



Province of Alberta

**DANGEROUS GOODS TRANSPORTATION
AND HANDLING ACT**

**DANGEROUS GOODS
TRANSPORTATION AND HANDLING
REGULATION**

Alberta Regulation 157/1997

With amendments up to and including Alberta Regulation 211/2011

Office Consolidation

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(Consolidated up to 211/2011)

ALBERTA REGULATION 157/97

Dangerous Goods Transportation and Handling Act

**DANGEROUS GOODS TRANSPORTATION
AND HANDLING REGULATION**

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Interpretation

1(1) In this Regulation,

- (a) “Act” means the *Dangerous Goods Transportation and Handling Act*;
- (b) “Executive Director” means the Executive Director of the Dangerous Goods and Rail Safety Branch of the Department of Transportation;
- (c) “Federal Regulations” means the English version of Parts I to X of the *Transportation of Dangerous Goods Regulations* (SOR/2001-286) made under the *Transportation of Dangerous Goods Act, 1992* (Canada), as amended from time to time and as deemed to be changed by this Regulation;
- (d) “permit for equivalent level of safety” means a permit issued under section 5 of the Act;
- (e) repealed AR 211/2011 s2.

(2) The products, substances and organisms listed in Schedule 1 are specified as dangerous goods for the purposes of section 1(c) of the Act.

AR 157/97 s1;206/2001;220/2001;105/2005;68/2008;211/2011

Part 1 Adoption, with Modifications, of Federal Regulations

Adoption of Federal Regulations

2(1) The Federal Regulations are adopted as regulations under the Act with full force.

(2) The *Regulations Act* does not apply to the Federal Regulations as adopted by subsection (1).

AR 157/97 s2;211/2011

3 Repealed AR 141/99 s4.

4 and 5 Repealed AR 211/2011 s4.

Part 2 Stop Orders

Definition

6 In this Part,

- (a) repealed AR 141/99 s7;
- (b) “stop order” means a direction made under section 18 of the Act.

AR 157/97 s6;141/99

Application for review

7(1) A person may, within 30 days after being served with a stop order, apply to the Executive Director in accordance with this section for a review of the stop order.

(2) An applicant may apply to the Executive Director for an extension of the 30-day period

- (a) in writing, or
- (b) orally, provided that written confirmation of the oral application is provided within 14 days of the oral application,

and the Executive Director may grant any extension considered appropriate.

(3) The written application or the confirmation under subsection (2)(b) must contain or specify

- (a) the name and address of the applicant,

- (b) a copy of the stop order or a complete description of the subject-matter of the stop order,
- (c) the grounds on which the application for review is based and any material in support of it,
- (d) an indication as to the relief sought, and
- (e) the name and address of the applicant's representative or solicitor, if any.

AR 157/97 s7;220/2001

Disposition of review

8 The Executive Director may, after considering the application for review and any other information considered appropriate,

- (a) in relation to a stop order issued by the Minister, make recommendations to the Minister who may in turn confirm, rescind or change the stop order, or
- (b) in relation to a stop order issued by a designated person, confirm, rescind or change the stop order.

AR 157/97 s8;220/2001

Notification of decision

9 The Minister or the Executive Director, as the case may be, shall in writing communicate the decision made under section 8, with the reasons for the decision, to the applicant.

AR 157/97 s9;220/2001

Appeal

10(1) A person may, within 30 days after being notified under section 9 of a decision made under section 8(b), appeal that decision to the Minister in accordance with this section.

(2) An appellant may apply in writing to the Minister for an extension of the 30-day period, and the Minister may grant any extension considered appropriate.

(3) An appeal is commenced by serving the Minister with a written notice of appeal that contains or specifies

- (a) the name and address of the appellant,
- (b) a copy of the decision being appealed or a complete description of the subject-matter of the decision,
- (c) the grounds on which the appeal is based and any material in support of it,

- (d) an indication as to the relief sought, and
- (e) the name and address of the appellant's representative or solicitor, if any.

Disposition of appeal

11 The Minister, after considering the notice of appeal served under section 10(3) and any other information considered appropriate, may confirm, rescind or change the stop order.

Notification of decision of appeal

12 The Minister shall in writing communicate the decision made under section 11, with the reasons for the decision, to the appellant.

Part 3

Permit for Equivalent Level of Safety

Definitions

13 In this Part,

- (a) "designated person" means a person to whom the Minister has delegated the power given by section 5 of the Act to issue permits;
- (b) "permit" means a permit for equivalent level of safety.

Application for permit

14(1) An application for a permit must be made to the Minister or a designated person, be in the written form required by the Executive Director and contain the information and be accompanied by the documents specified in Schedule 2.

(2) Notwithstanding subsection (1), the application may be made orally

- (a) if necessary for the protection of life or property, and
- (b) provided that the oral application is confirmed by means of a written application referred to in subsection (1) within 14 days of the oral application.

AR 157/97 s14;220/2001

Issue of permit

15 A permit must contain

- (a) the name, address and telephone number of the holder,

- (b) the provisions of the Act or the regulations respecting which the exemption is given,
- (c) any terms and conditions attaching to the permit,
- (d) the permit number,
- (e) the date and time of issue and the expiry date of the permit, and
- (f) the authority issuing the permit.

Effect

16 Unless the Minister or the designated person otherwise orders, a permit takes effect immediately on being issued.

Duration

17 A permit is valid until the date and time of the expiry specified in it or until it is previously rescinded by the Minister or a designated person.

Application for review

18(1) A person may, within 30 days after being notified of a decision not to issue a permit, apply to the Executive Director in accordance with this section for a review of the decision.

(2) An applicant may apply to the Executive Director for an extension of the 30-day period

- (a) in writing, or
- (b) orally, provided that written confirmation of the oral application is provided within 14 days of the oral application,

and the Executive Director may grant any extension considered appropriate.

(3) The written application or the confirmation under subsection **(2)(b)** must contain or specify

- (a) the name and address of the applicant,
- (b) a copy of the application for the permit or a complete description of the subject-matter of the application,
- (c) the grounds on which the application for review is based and any material in support of it,

- (d) an indication as to the relief sought, and
- (e) the name and address of the applicant's representative or solicitor, if any.

AR 157/97 s18;220/2001

Disposition of review

19 The Executive Director may, after considering the application for review and any other information considered appropriate,

- (a) in relation to a decision by the Minister not to issue the permit, make recommendations to the Minister who may in turn confirm the decision or rescind the decision and issue the permit, or
- (b) in relation to a decision by a designated person not to issue a permit, confirm the decision or rescind the decision and issue the permit.

AR 157/97 s19;220/2001

Notification of decision of review

20 The Minister or the Executive Director, as the case may be, shall in writing communicate the decision made under section 19, with the reasons for the decision, to the applicant.

AR 157/97 s20;220/2001

Appeal

21(1) A person may, within 30 days after being notified under section 20 of a decision made under section 19(b), appeal that decision to the Minister in accordance with this section.

(2) An appellant may apply in writing to the Minister for an extension of the 30-day period, and the Minister may grant any extension considered appropriate.

(3) An appeal is commenced by serving the Minister with a written notice of appeal that contains or specifies everything referred to in section 10(3)(a) to (e).

Disposition of appeal

22 The Minister, after considering the notice of appeal served under section 21(3) and any other information considered appropriate, may confirm the decision not to issue a permit or rescind it and issue the permit.

Notification of decision of appeal

23 The Minister shall in writing communicate the decision made under section 22, with the reasons for the decision, to the appellant.

**Part 4
Inspectors****Definitions**

24 In this Part,

- (a) “certificate of designation” means a certificate furnished to an inspector under section 6(2) of the Act;
- (b) “certificate of inspection” means a certificate evidencing an inspection referred to in section 10(1) of the Act.
- (c) repealed AR 141/99 s8.

AR 157/97 s24;141/99

25 Repealed AR 141/99 s9.

Identification

26 An inspector acting pursuant to section 12 of the Act shall, on request, produce the certificate furnished under section 6(2) of the Act to any other person responsible for dealing with the release or potential release.

AR 157/97 s26;211/2011

**Part 5
General****Repeals****Repeals**

27(1) The *Transportation of Dangerous Goods Control Regulation* (AR 383/85) is repealed.

(2) The *Administration Regulation* (AR 37/86) is repealed.

Expiry**Expiry**

28 For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be

re-passed in its present or an amended form following a review,
this Regulation expires on December 31, 2018.

AR 157/97 s28;220/2001;280/2006;211/2011

Coming into Force

29 Repealed AR 220/2001 s7.

Schedule 1 (Section 1(2))

Dangerous Goods

- Class 1 Explosives, including explosives within the meaning of the *Explosives Act* (Canada)
- Class 2 Gases: compressed, deeply refrigerated, liquefied or dissolved under pressure
- Class 3 Flammable and combustible liquids
- Class 4 Flammable solids; substances liable to spontaneous combustion; substances that on contact with water emit flammable gases
- Class 5 Oxidizing substances; organic peroxides
- Class 6 Poisonous (toxic) and infectious substances
- Class 7 Nuclear substances within the meaning of the *Nuclear Safety and Control Act* (Canada) that are radioactive
- Class 8 Corrosives
- Class 9 Miscellaneous products, substances or organisms considered by the Governor in Council (Canada) to be dangerous to life, health, property or the environment when handled, offered for transport or transported and prescribed by the Federal Regulations to be included in this class

AR 157/97 Sched.1;220/2001;211/2011

**Schedule 2
(Section 14(1))****Permit for Equivalent Level of Safety**

COMPANY NAME		
ADDRESS		
CITY AND PROVINCE	Postal Code	Tele- phone

DANGEROUS GOODS IDENTIFICATION:

Shipping Name	Hazard Class/ Division	U.N.	Method of Containment of Each Unit	Total Quantity

Provisions of the Act/Regulation for which exemption is requested:

Statement outlining need for permit and intended frequency of use:

Proposed manner in which dangerous goods are to be handled, offered for transport or transported, and measures to be taken which will ensure an equivalent level of safety:

(Enclose any applicable supporting material including calculations, literature, drawings, routings, product safety sheets, equivalent standards and source references, etc.)

NAME OF PERSON MAKING APPLICATION	POSITION
SIGNATURE	DATE



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