

Hazardous Materials Information Review Commission

Conseil de contrôle des renseignements relatifs aux matières dangereuses

Hazardous Materials Information Review Act Appeal Board Procedures Regulations

FORM 1 (Section 4)

APPEAL NUMBER	

APPEAL BOARD HAZARDOUS MATERIALS INFORMATION REVIEW ACT

IN THE MATTER OF:	An appeal pursuant to section 20 of the Hazardous Materials Information Review Act			
	by from the decision or order of a screening officer			
	(name person)			
	dated, 20 in relation to a claim for exemption bearing Registry Number			
	Number			
	STATEMENT OF APPEAL			
PART I - GENE	PART I - GENERAL INFORMATION			
NAME OF APPELLANT	·			
ADDRESS:				
CITY:				
PROVINCE:				
POSTAL CODE:				
ADDRESS FOR SERVICE				
(if different from above)				
CONTACT PERSON:				
(where appellant is a co.	rporation)			
TITLE:				
ADDRESS FOR SERVICE	3:			
TELEPHONE:				
OTHER MEANS OF TEL AND THEIR NUMBERS:				
COUNSEL (if any):				
FIRM:				
ADDRESS FOR SERVICE	<u></u>			
TELEPHONE:				
OTHER MEANS OF TEL AND THEIR NUMBERS:				

ENGLISH

FRENCH

LANGUAGE OF PREFERENCE:

PART II - STATUS (Section 20 of the Act and subsection 2(2) of the Hazardous Materials Information Review Regulations)

NOTE: This Part seeks information in respect of the status of the person filing the statement of appeal. Please check opposite the description of that status.

STATUS OF THE APPELLANT

In relation to the decision or the order of a screening officer referenced by the statement of appeal, the appellant is

A CLAIMANT:	
AN AFFECTED PARTY AS:	
Supplier of the controlled product	
Employee at the work place	
Employer at the work place	
Safety and health professional for the work place	
Safety and health representative for the work place	
Member of a safety and health committee for the work place	
A person who is authorized in writing to represent	
(a) a supplier of the controlled product	
(b) an employer at the work place	
(c) an employee at the work place, except where the person is an official or a representative of a trade union that is not certified or recognized in respect of the work place	

PART III -TYPE OF APPEAL (Section 20 of the Act)

NOTE	E: This Part seeks information that will identify the class or nature of the appeal being filed. mark opposite the most appropriate statement or statements.	Please put a che
THE	CLAIMANT IS	
(a)	a claimant appealing a decision rendered under section 15 of the <i>Act</i> in respect of the validity of a claim for exemption	
(b)	a claimant appealing an order made under section 16 of the <i>Act</i> in respect of the invalidity of a claim for exemption or a portion thereof	
(c)	a claimant appealing an order made under section 17 of the <i>Act</i> in respect of the compliance of a material safety data sheet or label with the provisions of the <i>Hazardous Products Act</i> or the <i>Canada Labour Code</i> , as the case may be	
(d)	a claimant appealing a decision or order, as the case may be, made under section 32 of the <i>Act</i> pursuant to provincial legislation conferring jurisdiction on an appeal board to determine an appeal described in any of paragraphs (a) to (c)	
THE	AFFECTED PARTY IS	
(e)	an affected party appealing a decision rendered under section 15 of the <i>Act</i> in respect of the validity of a claim for exemption	
(f)	an affected party appealing an order made under section 16 of the <i>Act</i> in respect of the invalidity of a claim for exemption or a portion thereof	
(g)	an affected party appealing an order made under section 17 of the <i>Act</i> in respect of the compliance of a material safety data sheet or label with the provisions of the <i>Hazardous</i>	
(h)	Products Act or the Canada Labour Code, as the case may be an affected party appealing a decision or order, as the case may be, made under section 32 of the Act pursuant to provincial legislation conferring jurisdiction on an appeal board to determine an appeal described in any of paragraphs (e) to (g)	
(i)	an affected party appealing a decision or order, as the case may be, described in any of paragraphs (e) to (h) and making an application under section 26 of the <i>Act</i> for the disclosure, in confidence, of any information in respect of which a claim for exemption is made	

PART IV - VENUE (Sections 22 and 43 of the Act)

NOT	E: This Part seeks information that will assist in determining the place where the appeal will be c manner in which the appeal board will be constituted.	onvened and the
(a)	Where the claimant carries on business in one province only, name the province:	
(b)	Where the claimant carries on business in more than one province, name the province most directly the question under appeal and explain why that province is the province that is most directly concer question under appeal:	
PRO	VINCE:	
EXP	LANATION:	

PART V -GROUNDS OF APPEAL NOTE: This Part seeks information that will delineate the basis and the scope of the appeal. The information provided should identify in point form the alleged errors in the screening officer's decision or order. Attach additional sheets if necessary.

PART VI - OTHER INFORMATION RELATING TO THE APPEAL

NOTE:	This Part should provide detailed information in support of the appeal, including reasons and any facts or information that may assist the appeal board in understanding the representations made in respect of the appeal and in deciding the appeal. Attach additional sheets if necessary.		

PART VII - NATURE OF HEARING REQUESTED

NOTI	E: This Part provides the appellant with the opportunity to indicate whether the appellan the appeal board for the purpose of making oral submissions or examining witnesses.	t wishes to appear	r before
(a)	The appellant wishes to appear before the appeal board for the purpose of making oral submissions	Yes	No
		165	NO
(b)	The appellant is of the opinion that there are material issues of fact or opinion, the nature of which requires the examination of witnesses	Yes	No
	If the answer to paragraph (b) is yes, the		
	appellant's reasons for the opinion are as follows:		

PART VIII - DECISION OR ORDER SOUGHT ON APPEAL

NOTE:	Subsection 23(2) of the Act provides as follows:	
	"(2) An appeal board may dispose of an appeal by	
	(a) dismissing the appeal and confirming the decision or order of the screening officer; or	
	(b) allowing the appeal and either varying or rescinding the decision or order being appealed."	
	This Part seeks a brief statement describing the nature of the decision or order that the appellant requests that the appeal board make.	
DECISIO	ON OR ORDER SOUGHT:	

PART IX - APPLICATION (Section 26 of the Act)

NOTE: Where the appellant makes an application under section 26 of the Act for the disclosure in confidence, for reasons of health and safety in a work place, of information in respect of which a claim for exemption is made, the appellant may include the application for disclosure in this Part or complete Form 2.

The application shall contain a full statement of the reasons, facts and circumstances supporting the application. The application shall state the order that is sought, including the names of the affected parties or the class of affected parties to whom disclosure of the confidential business information is sought. Attach additional sheets if necessary.

APPLICATION FOR DISCLOSURE:		

PART X - CONFIDENTIAL INFORMATION

NOTE:	The appellant may place confidential information in this separate part of the Statement of Appeal and shall mark each sheet of confidential information with the word "Confidential/Confidential".
CONFIL	DENTIAL/CONFIDENTIEL:

PART	XI - CONFIDENTIAL BUSINESS INFORMATION
NOTE:	Where the appellant is the claimant and the Statement of Appeal will identify or disclose any confidential business information in respect of which the claim for exemption has been made, the appellant shall place that information in this separate part of the Statement of Appeal and file it in a sealed envelope separate from but together with the other parts of this Statement of Appeal. Each sheet of such information and the envelope shall be marked with the words "Confidential Business Information/Renseignements confidentials commerciaux".
CONFIL	DENTIAL BUSINESS INFORMATION/RENSEIGNEMENTS CONFIDENTIELS COMMERCIAUX:

PART XII - DECLARATION		
(name)	, hereby certify on behalf of the appellant herein that his Form is true to the best of my knowledge and belief.	
the information reported in 1 title 1 to 111 of t	and a state to the cest of my knowledge and center.	
(Signature)	(Date)	
(Title)		

APPENDIX TO FORM 1

$\begin{tabular}{ll} \textbf{FEE} & \textbf{CALCULATION} & \textbf{(Subsection 20(2) of the } \textit{Act} \ \textbf{and section 12 of the } \textit{Hazardous Materials Information Review Regulations)} \\ \end{tabular}$

NOTE: Appeal fo	ees must be paid by certified cheque or money order in Canadian dollars to the	Receiver General for
1. BASIC FEE		
	accompany a statement of appeal pursuant to subsection 12(1)	\$2,000
2. FEE, OTHER T	THAN BASIC FEE (Please check opposite the appropriate status.)	
	ursuant to subsection 12(2) of the <i>HIMRR</i> to accompany a statement of alf of the basic fee where the statement of appeal is filed by:	
(a) an affected	party who is an individual employee and who is not	
(i) a membe	er of a bargaining unit, or	
	ed at a work place for which a trade union has rtified or recognized;	
(b) an affected of a trade u	party who is a member, official or representative nion that	
(i) is a non-	affiliated trade union, and	
(ii) does no	t have more than 100 members;	
(c) a claimant t	hat	
dollars	oss annual revenue of not more than three million in the claimant's fiscal year immediately preceding al year in which the statement of appeal is filed; and	
(ii) does no	t employ more than 100 employees.	
3. FEE ENCLOSE	D (Please check opposite appropriate fee.)	
Basic Fee (\$2,0	00)	
Fee, other than	Basic Fee (\$1,000)	