



FERTILIZER CANADA

FERTILISANTS CANADA

Agricultural Ammonium Nitrate and Calcium Ammonium Nitrate

CODE OF PRACTICE

JANUARY 2023

A circular graphic with a green gradient background, overlaid on a faded industrial facility image. The text 'Where Stewardship Grows' is written in white, bold, sans-serif font.

**Where
Stewardship
Grows**

AGRICULTURAL AMMONIUM NITRATE AND CALCIUM AMMONIUM NITRATE CODE OF PRACTICE JANUARY 2023

DISCLAIMER

The Agricultural Ammonium Nitrate and Calcium Ammonium Nitrate Code of Practice, the Implementation Guide (the “Code of Practice”), and the Appendices which follow are intended to be used by Fertilizer Canada for the purposes of the issuance of Certificates of Compliance and conducting Compliance Audits. The Code of Practice is not in any way intended to supersede or derogate from any requirements contained in municipal, provincial or federal by-laws, regulations or legislation (“Governing Legislation”). While every effort is made to provide accurate and complete information, none of Fertilizer Canada or any project manager designated by Fertilizer Canada or their respective directors, officers, employees, committee members, members or agents (together, “Fertilizer Canada”) have made or purport to make any representations, warranties, or covenants, express or implied, with respect to the accuracy, completeness or adequacy of the specifications or information contained in the Code of Practice, or the results generated by its use.

Parties that agree to be bound by the Code of Practice, acknowledge that Fertilizer Canada is not liable for any damage, injury, loss or claims, direct or indirect, including those of an incidental or consequential nature, arising from or in relation to your reliance upon the Code of Practice or any Compliance Audit conducted by Fertilizer Canada, the issuance or non-issuance of a Certificate of Compliance, any statement by a Fertilizer Canada representative regarding the obligations of any person under the Governing Legislation, or the acts or omissions of any person or entity with respect to the handling, storage, use or misuse of ammonium nitrate or calcium ammonium nitrate.

HOW TO USE THIS GUIDE

This guide has been written in three sections. The first section contains the protocols with which ammonium nitrate and calcium ammonium nitrate handlers must comply and against which auditors will be verifying compliance.

The second section contains the Implementation Guide, while the third section contains the Appendices. These sections, indexed to correspond with the Code of Practice, are designed to assist with interpreting the protocols and to provide examples. Please consult the Implementation Guide when reviewing the protocols.

TECHNICAL QUESTIONS

Technical questions or questions about interpretation of the Agricultural Ammonium Nitrate and Calcium Ammonium Nitrate Code of Practice may be addressed to the Code Program Manager at 1-866-311-0444 or by email at manager@awsa.ca. Fertilizer Canada's Ammonium Nitrate Working Group and/or Fertilizer Safety and Security Committee will review any issues as necessary.

For general questions about the Ammonium Nitrate and Calcium Ammonium Nitrate Code, please contact Fertilizer Canada at (613) 230-2600 or by email at info@fertilizercanada.ca.

REVISION HISTORY

Date	Change Detail
January 2024	Version 1.1 – Ammonium Nitrate and Calcium Ammonium Nitrate Code
January 2023	Version 1 – Ammonium Nitrate and Calcium Ammonium Nitrate Code
January 2019	Version 1 – Calcium Ammonium Nitrate Code
April 2016	Version 2 (revised) – Ammonium Nitrate Code
March 2014	Version 1 – Ammonium Nitrate Code

**AGRICULTURAL AMMONIUM NITRATE AND CALCIUM AMMONIUM NITRATE
CODE OF PRACTICE
&
IMPLEMENTATION GUIDE**

Company Name: _____

Primary Location Contact: _____

Name of Auditor: _____

Phone Number: _____

Audit Date: _____

Effective January 1, 2023

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1. PREFACE

1.1 SCOPE

Fertilizer Canada created the Agricultural Ammonium Nitrate (AN) and Agricultural Calcium Ammonium Nitrate (CAN) Security Codes of Practice to provide uniform safety and security practices for the handling and storage of ammonium nitrate and calcium ammonium nitrate fertilizers used in Canada. Both the AN Code and CAN Code were drafted by fertilizer manufacturers, distributors and agri-retailers, with input from relevant government agencies. In this revision, the AN and CAN Codes have been combined into a single amalgamated AN and CAN Code of Practice. Some of the Code requirements are only applicable to facilities handling and storing AN fertilizer.

The AN and CAN Code applies to all facilities and operations directly involved with the use, transport, storage, handling, and sale of AN and CAN. The Code applies both to bulk and bagged sales, distribution, and purchases of AN and CAN fertilizers. The Code has been developed to assist storage and handling operations to assess their risks and consider appropriate action to mitigate them.

Agricultural end-users and manufacturers are exempt from the audit requirement. The AN and CAN Code also does not apply to AN and CAN used outside of agriculture (i.e. industrial end-use).

The AN and CAN Code has been designed to be used in conjunction with the Implementation Guide and Appendices. These supplementary documents will provide more definition on the requirements in the Code plus a description of identified best practices to improve risk management processes at the operation.

The on-going auditing and re-auditing process is intended to provide the AN and CAN distribution chain with a framework for the secure storage and handling of AN and CAN that can be verified on a continuous basis.

Facilities, sites or retail operations of Fertilizer Canada members who sell, distribute or store AN and CAN must, **as a condition of Fertilizer Canada membership**, be certified as compliant with the AN and CAN Code. Fertilizer Canada members are required to maintain their facilities in compliance with the AN and CAN Code at all times. Failure to maintain compliance with the AN and CAN Code may result in a review and revocation of Fertilizer Canada membership status. In addition, any situation which raises a potential regulatory compliance issue could result in the reporting of such matter to the relevant regulatory authority.

1.2 DEFINITIONS

The AN and CAN Code applies to all AN and CAN products meeting the following criteria.

Ammonium nitrate (AN) fertilizers that are:

- AN fertilizer with a concentration of at least 28 percent N;
- AN mixed fertilizer containing 60 percent or more of AN by weight; or
- AN mixed fertilizer containing less than 60 percent of AN by weight if they contain iron oxide, chromic acid, inorganic salts of chromium, copper or manganese, powdered metals, sulphur potassium chloride or any other ingredients in quantities which will appreciably sensitize or otherwise increase the hazard of AN.

Calcium ammonium nitrate (CAN) fertilizer contains as its essential ingredients only AN and calcium carbonate (for instance limestone) and/or magnesium carbonate and calcium carbonate (for instance dolomite), prepared as a homogenous prill or granule, which:

- Has a maximum combustible material content, expressed as carbon, of 0.4% by weight; and
- Has a minimum content of carbonates of 20% by weight with a purity level of 90% by weight.

CAN fertilizers covered by the Code are:

- Designated as CAN per the definition above and have a total AN content greater than 70% but less than 80% by weight; or
- Mixtures/blends containing CAN as defined above and where the total AN content of the mixture/blend contains greater than 70% but less than 80% AN; or
- Physical mixtures of AN and carbonates giving the same average chemical composition as the definition above where the total AN content of the mixture contains greater than 70% but less than 80% AN¹.

There are several other fertilizer products that have similar product names but have unique product compositions and properties. Additional definitions and product descriptions are provided in the AN and CAN Code Implementation Guide.

1.3 REGULATORY REQUIREMENTS

The AN and CAN Code is not designed to be a complete compilation of all relevant regulations. The AN and CAN Code refers to certain regulations where they have been identified as a suitable means for managing an identified risk. The owner/operator of

¹While physical mixtures have an equivalent level of security sensitivity due to their same average chemical composition as CAN, it must be noted that physical mixtures (e.g. AN and limestone chips) do not meet the definition of CAN as stated here and will not have the same chemical properties as a product which meets the definition of CAN above.

each operation is still responsible for compliance with all applicable regulatory requirements.

The intention of the AN and CAN Code is to assist shippers, sellers, handlers, customers and end-users of AN and CAN to become aware of and to assist in their compliance with the regulatory environment for AN and CAN fertilizers. These include the *Explosives Regulations* of the *Explosives Act*, the *Transportation of Dangerous Goods Act and Regulations*, *Ammonium Nitrate Storage Facilities Regulations* under the *Railway Safety Act*, and the *Environmental Emergencies (E2) Regulations and Release and Environmental Emergency Notification Regulations* of the *Canadian Environmental Protection Act*.

Any AN storage facility which contains:

- More than 1,000 kg of AN or AN mixed fertilizers at any point in time;
- AN mixed fertilizers consisting of 60 per cent or more of AN by weight; or
- AN mixed fertilizers containing iron oxide, chromic oxide, inorganic salts of chromium, copper or manganese, powdered metals, sulphur, potassium chloride or any other ingredient in quantities which will appreciably sensitize or otherwise increase the hazard of AN;

must be certified and approved by Transport Canada and conform to the *Ammonium Nitrate Storage Facilities Regulations* of the *Railway Safety Act* respecting the design, location, construction, operation and maintenance of storage facilities for AN and AN mixed fertilizers.

New construction of storage facilities intended to store AN must also comply with the National Fire Code and/or the respective Provincial Fire Code.

Facilities storing AN in a mixture, with a concentration over 60 percent (by weight), are partially or fully subjected to the requirements in the Environmental Emergency Regulations, 2019 (Canadian Environmental Protection Act 1999, section 200) which include reporting of accidental releases. If the facility stores 20 tonnes or more, then they may be required to meet many more requirements including, but not limited to, the need to develop and implement an Environmental Emergency (E2) Plan.

The preparation, storage or use of nitro carbo nitrates or other AN blasting agents or similar mixtures in or contiguous to an AN or AN mixed fertilizer storage facility is prohibited.

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2. AN AND CAN CODE PROCEDURES

2. AN AND CAN CODE PROCEDURES

2.1 CODE AUDIT PROCEDURES

2.1.1 CODE AUDITING PROCESS

The audit of a site involves five steps, as follows:

1. Understanding site management systems and procedures

The auditor will review the various site management systems, procedures and standard practices that have been established to assist in achieving the desired performance of facility operations with the owner/operator.

2. Gathering audit evidence

The auditor will perform a visual inspection of the site and site-related records to gather information for the audit to assess compliance of each protocol as outlined in the AN and CAN Code. The audit protocols are designed to produce a “yes” or “no” answer. Compliance with all protocols is required for certification. Depending on the scope of the ag-retail location, some protocols may be scored as Not Applicable (N/A) which defaults to a “yes” for scoring purposes.

3. Evaluating audit findings and exceptions

The auditor will assimilate all audit data and observations into a coherent and complete audit report, documenting compliance with protocol requirements.

4. Reporting audit findings and exceptions to site management

Deficiencies (corrective actions) will be reported to the facility owner/operator when identified, formally reviewed with management during the exit meeting and summarized on the audit report.

5. Submission of successfully completed audits

The auditor will submit the completed audit form and confirmation of insurance coverage to the Code Program Manager for review. Once the successful completion of the audit is verified, the Code Program Manager will issue site certification on behalf of Fertilizer Canada.

2.1.2 Re-Audit Cycle

After certification, the frequency for re-auditing is every two years. For example, if a facility was audited any time during 2021, it is required to be re-audited before December 31, 2023 and each successive two-year period thereafter.

If a facility chooses to advance its re-audit date to an earlier year, the re-audit cycle will correspond to the new re-audit date. For example: If a facility was first audited on October 1, 2021, it is due for a re-audit any time during the calendar year 2023, with a deadline of December 31, 2023. If the facility chooses to have a re-audit completed in an earlier year, for example on June 15, 2022, then the next re-audit will be due prior to December 31, 2024.

The timing of the audit or re-audit will be at the discretion of each facility operator or company owner, provided that the facility is re-audited within the specified two-year time frame. It is up to the facility's management to co-ordinate the audit / re-audit not less than 60 days prior to any audit deadline in order to ensure the availability of an auditor.

Failure to obtain a re-audit prior to each two-year deadline will result in withdrawal of a facility's certification. Fertilizer Canada may, but has no obligation to provide, notice of an impending audit deadline. It is up to the facility's management to co-ordinate the audit or re-audit.

Please note that for facilities whose certification has lapsed, the original re-audit cycle will remain. For example:

- If a facility was first audited on October 1, 2022, its re-audit is due by each successive second year (i.e. 2024, 2026, 2028 etc.)
- If the facility lapses certification in 2024 and then has a re-audit completed on February 1, 2025 – their next re-audit is required by December 31, 2026. This policy is expected to create an incentive to avoid lapses in certification.

Audit results may be shared with relevant regulatory authorities where the results indicate possible regulatory non-compliance.

2.2 AUDIT PREPARATION

The following are suggestions that will save time prior to and during the day of the audit and will assist the auditor in conducting an effective and efficient audit of your AN and/or CAN site.

2.2.1 SCHEDULING AN AUDIT

Booking the audit with the auditor is the owner/manager's responsibility. The owner/manager of a facility can select an auditor from the approved list of auditors to conduct their audit. Audits should be scheduled before the end of the third quarter to avoid a backlog. Each company/location will be invoiced for the audit directly by the auditor.

A sample audit application form is provided in the Implementation Guide.

2.2.2 PRIOR TO THE AUDIT

1. Ensure that the owner/manager and the people involved in storing and handling AN and/or CAN have read the AN and CAN Code and Implementation Guide, and understand the audit protocols and the objective of the audit.
2. Have your facility supervisor/operator conduct a self-audit using this audit protocol prior to the third-party audit to ensure that the facility meets the AN and CAN Code's standards.

3. Consider a pre-audit by one of the trained certified auditors if this is a first-time audit.
4. Advise the employees when the actual audit will be conducted in advance of the audit.

2.2.3 DAY OF THE AUDIT

1. Ensure that the site owner/manager will have time to discuss the audit process and the results with the auditor.
2. Allocate the time for the applicable facility personnel to accompany the auditor.
3. Allocate a location for the auditor to examine documents and prepare the audit report.
4. Encourage all employees handling AN and/or CAN to communicate with the auditor in a candid manner as part of the audit process.
5. Ensure that relevant documentation is readily available for review by the auditor (i.e. operating procedures, check lists, ER plan, security plan, plot plan, training files, etc.).

The auditor is authorized to request to observe some activity involving AN and/or CAN at the facility to verify the written operating procedures.

2.3 QUALITY ASSURANCE AUDITS

To ensure compliance with the AN and CAN Code and to help identify opportunities for continuous improvement, quality assurance audits can be conducted. At the discretion of Fertilizer Canada, auditors can visit certified sites, unannounced, to complete the quality assurance audits. These audits would be at no cost to the certified site. A quality assurance report would be provided. If deficiencies are noted, corrective action steps within defined timeframes would be prescribed.

2.4 COMPLIANCE AUDIT AND CERTIFICATION TERMS & CONDITIONS

Prior to the issuance of a certificate of compliance, sites will be required to electronically review and agree to the following terms and conditions of the compliance audit and certification.

The Operator hereby applies to Fertilizer Canada for a Compliance Certificate in respect of the Site. In making this application, the Operator acknowledges and agrees to the following:

- (a) The Operator accepts the Agricultural Ammonium Nitrate and Calcium Ammonium Nitrate Code of Practice (“AN and CAN Code”) established by Fertilizer Canada and as updated from time to time and agrees to the appeal process established by Fertilizer Canada for the resolution of

disputes arising with respect to the Site's compliance with the AN and CAN Code;

- (b) The Operator understands and agrees that in order to obtain a Compliance Certificate for the Site, the Operator must obtain independent certification by an independent auditor ("Auditor") on the list approved by Fertilizer Canada, confirming that the Site is in compliance with the AN and CAN Code. The Operator is solely responsible for compliance with the AN and CAN Code;
- (c) The Operator will permit access to the Site at all reasonable times for the purposes of the audit of the Site in connection with this application, and for any re-inspection of the Site in accordance with Fertilizer Canada's quality control, compliance, and any other policies then in effect. The Operator agrees that the results of any audit may be disclosed to Fertilizer Canada, the Agrichemical Warehousing Standards Association (AWSA), Funnel Communications Inc., or to such other project manager as Fertilizer Canada may designate from time to time;
- (d) Subject to the appeal process established by Fertilizer Canada and as updated from time to time, the Operator agrees to be bound by the Auditor's findings with respect to the Site;
- (e) The Operator agrees that any costs or expenses arising in connection with the certification of the Site shall be the responsibility of the Operator;
- (f) The Operator agrees to pay the fees and expenses of the Auditor as determined prior to the audit;
- (g) The Operator releases any and all claims it has or may in future have against Fertilizer Canada, the AWSA, CropLife Canada, Funnel Communications Inc., or such other project manager as Fertilizer Canada may designate from time to time and their respective members, directors, officers and employees and any auditor or senior auditor in connection with this application, any audits conducted at the Site and any failure by the Operator to obtain a Compliance Certificate;
- (h) If the Operator obtains a Compliance Certificate in respect of the Site, the Operator understands that the obligation to maintain the Site according to the AN and CAN Code is mandatory and the Operator must continue to comply with the AN and CAN Code in order to maintain its Compliance Certificate;
- (i) The Operator understands and agrees that the AN and CAN Code requirements stem from current regulations and that non-compliance(s) with the AN and CAN Code that are not corrected within a reasonable timeframe may result in the reporting of those non-compliances to the respective regulatory authorities.

By signing below, the Operator hereby releases any and all claims (including without limitation claims resulting from any damage, injury, loss or other claims) it has or may in future have against Fertilizer Canada or such other project manager as Fertilizer Canada may designate from time to time or their directors, officers, employees, committee members, members or agents including any auditor or senior auditor, arising from or in relation to this application, any audits conducted at the Site, any failure by the Operator to obtain a Compliance Certificate, or the acts or omissions of any person or entity with respect to the handling, storage, use or misuse of ammonium nitrate or calcium ammonium nitrate. Without limitation to the foregoing, the Operator hereby agrees to the terms of the “Disclaimer” set out in the Agricultural Ammonium Nitrate and Calcium Ammonium Nitrate Code of Practice.

3. AN AND CAN CODE POLICIES

3. AN AND CAN CODE POLICIES

3.1 AN AND CAN CODE ENFORCEMENT POLICY

All retail and distribution facilities who are members of Fertilizer Canada that handle, store, transport and sell ammonium nitrate and/or calcium ammonium nitrate fertilizer must comply with the requirements of the 2023 AN and CAN Code. Certified facilities under the AN and CAN Code are required to maintain their operations in compliance with the AN and CAN Code at all times. The following enforcement procedures apply to infractions of the AN and CAN Code discovered as a result of complaints or through the certification audit process.

3.1.1. Complaint Procedure:

Written complaints are to be sent in confidence to the Code Project Manager via e-mail at manager@awsa.ca. The complainant should outline details of the alleged non-compliance with the AN and CAN Code. The Code Project Manager will respect the confidentiality of the complainant.

3.1.2. Complaint Verification Process:

- The Code Project Manager will send an auditor to site to check all details.
- The Code Project Manager will make an immediate initial report to Fertilizer Canada.
- Fertilizer Canada will review the Project Manager's report(s) and will direct the Project Manager on an appropriate response.
- On or before the fourth business day (as a working goal) following receipt of the complaint, the Code Project Manager will notify the location and/or company on the status of the complaint.

3.1.3. Enforcement Procedure:

This process applies to instances of non-compliance which are identified as a result of verified complaints **or** through the certification audit process.

First Instance of Non-Compliance:

- The facility will be advised in writing and will be given a prescribed number of working days to undertake and complete corrective action, dependent upon the type of non-compliance and in accordance with Fertilizer Canada procedures.
- The facility operator will notify the Code Project Manager and/or auditor, as directed, in writing when the non-compliant situation has been corrected.

- The report documenting the non-compliance will remain on file for two years from date of the report.
- If the situation is not corrected within the prescribed timeframe, the facility's AN and CAN Code certification is withdrawn. To obtain re-certification, a complete re-audit is required at the facility operator's expense. Recertification is issued following a successful audit.
- Fertilizer Canada has the option for a second auditor visit to confirm compliance.
- Unannounced audits may be performed at the expense of Fertilizer Canada within a two-year period (730 days) following the instance of non-compliance.

Subsequent Instances of Non-Compliance

Second and following instance(s) of non-compliance (same facility, same area of non-compliance as a previous instance, within a two-year period (730 days) from previous instance):

- Upon validation, the facility will be notified in writing that it has three (3) working days to undertake and complete corrective action.
- The facility operator will confirm issue corrected in writing.
- A report documenting the non-compliance will remain on file for two years (730 days) from date of second infraction.
- If the situation is not corrected within prescribed timeframe, the facility's certification will be withdrawn and regulators will be notified. A complete re-audit is required at the facility operator's expense. Recertification is issued following a successful audit. A record of recorded infractions will remain on file for two years (730 days) from the date of second infraction.
- Regulators are advised of second or further instances of non-compliance.
- Fertilizer Canada has the option to request a second visit to confirm compliance. Follow-up visits will be unannounced.
- Unannounced audits may be performed at the discretion of Fertilizer Canada, but at the expense of the facility the following year.

3.2 LAPSED CERTIFICATION POLICY

Lapsed certification is defined as a withdrawal of certification resulting from:

- Voluntary decertification;
- Failure to successfully re-audit before the expiry date; or
- Withdrawal of certification by program management.

All facilities require a full re-audit every two years to maintain certification status. Details on the re-audit process and frequency can be found in Section 2. AN AND CAN CODE PROCEDURES.

An administration fee of \$500 will be required to re-activate certification status upon the completion of a successful re-audit after the expiry date. Delaying re-certification to the following year will not extend the normal re-audit period. For example, locations due for re-certification in 2022 will have to be re-certified again in 2024. If the facility lapses on their certification and has their re-audit completed in 2023, this facility will still be due for a re-audit in the year 2024. It will not jump a cycle.

3.3 RENOVATION OF CERTIFIED FACILITIES POLICY

Periodically an operator of a site certified under the AN and CAN Code may make changes to their facility. Any renovations made to a site must comply with the AN and CAN Code and sites must remain compliant with the AN and CAN Code at all times. If significant renovations are performed, these renovations must be re-audited for compliance with the AN and CAN Code before use. The full site will still be subject to a complete re-audit by the next scheduled re-audit date.

3.4 CHANGE IN OWNERSHIP POLICY

If a storage facility changes ownership:

- The facility operator is to notify program management of ownership change upon closing of purchase agreement.
- Upon receipt of ownership change notification, the program manager will forward an “Application to Audit” form to be signed and returned within 30 days of the transfer to new ownership.

- The facility must be re-audited within 90 days of the transfer to new ownership, regardless of the date of the last audit. The new audit date would set the audit timelines thereafter.
- If the ownership change does not involve a change of personnel, the facility owner or manager may apply for a waiver from these changes of ownership requirements, which may be granted at the sole discretion of Fertilizer Canada and/or the Code Program Manager.

Facilities should also make note of regulatory reporting requirements with regards to change of ownership. If subjected to the E2 Regulations, an owner must submit a notice through the online E2 Regulations reporting system on or before the date of the change of ownership.

3.5 AN AND CAN CODE APPEALS POLICY

This appeal procedure applies in cases where a facility (“Audited Facility”) has its certification withdrawn for failure to carry out corrective measures ordered by an auditor within the prescribed period of time.

1. During the audit process, the Audited Facility is first encouraged to resolve any uncertainties with their AN and CAN Code Auditor. Questions and inquiries may also be directed to the CAN Code Project Manager. Fertilizer Canada’s Fertilizer Safety and Security Council (FSSC) and Ammonium Nitrate Working Group may be consulted for assistance in the interpretation and application of the AN and CAN Code and any audit results.
2. Following the initial and any subsequent audits, the Audited Facility will be provided a reasonable period of time to correct identified area(s) of non-compliance before certification is declined or withdrawn based on the Auditor’s assessment of the time required to correct the deficiency and with regard to public safety. If a post-audit non-compliance occurrence is not corrected within a reasonable period of time, the Audited Facility will be notified that certification will be withdrawn immediately.
3. The Audited Facility may request a review by the Senior AN and CAN Code Auditor of the audit results. The Senior AN and CAN Code Auditor may uphold or amend the audit decision. This review is a prerequisite to filing an appeal to the AN and CAN Code Appeals Committee.
4. Once the Senior AN and CAN Code Auditor has issued notification that certification will be withdrawn, the Audited Facility (“Appellant”) may appeal by submitting a written statement to the Executive Director explaining the circumstances and

grounds for the appeal. This request shall be sent by registered mail or via e-mail to info@fertilizercanada.ca. It will be deemed received when acknowledgement of its receipt is given. An appeal fee of two thousand dollars (\$2,000 CAD) payable via credit card or wire transfer to Fertilizer Canada must be paid to initiate the appeal (“Appeal Fee”).

5. Upon receipt of a properly-constituted appeal, the Executive Director shall provide confirmation in writing to the Audited Facility and shall suspend the withdrawal of an Audited Facility’s certification pending the outcome of the appeal, provided that the Executive Director shall have the discretion to withdraw certification in the case of serious instances of non-compliance.
6. The appropriate Senior AN and CAN Code Auditor shall deliver a written report concerning the matter(s) under appeal to the Executive Director, in his/her capacity as Secretary to the AN and CAN Code Appeals Committee. The Executive Director shall then forward this information and the Appellant’s written statement to the AN and CAN Code Appeals Committee.
7. The Hearing Panel of the AN and CAN Code Appeals Committee:
 - a. Shall provide a copy of the report of the Senior AN and CAN Code Auditor to the Appellant;
 - b. Shall invite the Senior AN and CAN Code Auditor and the Appellant to submit any further information within five (5) business days of receiving the invitation;
 - c. May review any relevant matter with the AN and CAN Code Senior Auditor and the Appellant either in person, via telephone or in writing;
 - d. Shall render a written decision on the appeal as expeditiously as possible while respecting the principles of procedural fairness and public safety; and
 - e. Shall report back in writing no later than fifteen (15) business days following receipt of the appeal materials, providing a copy of its decision, to the AN and CAN Code Appeals Committee, the Audited Facility, the Senior AN and CAN Code Auditor and to the Executive Director.
8. In the event that withdrawal of certification is confirmed upon appeal, the withdrawal of certification will be in effect until such time as the Audited Facility completes a subsequent audit confirming compliance with the AN and CAN Code.
9. If the appeal is upheld, the Appeal Fee will be refunded. If the appeal fails, the AN and CAN Code Appeals Committee, at its discretion, may reimburse the Appeal Fee where the appellant has raised a significant issue having industry wide significance, for example, one which results in clarification of the AN and CAN Code.

Note that an appeal of withdrawal of certification will not postpone a decision by Fertilizer Canada to report non-compliance to the regulatory authorities if and where appropriate.

4. ACRONYMS

4. ACRONYMS

AAPFCO	Association of American Plant Food Control Officials
AN	Ammonium Nitrate
ANBF	Ammonium Nitrate Based-Fertilizer
AWSA	Agrichemical Warehouse Standards Association
CAN	Calcium Ammonium Nitrate
CEPA	Canadian Environmental Protection Act
DOT	Department of Transportation
E2	Environmental Emergency
EIL	Environmental Impairment Liability
ERP	Emergency Response Plan
FSSC	Fertilizer Safety and Security Committee
HAZMAT	Hazardous Materials
MTSA/R	Marine Transportation Security Act / Regulations
NFPA	National Fire Protection Association
NRCan	Natural Resources Canada
RCMP	Royal Canadian Mounted Police
SDS	Safety Data Sheets (formerly MSDS)
SIR	Serious Incident Reporting
TCMSS	Transport Canada Marine Safety and Security
TDG	Transportation of Dangerous Goods
WHMIS	Workplace Hazardous Materials Information System
UN	United Nations

5. AN AND CAN CODE OF PRACTICE PROTOCOLS

SECTION A – INBOUND SHIPMENTS

A1 SAFETY AND SECURITY OF INBOUND AMMONIUM NITRATE AND CALCIUM AMMONIUM NITRATE CARGO

This section contains the standards for managing safety and security risks for the inbound shipping of AN and/or CAN to distribution and/or import storage sites.

A1.1 BY MARINE

NO.		Y/N
A1.1	The distribution and/or retail facility has undertaken measures to ensure the safety and security of inbound AN and/or CAN cargo aboard import vessels.	

IMPORT CARGO SECURITY – SPECIFIC REQUIREMENTS:

Vessel operators will:

- a. Comply with all requirements of the International Maritime Dangerous Goods Code, International Maritime Solid Bulk Cargoes Code and the *Canada Shipping Act*.
- b. Comply with the *Marine Transportation Security Act & Regulations*.
- c. Comply with the *Cargo, Fumigation and Tackle Regulations*
- d. Comply with the *Canada Marine Act, Port Authorities Operations Regulations, Practices and Procedures for Public Ports; Public Ports and Public Port Facilities Regulations* and Coast Guard Regulatory Requirements.

The importer/receiver will:

- a. Assure a responsible representative (or terminal agent) oversees handling of the shipment.
- b. Provide security to prevent unauthorized access to cargo while vessel is loading and discharging.
- c. Be prepared to present and make available for inspection a statement of fact.
- d. Notify the Marine Safety Office of Transport Canada nearest to the location of unloading; as well as the port harbour master at least 24 hours before 150 tonnes or more of AN-based fertilizer* is to be unloaded.

- e. Retain records per requirements in the *Transportation of Dangerous Goods Regulations* for applicable AN fertilizer.
- f. If product is stored at a port facility for furtherance, refer to SECTION B - STORAGE OF AMMONIUM NITRATE AND CALCIUM AMMONIUM NITRATE.

*AN-based fertilizer refers to any AN-containing fertilizer product. Further information on the products covered can be found in the International Maritime Solid Bulk Cargoes (IMSBC) Code.

Additional guidance for Section A1.1 can be found in the Code Implementation Guide and Appendices.

NOTE: CAN is not considered a dangerous good under the UN Model Regulations and the associated *Transportation and Dangerous Goods Regulations*. Recognizing this, compliance with applicable security provisions is expected in the supply chain from discharge forward.

Compliance with this section will be indicated through a signed and dated letter from the receiving facility manager indicating that all of these requirements have been reviewed and actions have been completed to bring the facility into compliance. The letter should be current and renewed every two years within the facility audit schedule.

A1.2 BY RAIL / TRUCKS

NO.		Y/N
A1.2	The distribution and/or retail facility has undertaken measures to ensure the safety and security of inbound AN and/or CAN cargo aboard railcars/trucks.	

SPECIFIC REQUIREMENTS:

The carrier will:

- a. Comply with all requirements of the *Transportation of Dangerous Goods Regulations* for applicable AN fertilizer shipments.
- b. Immediately notify the importer/receiver of any theft or tampering

The importer/receiver will:

- a. Retain records per requirements in the *Transportation of Dangerous Goods Regulations* for applicable AN fertilizer shipments.

- b. For unloading, retain and make available for inspection a statement of fact (Bill of Lading).
- c. Attend or assure a responsible person attends to the unloading of the shipment at all times.
- d. Notify the local police, shipper and NRCan in the event of any theft or tampering.
- e. If product is stored for furtherance, refer to SECTION B - STORAGE OF AMMONIUM NITRATE AND CALCIUM AMMONIUM NITRATE.

Additional guidance for Section A1.2 can be found in the AN and CAN Code Implementation Guide and Appendices.

Compliance with this section will be indicated through a signed and dated letter from the receiving facility manager indicating that all of these requirements have been reviewed and actions have been completed to bring the receiving facility into compliance. The letter should be current and renewed every two years within the facility audit schedule. The auditor may spot check documentation to ensure the policies are being followed.

A2 PROVIDING TRANSPORT FROM SOURCE VIA RAIL/TRUCK

This section contains the standards for managing security risks for the inbound shipping of AN and/or CAN to distribution, storage and/or retail storage sites, as well as security around the company and the individuals responsible for providing transportation.

NO.		Y/N
A2	The distribution and/or retail facility has undertaken measures to ensure all companies providing transportation services for AN and/or CAN have appropriate security measures and clearances.	

TRANSPORTATION COMPANY SECURITY – SPECIFIC REQUIREMENTS:

The transportation company will:

- a. Be bonded or pre-approved.
- b. Provide written proof of automotive liability insurance covering bodily injury or property damage to third party interests in the minimum of \$5 million per loss occurrence.
- c. Provide training in order to meet regulatory requirements, including *Transportation of Dangerous Goods Regulations* for AN transportation.
- d. Have developed a security and an emergency response plan for shipments, or agree in writing to operate under the provisions of Section A3 ACCESS TO PRODUCT DURING SHIPMENT.
- e. Drivers of AN fertilizer coming from the U.S. must be licenced under U.S. Department of Transport and HAZMAT- certified if applicable.
- f. Check that the cargo is secured.
- g. In accordance with *Transportation of Dangerous Goods Regulations*, all records of AN shipments must be kept by the carrier for a minimum of two years from the date of the shipment. Records for CAN shipments should also be retained for a minimum of two (2) years.

Additional guidance for Section A2 can be found in the AN and CAN Code Implementation Guide and Appendices.

Compliance with this section will be indicated through a signed and dated letter from the receiving facility manager indicating that all of these requirements have been reviewed and actions have been completed to bring the receiving facility into compliance. The letter should be current and renewed every two years within the facility audit schedule. The auditor may spot check documentation to ensure the policies are being followed.

A3 ACCESS TO PRODUCT DURING SHIPMENT

NO.		Y/N
A3	The distribution and/or retailer facility has undertaken measures to prevent unauthorized access to AN and/or CAN during shipment.	

ACCESS TO SHIPMENTS – SPECIFIC REQUIREMENTS:

The facility has provided written notice to all drivers that:

- a. Truck shipments of AN and/or CAN cannot be left unattended by driver at any time unless the load is parked in a secured area or the unit/load is properly locked down (i.e. high security padlocks, fifth wheel locks, etc.).
- b. Hatches on trucks and railcars must be secured with locks or sealed with security cables.
- c. Locks and/or seals if they are present are to be inspected and validated after each stop and upon arrival at destination. All tampering of locks and/or seals must be investigated, documented and any losses reported.

Additional guidance for Section A3 can be found in the AN and CAN Code Implementation Guide and Appendices.

Compliance with this section will be indicated through the presence of a written policy and procedure signed by the facility manager or designate that contains steps to comply with the listed requirements in this section. The Auditor will spot check documentation to ensure the policies are being followed.

A4 LOSS OR TAMPERING OF PRODUCT DURING SHIPMENT

NO.		Y/N
A4	The distribution and/or retail facility has undertaken measures to assess, investigate and report shortages in shipments of AN and/or CAN.	

SHIPMENT SHORTAGES – SPECIFIC REQUIREMENTS:

The facility has a written procedure for inspecting a load upon arrival to the facility in order to:

- a. Verify quantities for all shipments of bulk AN and/or CAN against shipped quantities where possible. Shortages in excess of historical norms should be investigated, documented and reported.
- b. Identify any signs of tampering on the rail car or truck.
- c. Document and report any shortages in excess of historical norms and/or signs of tampering.

NOTE: The nature of the manufacturing and handling process for AN and CAN predicates that there will be a minor loss of product mass through the supply chain due to moisture loss, mechanical abrasion, settling and residues. In the fertilizer industry, an industry tolerance for this loss up to 1% is considered an acceptable norm.

Additional guidance for Section A4 can be found in the AN and CAN Code Implementation Guide and Appendices.

Compliance with this section will be indicated through the presence of a written policy and procedure signed by the facility manager or designate that contains steps to comply with the listed requirements in this section. The Auditor will spot check documentation to ensure the policies are being followed.

A5 PRODUCT SPILLS DURING TRANSPORT AND UNLOADING

NO.		Y/N
A5	The distribution and/or retail facility has a process for ensuring the proper clean-up, documentation and reporting of spills of AN and/or CAN.	

Regulatory obligations in this section fall under the *Transportation of Dangerous Goods Regulations (Transportation of Dangerous Goods Act)* for AN, and the *Environmental Emergency (E2) Regulations (Canadian Environmental Protection Act 1999 section 200)* for AN and CAN as well as applicable provincial regulations.

SPECIFIC REQUIREMENTS:

The facility has a written procedure for:

- a. Addressing and reporting all spills of AN and/or CAN in accordance with applicable regulatory requirements and reporting thresholds.
- b. Cleaning up and disposing of contaminated spills of AN and/or CAN.
- c. Executing the facility's Environmental Emergency Plan (E2 Plan as required by the *Environmental Emergency Regulations* if regulatory thresholds are met) in the event of an incident involving an accidental release of AN or CAN. Environmental emergencies must be reported to appropriate provincial and federal authorities.

It is recommended that specific regulations be consulted to determine individual product and provincial requirements. Additional guidance for Section A5 can be found in the AN and CAN Code Implementation Guide and Appendices.

Compliance with this section will be indicated through the presence of a written policy and procedure signed by the facility manager or designate that contains steps to comply with the listed requirements in this section. The Auditor will spot check documentation to ensure the policies are being followed.

A6 DELIVERY OF AMMONIUM NITRATE AND/OR CALCIUM AMMONIUM NITRATE

This section applies to all deliveries of AN and/or CAN regardless of whether the receiver is responsible for shipping or not.

NO.		Y/N
A6	The distribution and/or retail facility has undertaken measures to ensure proper documentation and authorization of all incoming deliveries of AN and/or CAN.	

DELIVERY AUTHORIZATION – SPECIFIC REQUIREMENTS:

- a. The carrier shall have authorization for unloading a shipment.
- b. The receiving facility must ensure documentation is accurate and complete prior to authorizing unloading.
- c. There must be a process in place to verify arrival of shipment at destination.

Additional guidance for Section A6 can be found in the AN and CAN Code Implementation Guide and Appendices.

Compliance with this section will be indicated through the presence of a written policy and procedure signed by the facility manager or designate that contains steps to comply with the listed requirements in this section. The Auditor will spot check documentation to ensure the policies are being followed.

SECTION B - STORAGE OF AMMONIUM NITRATE AND CALCIUM AMMONIUM NITRATE

This section contains the standards for managing safety and security risks at the distribution and/or retail storage facility.

B1 PRODUCT STORAGE

NOTE: Sections B1.2 STORAGE SAFETY and B1.2.2 STORAGE AND HOUSEKEEPING REQUIREMENTS are only applicable to AN fertilizer storage. If the facility does not store AN fertilizer, auditors will mark these sections as “N/A”.

B1.1 PRODUCT STORAGE SECURITY

NO.		Y/N
B1.1	The distribution and/or retail facility has undertaken measures to ensure the security of AN and/or CAN storage.	

SPECIFIC REQUIREMENTS:

The AN and/or CAN storage facility has provided all of the following security measures:

- a. All doors, windows and other points of access to buildings storing bagged or bulk AN and/or CAN are secured with a high security lock. Where possible, it is a recommended best practice to provide perimeter security. This may include fencing with lockable gates or other means of perimeter security around bins and/or buildings storing AN and/or CAN.
- b. A documented key control system for all locks at the facility that provide access to AN and/or CAN.
- c. A system is in place to inform local law enforcement of all AN and/or CAN storage locations.
- d. After hours security lighting has been provided to illuminate main points of access to storage buildings or bins.
- e. All storage buildings are equipped with a monitored security system.
- f. The storage facility is equipped with signage indicating no unauthorized access, or “No Trespassing, Violators Will Be Prosecuted”.
- g. Controls are in place to ensure that access to AN and/or CAN is restricted only to individuals (including contractors) who the seller has authorized.
- h. A system is in place to ensure that all guests and visitors to a facility report to management or security personnel prior to access to the storage area(s).

- i. The storage facility must have a list of all employees who work at each location where the AN and/or CAN is stored or sold.

Additional guidance for Section B1.1 can be found in the AN and CAN Code Implementation Guide and Appendices.

The listed requirements must be implemented in order to comply with this section. Weekly inspections while there is product inventory must be conducted in order to verify adherence to these requirements. Records of all inspections must be kept. The auditor will spot check records and perform a visual inspection to ensure security features are in place.

B1.2 STORAGE SAFETY

B1.2.1 PHYSICAL STORAGE FACILITY REQUIREMENTS

NOTE: *Compliance with this section is only required for facilities that store AN fertilizer. However, many of the best practices for product management and site management could be followed for sites that store CAN fertilizer to ensure good product stewardship, product safety, and reduce risk.*

NO.		Y/N/NA*
B1.2.1	The distribution and/or retail facility has undertaken measures to ensure the safety of AN storage facility.	

**N/A: auditor to score as Not Applicable if the facility does not store AN.*

The AN storage facility must be in compliance with all applicable requirements of the following:

- the *Ammonium Nitrate Storage Facilities Regulations* (as applicable);
- the National Fire Code and/or Provincial Fire Codes (as applicable); and
- the National Building Code and/or Provincial Building Codes (as applicable)

The AN storage facility will:

- a. Not be greater than one storey in height;
- b. Have proper ventilation;
- c. Not have any significant floor depressions (such as a basement or trench);
- d. Ensure that bulk storage bins are not higher than 40 feet in height unless constructed of non-combustible material or contain a non-combustible/non-reactive coating;

- e. Ensure that it is located at a distance not less than the prescribed distances from other structures;
- f. Have signage bearing the words “AMMONIUM NITRATE” or the appropriate placard in accordance with the *Transportation of Dangerous Goods Regulations* classification system; and
- g. Have signage bearing the words “NO SMOKING OR OPEN FLAMES” placed in a conspicuous place near each entrance to the designated storage area.

B1.2.2 STORAGE AND HOUSEKEEPING REQUIREMENTS

NOTE: *Compliance with this section is only applicable to facilities that store AN fertilizer. However, many of the best practices for product management and site management could be followed for sites that store CAN fertilizer to ensure good product stewardship, product safety, and reduce risk.*

NO.		Y/N/NA*
B1.2.2	The distribution and/or retail facility has undertaken measures to ensure the proper storage of AN and maintain proper housekeeping.	

*N/A: auditor to score as Not Applicable if the facility does not store AN.

SPECIFIC REQUIREMENTS:

The storage of AN must be in compliance with all applicable requirements of the following:

- The *Ammonium Nitrate Storage Facilities Regulations* (as applicable);
- the National Fire Code and/or Provincial Fire Codes (as applicable); and
- The National Building Code

The AN storage facility will:

- a. Have proper clearances of stored bulk or bagged product from storage walls, facility ceilings, incompatible activities, and other incompatible products (i.e. Class 3 – flammable and/or combustible liquids);
- b. Storage facility shall not be constructed from incompatible materials.
- c. Not operate or store equipment operated with internal combustion motors in or around the AN storage area;
- d. Ensure that the AN is not stored in areas exceeding ambient air temperatures of 52°C (125°F);

- e. Ensure that a fire suppression system consisting of sufficient amounts of water is accessible to manage a fire involving AN. If a sprinkler system is not available, an equivalent system must be available.
- f. Maintain proper housekeeping within 25 feet of the area surrounding the storage facility.

Additional guidance for Section B1.2 can be found in the AN and CAN Code Implementation Guide and Appendices.

The listed requirements must be implemented in order to comply with this section. Weekly inspections must be conducted when the facility has inventory in place in order to verify adherence to these requirements. Records of all inspections must be kept. The auditor will spot-check records and perform a visual inspection to ensure security features are in place.

B2 EMERGENCY RESPONSE AND SAFETY / SECURITY PLANS

NO.		Y/N
B2	The distribution and/or retail facility has a written emergency response and security plan that has been updated and disclosed to local authorities on an annual basis.	

SPECIFIC REQUIREMENTS:

The AN and/or CAN storage facility has:

- a. A written emergency response preparedness and security plan that identifies the emergency procedures and the person responsible for carrying out the procedures for all security related incidents and events.
- b. Ensured the plan has been reviewed and updated *annually* within the previous 12 months.

Upon revision of the emergency response preparedness and safety / security plan, the AN and/or CAN storage facility must:

- a. Ensure that their staff/employees have received the required training in relation to their safety and security roles and responsibilities.
- b. Communicate in writing to local law enforcement and first responder agencies informing them of the presence of AN and/or CAN at the storage facility.

The emergency response preparedness and safety / security plan includes:

- a. A complete description of the property (facility) and surroundings and an up-to-date map of the facility showing the location of on-site AN and/or CAN.

- b. A description of measures taken to control access to the AN and/or CAN, stock management system, validation of customers and other security procedures.
- c. All environmental emergencies scenarios that can reasonably be expected to occur at the facility and that would be likely to present potential harm to the environment or constitute harm to human life or health, and measures to prevent them.
- d. The security plan should include reporting procedures including external contacts or groups that the facility must report to.

Additional guidance for Section B2 can be found in the AN and CAN Code Implementation Guide and Appendices.

Compliance with this section will be indicated through the presence of a completed emergency response and security plan signed by the facility manager that contains the requirements listed in this section. A copy of the documentation inviting local authorities to review the plan on an annual basis and informing local authorities of the presence of AN and/or CAN at the facility is also required to comply with this section. The auditor may spot check documentation to ensure the policies are being followed.

B3 ACCESS BY ONSITE PERSONNEL

NO.		Y/N
B3	The distribution and/or retail facility has procedures in place to ensure proper security clearance and authorization for employees handling AN and/or CAN.	

SPECIFIC REQUIREMENTS:

The facility has a written policy requiring:

- a. All employees working at the AN or CAN storage facility for a period of 5 years or less must provide valid past work references.
- b. All new hires to provide valid past work references and disclose any previous criminal convictions.
- c. All contractors to provide documentation indicating past work history.
- d. Written authorization and validation of contractors working at the AN or CAN storage facility.
- e. All contractors must have supervised access to AN and/or CAN storage facilities.
- f. The policy has been reviewed and updated *annually* (within the previous 12 months).

CAUTION: Refusal to hire a person based on a disclosure of pardoned or provincial offences may constitute illegal discrimination. Employers are cautioned to ensure that their hiring practices comply with their obligations under human rights and employment law in their region.

Additional guidance for Section B3 can be found in the AN and CAN Code Implementation Guide and Appendices.

Compliance with this section will be indicated through the presence of a written policy and procedure signed by the facility manager or designate that contains steps to comply with the listed requirements in this section.

B4 LOSS OF PRODUCT DURING STORAGE

NOTE FOR ADDITIONAL REQUIREMENTS: *This section on loss of product during storage is not meant to cover spill reporting requirements. Spill reporting requirements are covered in Section A5 PRODUCT SPILLS DURING TRANSPORT AND UNLOADING and C3 PRODUCT SPILLS DURING TRANSPORT AND UNLOADING.*

NO.		Y/N
B4	The distribution and/or retail facility has developed and implemented a process to assess, investigate and report shortages in the storage of AN and/or CAN.	

SPECIFIC REQUIREMENTS:

The facility has a written policy and procedure detailing:

- a. Annual inventory audit verifications for all bagged and bulk AN and/or CAN storage facilities.
- b. The reporting process for any shortages in excess of historical norms.
- c. Documented weekly inspection requirements to identify any tampering or loss of product volume.
- d. A documented process must be in place for investigating and reporting discrepancies.

Additional guidance for Section B4 can be found in the AN and CAN Code Implementation Guide and Appendices.

Compliance with this section will be indicated through the presence of a written policy and procedure signed by the facility manager or designate that contains steps to comply with the listed requirements in this section. The auditor will spot check records and perform a visual inspection to ensure procedures are being followed.

SECTION C - OUTBOUND SHIPMENTS/PRODUCT SALES

This section contains the standards for managing safety and security risks on outbound shipments from the distribution, and/or retail storage facility.

Note: Section C is applicable to facilities that sell or offer for transport AN and/or CAN, as defined in Section 1.2 Definitions. If outbound shipments/product sales do not meet the definition for AN and/or CAN, auditors will mark as “NA”. See Implementation Guide for more information.

C1 SECURITY AROUND INDIVIDUALS OR COMPANY RESPONSIBLE FOR PROVIDING TRANSPORTATION

C1.1 TRANSPORTATION COMPANY SECURITY

NO.		Y/N/NA
C1.1	The distribution and/or retail facility has undertaken measures to ensure that all companies providing transportation services for AN and/or CAN have implemented appropriate security clearances.	

SPECIFIC REQUIREMENTS:

Prior to shipping, the shipper will verify that the transportation company has:

- a. Proof of bond or pre-approval.
- b. Automotive liability insurance covering bodily injury or property damage to third-party interests in the minimum amount of \$5 million per loss occurrence.
- c. Verified driver training has been provided in accordance with regulatory requirements, including a valid TDG Training Certificate or TDG Certificate of Competency for carriers of AN.
- d. Government issued photo identification of the drivers to provide transportation services.
- e. An up-to-date security/Emergency Response Plan for shipments, or has agreed in writing to operate under the requirements of Section C2 ACCESS TO PRODUCT DURING SHIPMENT.
- f. Management practices in place to comply with the *Transportation of Dangerous Goods Regulations*, for carriers of AN.
- g. A record retention system which retains shipment records for a period of two (2) years in accordance with the *Transportation of Dangerous Goods*

Regulations for carriers of AN. A record retention system should be maintained for a period of two (2) years for carriers of CAN as well.

Additional guidance for Section C1.1 can be found in the AN and CAN Code Implementation Guide and Appendices.

Compliance with this section will be indicated through the presence of a written policy and procedure signed by the facility manager or designate that contains steps to comply with the listed requirements in this section. The policy should be current and renewed every two years within the facility audit schedule. The auditor may spot check documentation to ensure the policies are being followed.

C1.2 DELIVERY RECEIPT ACKNOWLEDGEMENT

NO.		Y/N/NA
C1.2	The distribution and/or retail facility has implemented measures to ensure proper receipt acknowledgement by the retailer/end-user upon arrival of the shipment at destination.	

SPECIFIC REQUIREMENTS:

A facility has a written procedure in place to confirm, manually or electronically, that the product has been delivered, in full quantity, to the shipment destination and the receiver acknowledges receipt of and responsibility for the product.

Additional guidance for Section C1.2 can be found in the AN and CAN Code Implementation Guide and Appendices.

Compliance with this section will be indicated through the presence of a written policy and procedure signed by the facility manager or designate that contains steps to comply with the listed requirements in this section. The auditor will spot check shipping records to verify policies are being implemented.

C2 ACCESS TO PRODUCT DURING SHIPMENT

NO.		Y/N/NA
C2	The distribution and/or retailer facility has undertaken measures to prevent unauthorized access to AN and/or CAN during shipment.	

SPECIFIC REQUIREMENTS:

NOTE: *It is the seller's legal responsibility to confirm that all protocols are in place and have been implemented by their facility. The seller using third-party transportation services must verify the third-party transportation company has in place a protocol that includes the elements of this section.*

The facility has provided written notice to all drivers that:

- a. A process must be in place to verify arrival of a shipment at the intended destination.
- b. Truck shipments of AN and/or CAN cannot be left unattended by the driver at any time unless the load is parked in a secured area or the unit/load is properly locked down (e.g. high security padlocks, fifth wheel locks).
- c. Hatches on trucks and railcars must be secured with locks or sealed with security cables.
- d. Locks and/or seals, if they are present, are to be inspected and validated after each stop and upon arrival at the destination.
- e. All tampering of locks and/or seals must be investigated and documented, and any losses reported to the seller to be reported to the appropriate authorities.
- f. If the vehicle used to transport the AN and/or CAN from the retail facility to the end-use point includes dispensing equipment (i.e. spreader with auger), all dispensing parts must be set to the closed position to ensure total product containment during transport.
- g. The driver must notify the seller in the event of a spill or other incident which could impact the total quantity delivered to the receiver.
- h. If a driver discovers that any AN or CAN has been stolen or tampered with, or that there has been an attempt to steal or tamper with it, the driver must immediately notify the seller, who in turn must immediately inform the local police and within 24 hours after the discovery, submit a written report to the office of the Chief Inspector of Explosives, Natural Resources Canada.

Additional guidance for Section C2 can be found in the AN and CAN Code Implementation Guide and Appendices.

Compliance with this section will be indicated through the presence of a written policy and procedure signed by the facility manager or designate that contains steps to comply with the listed requirements in this section. The auditor may spot check documentation to ensure the policies are being followed.

C3 PRODUCT SPILLS DURING TRANSPORT AND UNLOADING

NOTE: Parts of Section C3 PRODUCT SPILLS DURING TRANSPORT AND UNLOADING are only applicable to AN fertilizer, and to CAN if product quantities/concentrations meet regulatory thresholds. If the facility does not handle AN fertilizer, auditors will mark these sections as “N/A”

NO.		Y/N/NA*
C3	The distribution and/or retail facility has a process for ensuring the proper clean-up, documentation and reporting of spills of AN and/or CAN.	

*N/A: auditor to score as Not Applicable if the facility does not store AN, and if the CAN product quantities/concentrations do not meet regulatory thresholds.

Regulatory obligations in this section fall under the *Transportation of Dangerous Goods Regulations (Transportation of Dangerous Goods Act)* for AN, and the *Environmental Emergency Regulations (Canadian Environmental Protection Act 1999 section 200)* for AN and CAN if regulatory thresholds are met.

SPECIFIC REQUIREMENTS:

The facility has a written procedure for:

- a. Addressing spills of AN and/or CAN in accordance with applicable regulatory requirements.
- b. Cleaning up and disposing of contaminated spills of ammonium nitrate.
 - i. Reporting of all spills of ammonium nitrate in excess of 50 kilograms to regulatory authorities. It is recommended that specific provincial regulations be consulted to determine individual provincial requirements.
- c. Executing the facility’s Environmental Emergency Plan (E2 Plan as required by the *Environmental Emergency Regulations*) in the event of an incident. Environmental emergencies must be reported to appropriate provincial and federal authorities.

Additional guidance for Section C3 can be found in the AN and CAN Code Implementation Guide and Appendices.

Compliance with this section will be indicated through the presence of a written policy and procedure signed by the facility manager or designate that contains steps to comply with the listed requirements in this section. The Auditor will spot check documentation to ensure the policies are being followed.

C4 VALIDATION OF CUSTOMERS

NO.		Y/N/NA
C4	The distribution and/or retail facility has undertaken measures to ensure all AN and/or CAN customers have been validated.	

SPECIFIC REQUIREMENTS:

A distributor and/or retail facility selling AN and/or CAN to a manufacturer or another retail facility must verify the following as required by the *Explosives Regulations*:

- a. The buyer's license or certificate number in the case that the buyer intends to use the AN or CAN as part of a licensed explosives manufacturing process; and
- b. Proof of registration on the component sellers list in the case that the buyer intends to sell the AN or CAN.

The distribution and/or retail storage facility has a written policy to validate customers prior to allowing a sale of AN and/or CAN. A policy for validating customers must have procedures in place to allow for:

- a. Customer identification such as validation of a customer purchasing AN and/or CAN through the provision of one of the following pieces of proper identification:
 - i. Pesticide licence
 - ii. Government-issued photo identification
 - iii. Two pieces of identification; both with buyer's name, at least one government-issued and at least one with the buyer's address
 - iv. Proof of registration of an agricultural operation with Québec's Ministère de l'Agriculture, des Pêcheries et de l'Alimentation Ontario Federation of Agriculture number
 - v. Proof of registration under the *Controlled Goods Regulations*
 - vi. Proof of the purchaser's enrolment on the component sellers list (if the purchaser is a re-seller)

- b. Validation that the size of the order of AN and/or CAN is in accordance with the end-user's reasonable agronomic needs.
- c. A defined location for the delivery of the AN and/or CAN including contact numbers (i.e. address and/or legal land location) to be provided.
- d. For custom application of AN and/or CAN, the legal land description for the area of application must be included on the sales receipt.

If the retailer is not satisfied that a purchaser satisfies the verification requirements or the purchase attempt is suspicious, the retailer shall not complete the sale. A prospective purchaser may be given the option of obtaining an ID-check from the local police detachment. A retailer should ensure in such cases that it has retained a thorough description of the purchaser.

NOTE: *All suspicious incidents or questionable purchase attempts (including refusal to sell) must be reported immediately to the local police detachment and to the RCMP National Security Information Network at 1-800-420-5805. A [written report](#) of the incident must be submitted to the Chief Inspector of Explosives, Natural Resources Canada at 1-855-912-0012 within 24 hours after discovery. Refer to Fertilizer Canada's OnGuard Program for additional details.*

Small quantity sales have an increased security risk. For customers purchasing quantities below 500 kg, retailers must provide and document proof of customer review of Fertilizer Canada's Ammonium Nitrate and Calcium Ammonium Nitrate Safety and Security Information brochure prior to the sale. See subsection C6.3 below for record-keeping requirements.

Additional guidance for Section C4 can be found in the AN and CAN Code Implementation Guide and Appendices.

Compliance with this section will be indicated through the presence of a written policy and procedure signed by the facility manager or designate that contains steps to comply with the listed requirements in this section. The auditor will spot check records to verify policies are being implemented.

C5 TRACEABILITY OF SALES RECORDS

NO.		Y/N/NA
C5	The distribution and/or retail facility has documentation to track sales of AN and/or CAN for the past 24 months.	

SPECIFIC REQUIREMENTS:

Purchase records of all sales of AN and/or CAN must be kept for a period of two years. At a minimum, this should include:

- a. Customer's name
- b. Customer's address or legal land description
- c. Customer's telephone number
- d. Identification: type of document verified and reference number
- e. Trade name and quantity of AN and/or CAN purchased
- f. An indication if purchased in bags or bulk and if applicable, the package size (weight or volume) of bagged AN and/or CAN sold
- g. Description of how the AN and/or CAN will be used
- h. Carrier and operator details
- i. Dates of delivery (estimated and actual)
- j. Location of delivery
- k. If delivery is made at time of purchase, a receipt signed by purchaser containing the information contained in the above

NOTE: All information collected respecting the sale of AN and/or CAN must be kept under lock and key or password protection in the case of electronic records and may be accessed only by persons who require such access in the course of their employment. The collection, use and protection of the information above must also comply with the obligations under the Personal Information Protection and Electronic Documents Act (PIPEDA).

Additional guidance for Section C5 can be found in the AN and CAN Code Implementation Guide and Appendices.

Compliance with this section will be indicated through the presence of a written policy and procedure signed by the facility manager or designate that contains steps to comply with the listed requirements in this section. The Auditor will spot check records to verify policies are being implemented.

C6 CRITERIA SPECIFIC TO END-USERS

In addition to the requirements found in Section C, the following requirements apply to the sale of product to the end-user. This sale could be direct from the manufacturer/distributor and/or the retail facility.

NOTE: *The Fertilizer Canada Ammonium Nitrate and Calcium Ammonium Nitrate Safety and Security Information brochure is a compilation of the information required within Section C6 and can be used by Distribution and/or Retail facilities to meet the requirements of this section. The brochure can be found on the Fertilizer Canada website at www.fertilizercanada.ca. Large quantity customers need only receive the information brochure while small quantity customers (less than 500kg) must receive the information and have a review of the information documented.*

C6.1 POST SEASON STORAGE

NO.		Y/N/NA
C6.1	The retail storage facility has provided annual communication to the end-use customer that post-season storage of AN and/or CAN should be avoided, if possible, by matching purchase quantity with agronomic need.	

Recommended Controls:

In order to avoid post season storage of AN and/or CAN, it is recommended that an order should generally not be filled beyond the size of a farmer's seasonal requirement. The order generally should be matched to the farmer's actual needs and purchasing patterns and not estimates.

If possible, it is preferred that unused/unopened product be returned to the dealer during the off-season.

C6.2 COMMUNICATION OF END-USERS STORAGE SAFETY AND SECURITY

NO.		Y/N/NA
C6.2	The retail storage facility has provided guidance and recommendation annually to the end-use customer for enhancing the safety and security of AN and/or CAN storage on their farm.	

SPECIFIC REQUIREMENTS:

The retail storage facility has provided the following written guideline recommendations to all customers storing AN and/or CAN on farm:

- a. All doors, windows and other point of access to buildings storing bagged or bulk AN and/or CAN are secured with a high-quality lock. Any bin gates providing access to storage bins containing AN and/or CAN should be locked and secured. Where possible, it is a recommended best practice to provide perimeter security. This may include fencing with lockable gates or other means of perimeter security around bins and/or buildings storing AN and/or CAN.
- b. Signs of theft, attempted theft, tampering, or loss not attributable to normal operations should be immediately reported to the local police.
- c. After hours security lighting should be provided to illuminate main points of access to storage buildings or bins.
- d. It is recommended that all storage buildings be equipped with a monitored security system.
- e. AN and/or CAN remaining in an applicator should be secured or the applicator should be parked in a secured location. Any unused bagged product should be secured as well.
- f. AN and CAN must be protected from contamination from incompatible materials. Therefore, AN and CAN must not be stored near materials such as fuels, oil, grease, sawdust, seed, grain or any other organic and/or combustible materials which could become mixed with the stored fertilizer. This includes storing near internal combustion equipment. Please consult your provincial building, electrical and fire codes for storage area construction requirements
- g. Only water should ever be used for fires involving AN or CAN and a fire suppression system containing sufficient amounts of water must be available in the vicinity of any area being used to store AN or CAN. Chemical fire extinguishers, foam, or attempts to smother the fire with sand should not be used. Serious fire conditions should be left to your local fire department. The local fire department must be made aware if you intend to store over 1000kg of AN or CAN on your farm. Please consult your provincial Fire Code for more information on the requirements in your area.
- h. Re-selling of AN and/or CAN is prohibited unless the customer possesses an enrolment from NRCAN to sell restricted components.

NOTE: Please see the AN and CAN Code Appendices for a sample handout which can be used to meet these requirements for written guidelines. Alternatively, the Fertilizer Canada Ammonium Nitrate Safety and Security Information brochure could also be distributed.

Compliance with this section will be indicated through the presence of written guidelines and procedures for customer communication. The auditor will spot check records to verify procedures are being implemented.

C6.3 USAGE DOCUMENTATION AND RECORD KEEPING

NO.		Y/N/NA
C6.3	The distribution and/or retail storage facility has provided instructions to all end-user customers of AN and/or CAN to maintain consumption and post season storage information for a period of 24 months.	

SPECIFIC REQUIREMENTS:

The retail storage facility has advised all AN and/or CAN customers that:

- a. They should keep records of all AN and/or CAN purchases, in season usage and post season storage for two (2) years.
- b. Re-selling of ammonium nitrate and/or CAN is prohibited unless the customer possesses an enrolment from NRCan to sell restricted components.

Compliance with this section will be indicated through the presence of a written or electronic handout provided to all end-users describing the steps necessary to comply with the listed requirements in this section. The auditor will spot check customer communication records.

C6.4 SMALL QUANTITY PURCHASERS INFORMATION

NO.		Y/N/NA
C6.4	The distribution and/or retail storage facility has provided information to and has documentation to demonstrate that all small quantity customers of AN and/or CAN have reviewed and understood the Fertilizer Canada Ammonium Nitrate and Calcium Ammonium Nitrate Safety and Security Information brochure prior to sale.	

SPECIFIC REQUIREMENTS:

The retail storage facility has provided and documented that small quantity customers have reviewed information tailored to the safety and security concerns of the product:

- a. Properties of AN and/or CAN
- b. Safe storage practices
- c. Secure storage practices

Re-selling of AN is illegal. Re-selling of CAN is prohibited unless the customer possesses an enrolment from NRCAN to sell restricted components.

Bags and other small quantity sales of AN and/or CAN have an increased security risk. In addition to providing the written guideline recommendations of Section C6.2, the retail storage facility must document that customers purchasing small quantities of AN and/or CAN have reviewed this information.

The Ammonium Nitrate and Calcium Ammonium Nitrate Safety and Security Information brochure provided by Fertilizer Canada must be reviewed prior to purchase by customers that purchase less than 500kg of product within one growing season. Customers that require less than 500kg in one transaction but have purchased a minimum of 500kg of product within the same growing season do not fall under this requirement.

Compliance with this section will be indicated through the presence of written guidelines and procedures for customer communication and the presence of a written handout provided to all end-users. Copies of acknowledgement forms signed by customers and confirming the customer has reviewed and understood the information provided must be retained, along with copies of the respective sales receipt or purchase order associated with the small-quantity sale. The auditor may spot check records to verify procedures are being implemented.

SECTION D - REGULATORY REPORTING

NOTE FOR ADDITIONAL REQUIREMENTS: *This section on Regulatory Reporting is not meant to cover spill reporting requirements. Spill reporting requirements are covered in Section A5 PRODUCT SPILLS DURING TRANSPORT AND UNLOADING and C3 PRODUCT SPILLS DURING TRANSPORT AND UNLOADING.*

D1 SITE REGISTRATION REQUIREMENTS

This section applies to sellers of AN subject to the Transportation of Dangerous Goods Regulations. The registration and annual updates to the Client Identification Database (CID) are a regulatory requirement.

NO.		Y/N
D1	Records are available indicating that the site has completed its registration and annual update with Transport Canada’s Client Identification Database (CID).	

The site registration requirements include:

- a. This site ships products in conformance with TDG regulations and the shipping documents viewed verified this.
- b. This site has registered with Transport Canada’s Client Identification database (CID).
- c. This site has completed their annual update with Transport Canada’s Client Identification database (CID).

Additional guidance for Section D will be available in the AN and CAN Code Implementation Guide.

Compliance will be indicated through examination of the documentation records indicating that the registration (and annual updates) for Transport Canada’s Client Identification Database (CID) have been completed within the last 12 months.

D2 ENVIRONMENTAL EMEGENCIES REPORTING

This section applies to all sellers of AN and/or CAN subject to the *Environmental Emergencies (E2) Regulations*. AN-based fertilizers that are over 60 percent AN (by weight) are partially or fully subjected to E2 Regulations requirements which include submission of notices to ECCC through an online reporting application.

NO.		Y/N/NA*
D2	The distribution and/or retail facility must provide submission of notices to ECCC in accordance to the <i>E2 Regulations</i> requirements.	

**N/A: auditor to score as Not Applicable if the facility does not meet regulatory thresholds.*

SPECIFIC REQUIREMENTS:

The reporting requirements under the *E2 Regulations* include notifications for facilities when regulated substance quantity meets or exceeds the product quantity, or maximum container system capacity thresholds. Required notifications:

- a. E2 Plan development
- b. E2 Plan implementation
- c. Submit notification that a full-scale exercise has taken place (required every 5 years beginning on the date that the E2 Plan was brought into effect)

Additional guidance for Section D2 can be found in the AN and CAN Code Implementation Guide and Appendices.

Compliance with this section will be indicated through valid filing(s) of required notifications through ECCC online reporting application.

SECTION E - TRAINING

This section contains the standards for providing training for all sellers and handlers of AN and/or CAN.

E1 FERTILIZER CANADA E-LEARNING

NO.		Y/N
E1	All distribution and/or retail facilities involved in the storage, handling and/or selling of AN and/or CAN should ensure employees have received training on the Fertilizer Canada e-Learning Ammonium Nitrate Security Course and/or the Calcium Ammonium Nitrate Security Course. At a minimum Site and/or Operation Managers are required to have successfully completed the course, renewed annually.	

Additional guidance for Section E can be found in the AN and CAN Code Implementation Guide and Appendices.

Compliance with this section will be indicated through the presence of a valid course certificate with expiration date.

E2 TRANSPORTATION OF DANGEROUS GOODS TRAINING

NOTE: Section E2 TRANSPORTATION OF DANGEROUS GOODS TRAINING is only applicable to AN fertilizer. If the facility does not handle AN fertilizer, auditors will mark this sections as “N/A”

NO.		Y/N/NA*
E2	All employees involved in the handling, offering for transport or transport of AN have received adequate training on the <i>TDG Act and Regulations</i> and hold a valid TDG Training Certificate or Certificate of Competency. This may include clerical staff involved in the transportation administration process. Training is required every three years.	

*N/A: auditor to score as Not Applicable if the facility does not handle AN

Additional guidance for Section E can be found in the AN and CAN Code Implementation Guide and Appendices.

Compliance will be indicated through an examination of training records to indicate Transportation of Dangerous Goods training has been provided to all employees involved.

E3 WHMIS TRAINING

NOTE: Section E3 WHMIS TRAINING is only applicable to AN fertilizer. If the facility does not handle AN fertilizer, auditors will mark this section as “N/A”

NO.		Y/N/NA*
E3	The employees at the AN facility are knowledgeable of the Workplace Hazardous Materials Information System (WHMIS) and of the Safety Data Sheets (SDS). WHMIS/SDS training has been provided for all employees who work at the AN operation per Federal/Provincial Regulations. Training is refreshed at the required intervals.	

**N/A: auditor to score as Not Applicable if the facility does not handle AN*

Additional guidance for Section E can be found in the AN and CAN Code Implementation Guide and Appendices.

Compliance will be indicated through an examination of training records to indicate WHMIS and SDS training have both been provided to all employees and records show an annual review has been completed.

SECTION F - INSURANCE

This section outlines minimum insurance requirement for facilities that store and handle AN and/or CAN.

NO.		Y/N
F	The distribution and/or retail facility has documentation that gives evidence of current policies of insurance covering all risks of exposure.	

SPECIFIC REQUIREMENTS:

- a. Environmental impairment liability (EIL) in the minimum amount of \$2 million covering third party bodily injury and property damage and off premises clean up expenses with \$2 million policy aggregate for all occurrences and \$2 million covering on-premises clean up with \$2 million policy aggregate for all occurrences **or**; a minimum of \$2 million combined policy covering on/off-premises clean up expenses inclusively and third party bodily injury and property damage with \$2 million policy aggregate.
- b. Owned automobile liability, (applicable to any and all vehicles that are owned or leased or operated by the facility in connection with the facility's business), covering bodily injury or property damage to third party interests in the minimum amount of \$5 million per loss occurrence.
- c. Non-owned automobile liability in the minimum amount of \$5 million per loss occurrence.
- d. Comprehensive General Liability and Product Liability in the minimum amount of \$5 million per loss occurrence.

NOTES:

- (i) *Any endorsement or other policy wording that directly or indirectly selects fertilizers as specifically excluded from coverage, or that selects fertilizers for diminished coverage, is NOT acceptable.*
- (ii) *Each of the coverage amounts stated above is a **minimum** requirement and may not be sufficient for the risks of exposure present at every operation. Fertilizer Canada expects that in many cases it will be necessary or prudent for a site operator to obtain coverage amounts greater than the minimums stated here. It is the sole responsibility of every site operator, in consultation with its insurers, to diligently and regularly assess the risks posed by its operations and to determine the appropriate coverage level and policy terms necessary to protect itself and the public from such risks. Fertilizer Canada recommends that such assessment be ongoing, but in any event be formally*

conducted upon any significant change to on-site or off-site operations and at each annual policy renewal. Fertilizer Canada shall review these minimum requirements from time to time and may make further amendments in response to a review.

Additional guidance for Section F can be found in the AN and CAN Code Implementation Guide.

Compliance will be indicated through examination of the confirmation of coverage form.