance with the Act and the Regulations.

In accordance with paragraph 13(1)(c) of the Act, a person must not remove, alter or interfere in any way with dangerous goods or the means of containment detained by an inspector unless authorized by an inspector.

Person Receiving the Notice (include name and position of the person, company name, address of place of business, postal code, telephone number, fax number, e-mail address)

Inspector Issuing the Notice (include name, address of place of business, postal code, telephone number, fax number, e-mail address, certificate of designation number)

Date the Notice is Issued (dd/mm/yyyy) _____

Inspector's Name (print), Location and Signature

Description of the Dangerous Goods (include UN number, shipping name, primary class, subsidiary class, packing group)

Description of the Means of Containment (include serial number)

Details of Non-compliance (include references to the Act and Regulations)

Release of Dangerous Goods or Means of Containment

The undersigned is satisfied that the dangerous goods described in this Notice will be handled, offered for transport, transported or imported in compliance with the Transportation of Dangerous Goods Act, 1992 and the Transportation of Dangerous Goods Regulations and hereby releases the dangerous goods.

The undersigned is satisfied that the means of containment described in this Notice will be sold, offered for sale, delivered, distributed, imported or used in compliance with the Transportation of Dangerous Goods Act, 1992 and the Transportation of Dangerous Goods Regulations, and hereby releases the means of containment.

Inspector's Name (Print)

Inspector's Signature

Date (dd/mm/yyyy)

SOR/2008-34

16.4 Direction to Remedy Non-compliance

SOR/2008-34

- (1) When an inspector directs a person, under subsection 17(3) of the Act, to take necessary measures to remedy non-compliance with the Act and these Regulations, the inspector must deliver to that person a Notice of Direction to Remedy Non-compliance in the form following this section.
SOR/2008-34
- (2) The inspector must sign and date the Notice.
SOR/2008-34
- (3) The Notice must also be signed and dated by one of the following designated persons before it is delivered to the person directed by the inspector to take the necessary measures: the Director, Compliance and Response, the Chief, Response Operations, or the Chief, Enforcement, of the Transport Dangerous Goods Directorate, Department of Transport.
SOR/2008-34
- (4) The direction takes effect when the Notice is signed and dated in accordance with subsections (2) and (3). However, any non-compliance with the direction must not be enforced against a person until the person has received the Notice or a copy of it or a reasonable attempt has been made to give the person the Notice or a copy of it.
SOR/2008-34
- (5) The direction expires 12 months after the day on which it takes effect, but it may be revoked earlier, in writing, by an inspector.
SOR/2008-34
- (6) A person may request a review of the direction at any time after it takes effect and the Notice is delivered to the person who has charge, management or control of the dangerous goods or means of containment. 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) a copy of the Notice;
 - (c) the reasons why the direction should be revoked; and
 - (d) all of the information necessary to support the request for the review.*SOR/2008-34*
- (7) The Minister or the Director General must notify the person, in writing, of the decision made and the reasons for the decision.
SOR/2008-34

NOTICE OF DIRECTION TO REMEDY NON-COMPLIANCE

Delivered to persons directed by an inspector to take measures under subsection 17(3) of the Act to remedy non-compliance with the Act and Regulations.

Person Receiving the Notice (name and position, company name, address of place of business including the postal code, telephone number, fax number, e-mail address)

Details of Non-compliance (including reference to the Act and Regulations)

Inspector's Direction to Remedy Non-compliance

Revocation (include reasons for justifying the revocation, name, title and signature of person revoking the direction)

Inspector's Name (Print)

Inspector's Signature

Date (dd/mm/yyyy)

Designated Person

Name (Print Name)

Position (Print)

Signature

Date (dd/mm/yyyy)

SOR/2008-34

16.5 Direction Not to Import or to Return to Place of Origin

SOR/2008-34

- (1) When an inspector directs, under subsection 17(4) of the Act, a person who has charge, management or control of dangerous goods or means of containment that the dangerous goods or means of containment not be imported into Canada or, if they are already in Canada, that they be returned to their place of origin, the inspector must deliver to that person a Notice of Direction Not to Import or to Return to Place of Origin in the form following this section.
SOR/2008-34
- (2) The inspector must sign and date the Notice.
SOR/2008-34
- (3) The direction takes effect when the Notice is signed and dated by the inspector. However, any non-compliance with the direction must not be enforced against a person until the person has received the Notice or a copy of it or a reasonable attempt has been made to give the person the Notice or a copy of it.
SOR/2008-34
- (4) The direction expires 12 months after the day on which it takes effect, but it may be revoked earlier, in writing, by an inspector.
SOR/2008-34
- (5) A person may request a review of the direction at any time after it takes effect and the Notice is delivered to the person who has charge, management or control of the dangerous goods or means of containment. 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) a copy of the Notice;
 - (c) the reasons why the direction should be revoked; and
 - (d) all of the information necessary to support the request for the review.

SOR/2008-34

- (6) The Minister or the Director General must notify the person, in writing, of the decision made and the reasons for the decision.
SOR/2008-34

NOTICE OF DIRECTION NOT TO IMPORT OR TO RETURN TO PLACE OF ORIGIN	
<i>Subsection 17(4) of the Transportation of Dangerous Goods Act, 1992</i>	
The dangerous goods or the means of containment described in this Notice are not being handled, offered for transport, transported or imported in compliance with the Transportation of Dangerous Goods Act, 1992, and are directed not to be imported or to be returned to the place of origin.	
Person Receiving the Notice (include name and position of the person, company name, address of place of business, postal code, telephone number, fax number, e-mail address)	
Inspector Issuing the Notice (include name, address of place of business, postal code, telephone number, fax number, e-mail address, certificate of designation number)	
Date the Notice Is Issued (write out date in full)	
Description of the Dangerous Goods (include UN number, shipping name, primary class, subsidiary class, packing group, if any)	
Description of the Means of Containment (include the serial number, if any)	
Details of Non-compliance and Why Action to Remedy the Non-compliance Is Not Possible or Desirable (include references to the Act and Regulations)	
Revocation (include reasons justifying the revocation, and the name, title and signature of the person revoking the direction)	
_____ Inspector's Name (Print)	_____ Inspector's Signature
_____ Date (dd/mm/yyyy)	

SOR/2008-34