

Part 16 (Inspectors)

Section -16.1 – Certificate of Designation

This amendment proposes to repeal section 16.1 because the criteria for the Inspectors Designation is already prescribed in subsection 10(2) of the *Transportation of Dangerous Goods Act, 1992* (TDG Act) and states that the content of the Certificate must include the purposes, classes of dangerous goods, means of containment, means of transport and places for which the inspector is designated. The Inspector’s certification process and associated forms are included in Transportation of Dangerous Goods Directorate’s Inspector’s Manual.

Provision	Current Text	Proposed Text
16.1	A certificate of designation issued to an inspector under subsection 10(2) of the Act must be in the following form:	Repeal

Section -16.2 – Inspection Certificate

The proposed amendment would fix a reference made to the TDG Act that is incorrect, as well as remove the copy of the Inspector Certificate form in the Transportation of Dangerous Goods Regulations (TDG Regulations) and replace it with a list of information requirements for the Certificate.

It is also proposed that the title of this section be changed from “Inspection Certificate” to “Certificate of Inspection” in order to align with the reference made in section 16.1(1) of the TDG Act.

Provision	Current Text	Proposed Text
	Inspection Certificate	Certificate of Inspection
16.2	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:	<div>16.2 An inspection certificate of inspection provided under subsection 16.1(1) of the Act certifies that an inspector has inspected or taken a sample when an inspector opens anything for inspection or takes a sample of anything that is sealed or closed up and must include the following information be in the following form:</div> <div><div>(a) Information about the dangerous goods,</div><div>(b) Information about the packaging and the means of transport,</div><div>(c) Reasons for the certificate (inspection or sampling),</div><div>(d) Date of activity,</div><div>(e) an indication if the packaging or the means of transport have been opened or unsealed,</div><div>(f) Seal number, if any,</div><div>(g) the name and contact information of the person in charge of the dangerous goods;</div><div>(h) the name, signature and certificate number of the inspector, and</div><div>(i) the inspector’s signature.</div></div>

Section -16.3 – Detention of Dangerous Goods or Means of Containment

The proposed amendment would fix a reference made to the TDG Act that is incorrect, remove two subsections that are more appropriately established by internal policy procedures (16.3(2)-(3)), as well as remove the Detention Notice form. The repealed Sections will form part of the Transportation of Dangerous Goods Directorate’s Inspector’s Manual.

Provision	Current Text	Proposed Text
16.3 (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.	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.
16.3(2)	The inspector must sign and date the Notice.	Repeal
16.3(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.	Repeal
	Detention Notice Form	Repeal

Section -16.4 – Detention of Dangerous Goods or Means of Containment

The proposed amendment would fix a reference made to the TDG Act that is incorrect, remove three subsections that are more appropriately established by internal policy procedures (16.4(2)-(4)), as well as remove the Notice of Direction to Remedy Non-Compliance form. The repealed Sections will form part of the Transportation of Dangerous Goods Directorate’s Inspector’s Manual.

Provision	Current Text	Proposed Text
16.4 (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.	When an inspector directs a person, under subsection 17 (3) (2) 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 .
16.4 (2)	The inspector must sign and date the Notice	Repeal
16.4 (3)	The Notice must also be signed and dated by one of the following designated persons before it is delivered to the person director by the inspector to take the necessary measures: the Director,	Repeal

Provision	Current Text	Proposed Text
	Compliance and Response, the Chief, Response Operations, or the Chief, Enforcement, of the Transport of Dangerous Goods Directorate, Department of Transport	
16.4 (4)	The direction takes effect when the Notice is signed and dates 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.	Repeal
	Notice of Direction to Remedy non-Compliance Form	Repeal

Section -16.5 – Direction Not to Import or to Return to Place of Origin

The proposed amendment would fix a reference made to the TDG Act that is incorrect, remove two subsections that are more appropriately established by internal policy procedures (16.4(2)-(3)), as well as remove the Notice of Direction Not to Import or to Return to Place of Origin Form. The repealed Sections will form part of the Transportation of Dangerous Goods Directorate’s Inspector’s Manual.

Provision	Current Text	Proposed Text
16.5 (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	When an inspector directs, under subsection 17 (4) (3) 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
16.5(2)	The inspector must sign and date the Notice	Repeal
16.5 (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.	Repeal
	Notice of Direction Not to Import or to Return to Place of Origin Form	Repeal

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