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PART 3

DOCUMENTATION

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Background

The underlying principle of this Part is that dangerous goods in transport must be accompanied by physical documentation that provides basic information about them.

The documentation is prepared by the consignor before the carrier takes possession of the dangerous goods (that is, before the dangerous goods are in transport). The documentation must be kept in specific locations while the dangerous goods are in transport.

When information required by this Part is recorded on paper, that paper is a shipping document.

A shipping document may be in any form, including a waste manifest or a company-designed form, as long as it contains all the information required by this Part.

When information required by this Part is recorded electronically, the resulting document is an electronic copy of a shipping document.

A shipping document and an electronic copy of it are both shipping records.

When documentation is required to be kept, it may be in the form of a shipping record, that is, on paper or in electronic form.

The term “master” is used in this Part and is not defined in Part 1, Coming into Force, Repeal, Interpretation, General Provisions and Special Cases but is defined in the “Canada Shipping Act”.

DOCUMENTATION**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>aircraft</i>	<i>ICAO Technical Instructions SOR/2014-152</i>	<i>road vehicle</i>
<i>CANUTEC</i>	<i>IMDG Code SOR/2014-152</i>	<i>ship</i>
<i>carrier</i>	<i>import</i>	<i>shipping document</i>
<i>49 CFR SOR/2014-152</i>	<i>infectious substance</i>	<i>shipping name</i>
<i>class</i>	<i>inspector</i>	<i>shipping record</i>
<i>classification</i>	<i>in transport</i>	<i>small means of containment</i>
<i>compatibility group</i>	<i>liquid</i>	<i>solid</i>
<i>consignor</i>	<i>means of containment</i>	<i>special provision</i>
<i>dangerous goods</i>	<i>means of transport</i>	<i>subsidiary class</i>
<i>dangerous goods safety mark</i>	<i>net explosives quantity</i>	<i>substance</i>
<i>emergency response assistance plan or ERAP or ERP</i>	<i>offer for transport</i>	<i>technical name</i>
<i>flash point</i>	<i>packing group</i>	<i>train</i>
<i>gas</i>	<i>person</i>	<i>UN number</i>
<i>handling</i>	<i>primary class</i>	<i>UN Recommendations</i>
	<i>railway vehicle</i>	

3.1 Consignor Responsibilities

A person may be both a consignor and a carrier of the same consignment, for example, a manufacturer who also transports the dangerous goods he or she produces.

- (1) Before allowing a carrier to take possession of dangerous goods for transport, the consignor must prepare and give to that carrier a shipping document or, if the carrier agrees, an electronic copy of the shipping document.
- (2) When dangerous goods are imported into Canada, the consignor must, before the dangerous goods are transported in Canada, ensure that the carrier has a shipping document or, with the agreement of the carrier, an electronic copy of the shipping document that contains the information required by these Regulations.

3.2 Carrier Responsibilities

According to the definitions of “carrier” and “in transport”, a person such as a freight forwarder who has possession of dangerous goods while they are in transport is a carrier for the purposes of these Regulations.

- (1) A carrier must not take possession of dangerous goods for transport unless the carrier has the shipping document for the dangerous goods.
- (2) A carrier who accepts an electronic copy of a shipping document must produce a shipping document from the electronic copy before taking possession of the dangerous goods for transport.
- (3) Dangerous goods in transport are in the possession of a carrier from the time the carrier takes possession of them for transport until another person takes possession of them.
- (4) While the dangerous goods are in transport and in the possession of a carrier, the carrier must keep the shipping document in the location specified by sections 3.7 to 3.10.

- (5) At or before the time another carrier takes possession of the dangerous goods, the carrier must give the shipping document or a copy of the shipping document to that other carrier or, with that other carrier's agreement, an electronic copy of it.
- (6) At or before the time a person, other than another carrier, takes possession of the dangerous goods, the carrier of the dangerous goods must give to that person a document that identifies the dangerous goods or, with that person's agreement, an electronic copy of a document that identifies the dangerous goods.
- (7) A carrier may replace a shipping document provided by the consignor with a new shipping document or with a copy of the shipping document in a different format.

3.3 Consist for Transport by Rail

- (1) When a train includes a railway vehicle containing dangerous goods for which a placard is required to be displayed in accordance with Part 4, Dangerous Goods Safety Marks, the person in charge of the train must prepare and give a consist to a member of the train crew. The information on the consist must be kept up to date by the train crew and kept with the shipping document.
- (2) The consist must include, for each railway vehicle containing dangerous goods for which a placard is required to be displayed in accordance with Part 4, Dangerous Goods Safety Marks,
 - (a) the numerical location of the railway vehicle in the train, numbering the first vehicle at the head of the train as 1, the next vehicle as 2 and so on, excluding the locomotive or locomotives wherever they are located in the train;
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 - (b) the reporting mark of the railway vehicle;
 - (c) for a tank car, the shipping name or UN number of the dangerous goods in the tank car; and
 - (d) for a railway vehicle other than a tank car,
 - (i) the shipping name or UN number of the dangerous goods, if the railway vehicle contains only dangerous goods with the same shipping name and UN number, or
 - (ii) the words "Dangerous Goods" or "Marchandises dangereuses", if the railway vehicle contains dangerous goods that have different shipping names or UN numbers.
- (3) A carrier must be able to immediately provide to CANUTEC a copy of a consist whenever the train to which the consist applies is in operation or is involved in an accident.

3.4 Legibility and Language

- (1) The information required on a shipping document and on a consist must be easy to identify, legible, in indelible print and in English or French.
- (2) When the information related to dangerous goods is on the same shipping document with information related to non-dangerous goods, the dangerous goods information must be shown
 - (a) before the information related to the non-dangerous goods and under the heading "Dangerous Goods" or "Marchandises dangereuses";
 - (b) printed or highlighted in a colour that contrasts with the print or highlight used for the information related to the non-dangerous goods; or
 - (c) following the letter "X" opposite the shipping name in a column under the heading "DG" or "MD".

3.5 Information on a Shipping Document

- (1) The following information must be included on a shipping document:
 - (a) the name and address of the place of business in Canada of the consignor;
 - (b) the date the shipping document or an electronic copy of it was prepared or was first given to a carrier;

- (c) the description of each of the dangerous goods, in the following order:
- (i) the UN number,
 - (ii) the shipping name and, immediately after the shipping name unless it is already part of it,
 - (A) for dangerous goods that are subject to special provision 16, the technical name, in parentheses, of at least one of the most dangerous substances that predominantly contributes to the hazard or hazards posed by the dangerous goods, and
 - (B) for a liquefied petroleum gas that has not been odorized, the words “Not Odourized” or “Not Odorized” or “Sans odorisant”,
 - (iii) the primary class, which may be shown as a number only or under the heading “Class” or “Classe” or following the word “Class” or “Classe”,
 - (iv) for dangerous goods with a primary class of Class 1, Explosives, the compatibility group letter following the primary class,
 - (v) the subsidiary class or classes, in parentheses, which may be shown as a number only or under the heading “subsidiary class” or “classe subsidiaire” or following the words “subsidiary class” or “classe subsidiaire”, except that, for transport by aircraft or by ship, the subsidiary class or classes may be shown after the information required by this paragraph,
 - (vi) the packing group roman numeral, which may be shown under the heading “PG” or “GE” or following the letters “PG” or “GE” or following the words “Packing Group” or “Groupe d’emballage”, and
 - (vii) for dangerous goods that are subject to special provision 23, the words “toxic by inhalation” or “toxic – inhalation hazard” or “toxique par inhalation” or “toxicité par inhalation”;

Examples of descriptions of dangerous goods are:

UN1203, GASOLINE, 3, II

UN1203, GASOLINE, Class 3, PG II

UN1214, ISOBUTYLAMINE, Class 3, Subsidiary Class (8), II

UN1214, ISOBUTYLAMINE, Class 3(8), Packing Group II

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- (d) for each shipping name, the quantity of dangerous goods and the unit of measure used to express the quantity which, on a shipping document prepared in Canada, must be a unit of measure included in the International System of Units (SI) or a unit of measure acceptable for use under the SI system, except that for dangerous goods included in Class 1, Explosives, the quantity must be expressed in net explosives quantity or, for explosives with UN numbers subject to special provision 85 or 86, in number of articles or net explosives quantity;

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Examples of descriptions of units of measure include “net mass, 30 kg”, “gross mass, 200 kg” or “number of objects, 1 000” or, for a gas, the volume of the means of containment in direct contact with the gas, such as “50 L”. Note that solids are normally measured in kilograms while volumes, including liquid capacities, are normally measured in litres. Using litres for this purpose is acceptable under the SI system.

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- (e) for dangerous goods in one or more small means of containment that require a label to be displayed on them in accordance with Part 4, Dangerous Goods Safety Marks, the number of small means of containment for each shipping name; and

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- (f) the words “24-Hour Number” or “Numéro 24 heures”, or an abbreviation of these words, followed by a telephone number, including the area code, at which the consignor can be reached immediately for technical information about the dangerous goods in transport, without breaking the telephone connection made by the caller.

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The terms “24-Hour Number” and “Numéro 24 heures” used in this paragraph refer to the telephone number that must be available when the dangerous goods are in transport. The terms were chosen to emphasize that the requirement is applicable not only during office hours but must also be satisfied at any hour of the day when the dangerous goods are in transport

An example of the type of technical information referred to in paragraph (1)(f) is the information contained in ANSI Standard Z400.1-1998, Material Safety Data Sheet.

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- (2) The telephone number of a person who is not the consignor, such as CANUTEC, but who is competent to give the technical information required by paragraph (1)(f) in English or in French may be used. However, to use CANUTEC's telephone number, the consignor must receive permission, in writing, from CANUTEC. A consignor who uses the telephone number of an organization or agency other than CANUTEC must ensure that the organization or agency has current, accurate information on the dangerous goods the consignor offers for transport and, if the organization or agency is located outside Canada, the telephone number must include the country code and, if required, the city code.
- (3) A means of containment, or the contents of a means of containment, that is being fumigated with dangerous goods and that is in transport must be accompanied by a shipping document that, despite subsections (1) and (5) and section 3.6, includes the following information if the fumigant is the only dangerous goods in transport in the means of containment:
- (a) the shipping name, "FUMIGATED UNIT" or "ENGIN SOUS FUMIGATION";
 - (b) the class, Class 9;
 - (c) the UN number, UN3359;
 - (d) the quantity of the fumigant;
 - (e) the date of fumigation; and
 - (f) instructions for the disposal of residues of the fumigant or fumigation device.
- (4) Despite paragraph (1)(d), if the quantity of dangerous goods in a means of containment is less than 10 per cent of the maximum fill limit of the means of containment, the words "Residue — Last Contained" or "Résidu — dernier contenu" may be added before or after the description of the dangerous goods. These words must not, however, be used for dangerous goods included in Class 2, Gases, that are in a small means of containment or for dangerous goods included in Class 7, Radioactive Materials.

For example:

Residue — Last Contained, UN1203, GASOLINE, 3, II

UN1203, GASOLINE, 3, II, Residue — Last Contained

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- (5) If the quantity of dangerous goods required on a shipping document under paragraph (1)(d) or the number of small means of containment required under paragraph (1)(e) changes during transport, the carrier must show those changes on the shipping document or on a document attached to the shipping document.

How the carrier shows the change in quantity is the carrier's choice. The carrier can change the number used to express quantity or the carrier may mark on the shipping document, or on a document attached to the shipping document, the additions to or the subtractions from the number used to express quantity.

The quantity of dangerous goods is expressed in kilograms for solids, in litres for liquids and in kilograms or litres for gases. It may also be expressed as a number of items.

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- (6) *Repealed* SOR/2008-34

- (7) *Repealed* SOR/2014-306

3.6 Additional Information on a Shipping Document

- (1) In addition to the information required by subsection 3.5(1), the shipping document for dangerous goods for which an emergency response assistance plan is required under Part 7, Emergency Response Assistance Plan, must include
- (a) the reference number of the emergency response assistance plan issued by Transport Canada preceded or followed by the letters "ERP" or "ERAP" or "PIU"; and
 - (b) the telephone number, including the area code, to call to have the emergency response assistance plan activated immediately.

- (2) If the 24-hour number required by paragraph 3.5(1)(f) and the emergency response assistance plan telephone number are the same, that number may be shown on the same line on the shipping document.

For example,

24-Hour Number and 3-2021 ERP: 613-123-4567

24-Hour Number and ERAP 3-2021: 613-123-4567

3-2021 ERP and 24-Hour Number: 613-123-4567

ERAP 3-2021 and 24-Hour Number: 613-123-4567

- (3) In addition to the information required by subsection 3.5(1), the following information must be included on a shipping document:
- (a) for dangerous goods in transport by ship,
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 - (i) the flash point for dangerous goods included in Class 3, Flammable Liquids, and
 - (ii) for dangerous goods that are marine pollutants under section 2.7 of Part 2, Classification, the words “marine pollutant” or “pollutant marin” and, for a pesticide that is a marine pollutant, the name and concentration of the most active substance in the pesticide;
 - (b) for dangerous goods included in Class 4.1, Flammable Solids, the control and emergency temperatures shown in section 2.4.2.3.2.3 of Chapter 2.4 of the UN Recommendations, if applicable;
 - (c) for dangerous goods included in Class 5.2, Organic Peroxides, the control and emergency temperatures shown in section 2.5.3.2.4 of Chapter 2.5 of the UN Recommendations, if applicable; and
 - (d) for dangerous goods included in Class 7, Radioactive Materials, the additional information required for transport documents under the “Packaging and Transport of Nuclear Substances Regulations”.

3.6.1 Consignor’s Certification *SOR/2014-152*

- (1) Beginning on July 15, 2015, a shipping document must include, after the information required under section 3.5, one of the following certifications:
- (a) “I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, are properly classified and packaged, have dangerous goods safety marks properly affixed or displayed on them, and are in all respects in proper condition for transport according to the Transportation of Dangerous Goods Regulations.”;
 - (b) the certification set out in section 172.204 of 49 CFR;
 - (c) the certification set out in section 5.4.1.6 of the ICAO Technical Instructions;
 - (d) the certification set out in section 5.4.1.6 of the IMDG Code; or
 - (e) the certification set out in section 5.4.1.6 of the UN Recommendations.
- (2) The certification must be made by an individual who is the consignor or by an individual acting on behalf of the consignor and must set out that individual’s name.
- (3) This section does not apply in respect of an empty large means of containment that contained dangerous goods but has not been cleaned or purged.

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3.7 Location of a Shipping Document: Road

The driver of a power unit that is attached to or is part of the cargo unit of a road vehicle transporting dangerous goods must ensure that a copy of the shipping document is kept, as follows:

- (a) if the driver is in the power unit, in a pocket mounted on the driver’s door or within the driver’s reach; or
- (b) if the driver is out of the power unit, in a pocket mounted on the driver’s door, on the driver’s seat or in a location that is clearly visible to anyone entering through the driver’s door.

3.8 Location of a Shipping Document and Consist: Rail

The person in charge of a train transporting dangerous goods must ensure that a copy of the shipping document and, when a consist is required, a copy of the consist are kept,

- (a) when one or more members of the train crew are present, in the possession of one of them; or
- (b) when no member of the train crew is present, in the first locomotive.

3.9 Location of a Shipping Document: Marine

- (1) The master of a ship containing dangerous goods or the master in control of a ship containing dangerous goods must have readily available on or near the bridge of the ship a paper copy or electronic copy of
 - (a) the shipping document; or
 - (b) a list that includes the classification of the dangerous goods.
 - (2) If dangerous goods are transported by ship on board a road vehicle that is accompanied by one or more drivers or a railway vehicle that is accompanied by one or more members of the train crew, a driver or a member of the train crew must notify the master of the ship or the marine carrier of the presence of the dangerous goods and make available to the master a copy of the shipping document. However, the shipping document must be kept, for the road vehicle, in accordance with section 3.7 and, for the railway vehicle, in the possession of a member of the train crew.
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3.10 Location of a Shipping Document: Storage In the Course of Transportation

- (1) A carrier must ensure that a shipping document is placed in a waterproof receptacle that is securely attached to or near the means of containment containing the dangerous goods, at a readily identifiable and accessible location, when the dangerous goods are in transport if
 - (a) they are left in an unsupervised area
 - (i) after being unloaded from a means of transport,
 - (ii) after the cargo unit of a road vehicle containing them has been disconnected from the power unit, or
 - (iii) when the railway vehicle containing them is no longer part of a train; and
 - (b) possession of the dangerous goods has not been transferred to another person.
- (2) When dangerous goods in transport are left in a supervised area, the person in charge of the supervised area is considered to have taken possession of the dangerous goods. The carrier must leave a copy of the shipping document with that person, who must keep it and give it to the next person who takes possession of the dangerous goods.
- (3) When the person in charge of a supervised area is absent from the area, that person must ensure that the copy of the shipping document is
 - (a) placed in a waterproof receptacle securely attached to or near the means of containment containing the dangerous goods, at a readily identifiable and accessible location; or
 - (b) left in the possession of an employee who is present in the supervised area and is designated for this purpose by the person in charge of the supervised area.
- (4) Despite the locations specified in subsections (1) to (3), when dangerous goods that are in transport by road vehicle, railway vehicle or ship are stored in a supervised or unsupervised area, the shipping document or an electronic copy of it may be left at the office of a person referred to in one of the following paragraphs if the conditions in subsections (5) and (6) are complied with:
 - (a) the rail dispatcher for the area in which the railway vehicle is located;
 - (b) the person responsible for the port at which the dangerous goods are located; or
 - (c) the marine terminal manager at the terminal where the dangerous goods are located.

- (5) When a shipping record is left at the office of a person referred to in subsection (4),
 - (a) use of the telephone number of that office must be approved in accordance with subsection (6); and
 - (b) that person or that person's representative must provide immediately, at the request of a federal, provincial or municipal official including a member of a fire department, a facsimile or electronic copy of the shipping record or, if requested, a voice description of the information on the shipping record.
- (6) The telephone number of the office of a person referred to in subsection (4) must not be used to comply with subsection (5), unless that person gives CANUTEC the following information and receives approval, in writing, from CANUTEC to use that telephone number:
 - (a) the name and address of the person;
 - (b) the telephone number of the office of the person;
 - (c) the physical area to which the telephone number applies and, in the case of a port or a marine terminal, evidence that public access to the area is controlled;
 - (d) the period of time, not to exceed 5 years, for which CANUTEC's approval is requested; and
 - (e) the dangerous goods to which the approval applies.
- (7) The Director General may revoke, in writing, the approval to use a telephone number if
 - (a) the person referred to in subsection (4), or that person's representative, does not answer the telephone;
 - (b) the person referred to in subsection (4), or that person's representative, does not provide immediately, at the request of a federal, provincial or municipal official including a member of a fire department, a facsimile or an electronic copy of the shipping record or, if requested, a voice description of the information on the shipping record; or
 - (c) public access to a port or marine terminal is not controlled.

3.11 Keeping Shipping Document Information

- (1) A consignor must be able to produce a copy of any shipping document
 - (a) for two years after the date the shipping document or an electronic copy of it was prepared or given to a carrier by the consignor;
 - (b) for dangerous goods imported into Canada, for two years after the date the consignor ensured that the carrier, on entry into Canada, had a shipping document or an electronic copy of one; and

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 - (c) within 15 days after the day on which the consignor receives a written request from an inspector.
- (2) When dangerous goods are no longer in transport, each carrier who transported the dangerous goods must be able to produce a copy of the shipping document that related to the dangerous goods and was required to be in the possession of that carrier while the dangerous goods were in transport
 - (a) for two years after the date the dangerous goods are no longer in transport; and
 - (b) within 15 days after the day on which the carrier receives a written request from an inspector.
- (3) Subsection (2) does not apply to a carrier who transported dangerous goods

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 - (a) from a place outside Canada, through Canada to a place outside Canada or for a portion of such transportation; or
 - (b) entirely outside Canada
 - (i) on board a ship, or
 - (ii) on board an aircraft that is registered in Canada and leased to a foreign carrier.
- (4) Subsection (2) does not apply to a carrier who is involved only in handling the dangerous goods, including storing them in the course of transport.
- (5) The shipping documents referred to in this section may be kept as electronic copies.