



# Advisory Circular

**Subject: Aerial Work Involving the Transport of Dangerous Goods**

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## 1.0 INTRODUCTION

This Advisory Circular (AC) is provided for information and guidance purposes. It may describe an example of an acceptable means, but not the only means of demonstrating compliance with regulations and standards. This AC on its own does not change, create, amend or permit deviations from regulatory requirements nor does it establish minimum standards.

### 1.1 Purpose

The purpose of this AC is to provide clarification on the *Transportation of Dangerous Goods Regulations* (TDGR), Section 12.12 – Aerial Work.

### 1.2 Applicability

This document is applicable to all Transport Canada Civil Aviation (TCCA) employees, to individuals and organizations and to the aviation industry.

### 1.3 Description of Changes

Not Applicable.

## 2.0 REFERENCES AND REQUIREMENTS

### 2.1 Reference Documents

It is intended that the following reference materials be used in conjunction with this document:

- (a) *Transportation of Dangerous Goods Act, 1992 (TDG Act, 1992);*
- (b) *Transportation of Dangerous Goods Regulations (TDGR);*
- (c) *International Civil Aviation Organization Technical Instructions for the Safe Transport of Dangerous Goods by Air (ICAO TIs);*
- (d) *TDGR Section 12.12 – Aerial Work.*

### 2.2 Cancelled Documents

Not applicable.

### 2.3 Definitions and Abbreviations

The following definitions and abbreviations are used in this document:

- (a) **TDGR Section 12.12 - Aerial Work** – while this terminology is not defined in the TDG Act, 1992, the TDGR or the ICAO TIs, it is understood to mean that the dangerous goods are being used at the location of the primary aerial work activity listed in Section 12.12 in compliance with that Section (e.g. - Transporting explosives to open a way through a forest to build a road to a mining site. While the trees may be used for lumber, forestry is not considered to be the primary activity. The activity is classified as a construction activity, and TDGR Section 12.12 cannot be used to transport dangerous goods to and from an Aerial Work location).
- (b) **Location** - means a specific area or zone, in which aerial work is being conducted in accordance with an activity identified in TDGR Section 12.12.
- (c) **Last aerodrome of departure** – means the last aerodrome utilized by the air operator to directly access the aerial work location (e.g. The dangerous goods are loaded on the aircraft at an aerodrome to directly access the aerial work location where the dangerous goods are being used. It does not allow the loading of dangerous goods on an aircraft where multiple landings and take-offs will be needed before accessing the aerial work location).
- (d) **Person** – Includes, in addition to an individual, a corporation and any other entity carrying on a business.

### **3.0 BACKGROUND**

- (1) The TDG Act, 1992 provides the legislative authority to make regulations to promote the safety in the handling, offering for transport or transporting dangerous goods by all modes of transport within Canada.
- (2) Dangerous goods may be handled, offered for transport or transported by aircraft to conduct specific aerial work operations within Canada in compliance with the TDGR.

### **4.0 REGULATORY REQUIREMENTS**

#### **4.1 TDGR Subsection 12.1(2)**

TDGR Subsection 12.1(2) stipulates:

*“A person who handles, offers for transport or transport dangerous goods by aircraft within Canada must do so in accordance with the ICAO Technical Instructions and the provisions of these Regulations referred to in subsection (1).”*

#### **4.2 ICAO Technical Instructions**

Part 1;1.1.3.1c) reads:

*“Except for 7;4.2, these instructions do not apply to dangerous goods carried on an aircraft where the dangerous goods are for dropping in connection with agricultural, horticultural, forestry or pollution control activities;”*

A person may use the ICAO TIs Part 1;1.1.3.1 c) provided they comply with the requirements of 12.1(2) and by reference 12.1(1) (a) to (j).

#### **4.3 TDGR Subsection 12.1(3)**

TDGR Subsection 12.1(3) stipulates:

*“Despite subsection (2), a person may handle, offer for transport or transport dangerous goods by aircraft within Canada in accordance with the requirements of sections 12.4 to 12.17.”*

Subsection allows a person to use a domestic exemption provided that they ensure compliance with the requirements contained within Sections 12.4 to 12.17 of the TDGR.

#### **4.4 TDGR Section 12.12 – *Aerial Work***

TDGR Section 12.12 – *Aerial Work* provisions stipulates that a person, including an air operator, may handle, offer for transport or transport dangerous goods by aircraft within Canada if the dangerous goods are being used at the location and the requirements of that section are met, for the following primary activities:

- (a) Active fire suppression;
- (b) Aerial cloud seeding;
- (c) Aerial drip torching;
- (d) Agriculture;
- (e) Avalanche control;
- (f) Forestry;
- (g) Horticulture;
- (h) Hydrographic or seismographic work; or
- (i) Pollution control.

## 5.0 INTERPRETATION

- (1) TDGR Section 12.12 – *Aerial Work* provisions may only be used where the dangerous goods are being used at the specific work location and for the primary purpose of the activity listed in that section.
- (2) The air transport of dangerous goods other than between the location and the last aerodrome of departure must be done in compliance with TDGR Section 12.1(2), a specific section allowed under Subsection 12.1(3), or by using the appropriate TDGR road, rail or marine requirements.

## 6.0 CONTACT OFFICE

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Suggestions for amendment to this document are invited and should be submitted via the Transport Canada Civil Aviation Issues Reporting System (CAIRS) at the following Internet address:

<http://www.tc.gc.ca/CivilAviation/QualityAssurance/QA/cairs.htm>, or by e-mail at:  
[CAIRS\\_NCR@tc.gc.ca](mailto:CAIRS_NCR@tc.gc.ca)

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