



TRANSPORTING DANGEROUS GOODS SHIPMENTS FROM THE UNITED STATES TO CANADA BY ROAD OR RAIL

The *Transportation of Dangerous Goods (TDG)* Regulations allow most shipments of dangerous goods originating outside of Canada to be prepared in accordance with other regulations. However, the TDG Regulations must still be consulted for conditions and limitations.

Background

Road and rail shipments originating in the United States must be prepared in accordance with Title 49 of the Code of Federal Regulations (49 CFR). Similar to the TDG Regulations, the 49 CFR also have provisions that allow road and rail shipments originating in Canada that are destined for the United States to be prepared in accordance with regulations other than the 49 CFR (see Part 171 for more details). Particularly of note for those transporting dangerous goods into Canada from the United States by road or rail, the 49 CFR also have provisions under subsection 171.12 that allow such shipments to be prepared in accordance with the TDG Regulations. In any case, the 49 CFR must be consulted for conditions and limitations and we recommend consulting applicable American authorities if further clarification is required.

Compliance of the shipment

[Part 9](#) (Road) and [Part 10](#) (Rail) of the TDG Regulations state that dangerous goods that originate in the United States and are transported by road or rail to a destination in Canada or to a destination in the United States through Canada may comply with the classification, marking, labelling, placarding and documentation requirements of 49 CFR. However, the TDG Regulations **must** be complied with in the following cases:

- dangerous goods that are forbidden for transport by the TDG Regulations but not by 49 CFR
- dangerous goods that are regulated by the TDG Regulations but not by 49 CFR
- dangerous goods which have dangerous goods safety mark or packaging exceptions in 49 CFR that are not permitted by the TDG Regulations

Additionally, a person who handles or transports dangerous goods by road or railway vehicle in accordance with an exemption issued under Subpart B of Part 107 of 49 CFR may do so from a place in the United States to a place in Canada or from a place in the United States through Canada to a place outside Canada if the exemption number appears on the shipping document.

The TDG Regulations also allow a person to transport a substance between Canada and the United States by road or railway vehicle in accordance with 49 CFR when the substance is regulated in the United States but not regulated in Canada (see [Section 1.11](#) of the TDG Regulations for more information).

Conditions and limitations for road and rail dangerous goods shipments originating in the United States and prepared in accordance with 49 CFR and transported into Canada

Documentation

A shipping document may be prepared in accordance with 49 CFR but must also include:

- the name and address of the place of business of the consignor (where the consignor is the importer)
- the classification from the TDG Regulations or the UN Recommendations. However, the domestic shipping name “Consumer commodity” is permitted
- the emergency response assistance plan reference number and implementation telephone number when required by the TDG Regulations

Emergency response assistance plans

What is an emergency response assistance plan?

The origins of the emergency response assistance plan (ERAP) program may be traced back to the recommendations made by Justice Grange following the enquiry into the Mississauga train derailment of November 1979.

An ERAP describes what to do in the event of a release or anticipated release of certain higher-risk dangerous goods while they are in transport. ERAPs are intended to assist local emergency responders by providing them with technical experts and specialized equipment at an incident site. These plans supplement those of the carrier and of the local and provincial authorities, and must be integrated with other organizations to help mitigate the consequences of an incident.

In order to comply with the TDG Regulations, certain dangerous goods require an approved ERAP before entering the transportation system. [Part 7](#) (Emergency Response Assistance Plan) of the TDG Regulations specifies the conditions for which an ERAP is required and the process to follow in order to obtain the approval of an ERAP. When dangerous goods require an ERAP, it is the responsibility of the person who offers for transport or imports these dangerous goods to apply for an ERAP. The reference number will be issued in writing by Transport Canada upon the approval of the ERAP, which may take up to twenty business days. The reference number and implementation telephone number must be displayed on the shipping document accompanying the dangerous goods for which the plan is applicable. [Subsection 7.7\(1\) of the TDG Regulations](#) outlines certain instances in which a person may be authorized to use someone else's ERAP. Please visit our [ERAP web page](#) for more information.

Dangerous goods safety marks

Dangerous Goods Safety Marks are defined in the TDG Regulations as “a label, placard, orange panel, sign, mark, letter, word, number or abbreviation that is used to identify dangerous goods and to show the nature of the danger posed by them”.

When a consignment of dangerous goods is transported from the United States to a place in Canada and is reshipped within Canada by road vehicle, the dangerous goods safety marks displayed in accordance with the 49 CFR may continue to be displayed. **However**, the placards displayed on the large means of containment must be in accordance with [Part 4](#) of the TDG Regulations.

Labels and placards that are displayed for Class 2.3, Toxic Gases and Class 6.1, Toxic Substances must be those illustrated in Part 4 (Dangerous Goods Safety Marks) of the TDG Regulations and not 49 CFR. It would be acceptable to display both the applicable Canadian and American dangerous goods safety marks for these classes.

Note: Transport Canada **does not** consider “cross-docking” (the process of transferring dangerous goods from one large means of containment (LMOC) (i.e. trailer, container, truck, railcar) to another LMOC while in transport and prior to arriving at the final destination on the original shipping document) as “reshipping” for the purposes of [Section 9.4](#) and [Section 10.4](#) of the TDG Regulations.

For more information, please refer to the [TDG FAQ - Road Transport TDG Regulations \(Part 9\)](#) or the [TDG FAQ - Rail Transport TDG Regulations \(Part 10\)](#), as applicable.

Means of containment

Means of Containments manufactured as per other standards are accepted for use in Canada through the reciprocity provisions in [Part 5](#) (Means of Containment) of the TDG Regulations or in standards referenced in the TDG Regulations. **However, exceptions may apply and reciprocity may not always be possible.**

Please visit our website on [containers](#) for more information.

Training

The TDG Regulations require the employer to issue a training certificate to any person who handles, offers for transport or transports dangerous goods.

[Subsection 6.4\(1\)](#) of the TDG Regulations states that a document issued to the driver of a road vehicle licensed in the U.S. or to a crew member of a train that indicates that the driver or crew member is trained in accordance with sections 172.700 to 172.704 of 49 CFR is a valid training certificate.

Reporting Requirements

When transporting dangerous goods by road or by rail, as per [Part 8](#) (Reporting) of the TDG Regulations a report may be required in the case of:

- a release or anticipated release of dangerous goods
- a loss or theft of dangerous goods
- an unlawful interference of dangerous goods