

PERFORMANCE AGAINST THE FOLLOW-UP CONFIRMATIONS OF COMPLIANCE STANDARD¹

Documenting non-compliances

In 2020, the Commissioner for the Environment and Sustainable Development conducted a [follow-up audit](#) on the transportation of dangerous goods.

As per recommendation 1.33², TC committed to strengthen the application of, and the supporting training on, oversight procedures for follow-up activities conducted by inspectors after they detect non-compliance by regulated entities. TDG's Procedures on Follow-Up to Non-Compliance ([RDIMS# 16712103](#)) requires inspectors to document the current status of all non-compliances.

- 100% of the non-compliances must be recorded (and up-to-date)
 - Inspectors are still expected to confirm compliance for the bulk of non-compliances within 30 days, however, the standard allows inspectors discretion for situations where confirmations of compliance are not warranted (i.e., very minor non-compliances with no impact on safety) or to extend the deadline to confirm compliance.

A non-compliance is considered documented if it has a recorded status and is up-to-date (that is, the 'due date' assigned by the inspector has not passed).

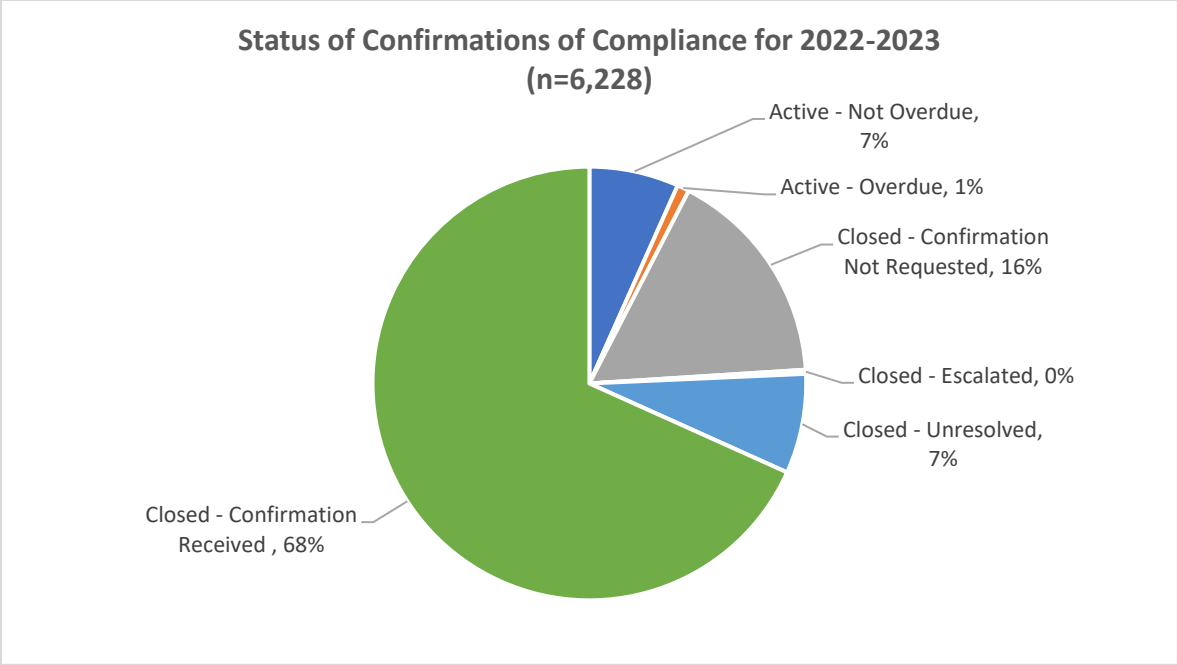
With the implementation of TDG's Regulatory Oversight Management application (ROM) in 2021, 100% of non-compliances have a recorded status. All confirmations of compliance generated in TDG's previous application (Inspection Information System (IIS)) as of April 1, 2019, were migrated to ROM.

For 2022-2023, 6,228 confirmations of compliance are recorded in ROM. 6172 (99%) of these confirmations of compliance are considered documented. 56 (1%) are overdue (i.e., active and deadline for confirmation of compliance has passed), and therefore not documented.

The chart below provides a breakdown by status for all confirmations of compliance for 2022-2023.

¹ Extracted and adapted from *Transportation of Dangerous Goods Oversight Progress Report 2022-2023 Q4 (January 1 to March 31, 2023)*. This report is prepared each quarter for TDG's Program Business Committee (DG-chaired).

² "Transport Canada should systematically track and document its verification that companies have returned to compliance after violations are found." (CESD Audit 2020)



Note: Percentages may not sum to 100% due to rounding

Table below identifies the number of confirmations of compliance that are overdue, by region and fiscal year. These 56 non-compliances are no longer considered documented.

Region	Number of confirmations of compliance that are 'overdue'
Atlantic	0
Quebec	12
Ontario	4
PNR	40
Pacific	0
HQ_RFIE	0
HQ_CR	0
Total	56

Definitions for each status of Confirmations of Compliance

Status	Definition
Active – Active	Status of the COC record when initially created by the system. The user can make changes to the record when this status is set.
Closed – Confirmation Received <ul style="list-style-type: none"> • Consists of three sub-statuses: <ul style="list-style-type: none"> ○ Closed – Confirmation On-Site ○ Confirmation Received – On Time ○ Confirmation Received – Late 	Closed – Confirmation On-Site: During an inspection, the company provided the inspector with confirmation that the noted violation had been rectified. Confirmation Received – On Time: The company provided confirmation of compliance to the inspector within the requested time frame. Confirmation Received – Late: The company provided confirmation of compliance to the inspector after the requested time frame.
Closed – Unresolved	An extended period has passed and the company has yet to provide the COC, another inspection is scheduled at this site, and/or the violation is deemed to be low risk.
Closed – Escalated	The company has not cooperated in providing confirmation of compliance and the inspector has chosen to escalate their enforcement approach to achieve compliance.
Closed – Confirmation Not Requested	While entering their inspection findings (i.e., synopsis/violations tab), the inspector indicates that confirmation of compliance is not required.