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ICSIM AT A GLANCE

The ICSIM project is a not-for-profit organization (NPO) supported by a group of volunteer citizens of Lac-Mégantic. This institute will become a centre of excellence and training in railway transportation of hazardous materials dedicated to the prevention of accidents and the improvement of the intervention framework in case of tragedy.

The ICSIM seeks to provide Eastern Canada with a practical training centre that can train in both official languages on specialized risk management related to railway transportation of goods and people. There is currently only one centre in Canada, the Justice Institute of British Columbia (JIBC), in Maple Ridge, British Columbia, a provincial centre whose courses are offered only in English.

The ICSIM project focuses on three main components: the railway component (risk prevention and response to incidents), the training component for first responders (theoretical training and practical simulations) and the tourism component to raise awareness of the general public.

The project was the subject of a pre-feasibility study confirming many unmet training needs.

CONTEXT

On July 6, 2013, Lac-Mégantic experienced the worst railway tragedy in modern Canadian history. The derailment of a train carrying crude oil in the downtown area of the municipality of Lac-Mégantic, Québec. Fires broke out and explosions occurred, destroying 40 buildings, 53 vehicles and railroads at the western end of the Mégantic Yard. Forty-seven (47) people were fatally injured. The downtown area and the adjacent river and lake have been contaminated.

To this day, the hard-hit community is still struggling to recover from this tragedy, both economically and in terms of public health[1].

The tragedy is a real wake-up call for the Canadian civil society on the urgent need to profoundly reflect on how to make rail transportation safer for all Canadians. The tragedy highlighted significant gaps in the prevention of railway accidents in Canada, particularly in terms of training and certification capabilities of first responders and teams of interest.

IMPORTANCE OF RAIL SAFETY

In the past, the Government of Canada, through the Railway Safety Act, has recognized the importance of railroad transportation to Canada's economy, and especially the need for a modern legislative and regulatory framework to ensure the safety of Canadians and the environment.

The Railway Safety Act S.R.C. 1985, c. 32 (4th suppl.), aims to achieve the following objectives:

a) *promote and provide for the **safety and security of the public and personal**, and the protection of property and the environment, in railway operations;*
b) *encourage the **collaboration and participation of interested parties in improving railway safety and security**;*
c) *recognize the responsibility of companies to demonstrate**, by using safety management systems and other means at their disposal, that they continuously manage risks related to safety matters**; and*
d) *facilitate a **modern, flexible and efficient** regulatory scheme that will ensure the continuing enhancement of railway safety and security.*

It is essential that the legislation, which is the fundamental pillar for Canada in terms of railway safety, evolves and adapts to the same pace as the risks it aims to prevent. As this review of the act will be the first since the tragedy at Lac-Mégantic, ICSIM believes that the learning from this tragedy should serve as a guide to making the Railway Safety Act more proactive in the management of current and future risks.

C-49, A MORE REACTIVE THAN PROACTIVE BILL

For all Canadians, despite its existence, the Railway Safety Act did not prevent the occurrence of major accidents, including the Lac-Mégantic accident. ICSIM recognizes that risks can never be fully eliminated but strongly believe that the Canadian government must absolutely learn from past events and amend the Act accordingly to avoid similar occurrence and repetition of events in the future.

[1] http://www.cbc.ca/news/canada/montreal/lac-megantic-study-findings-feb4-1.3433215

On the basis of the above, ICSIM believe that the current Railway Safety Act requires changes to meet its objectives and thereby ensure the safety of Canadian citizens. Bill C-49 is a unique opportunity to modernize the Railway Safety Act to better manage all current risks including those tragically highlighted in 2013 in Lac-Mégantic.

From ICSIM's point of view, the main flaw in Bill C-49 in its current form with respect to the Railway Safety Act is that the only proposed amendment, the addition of video recorders, is by nature a reactive measure which basically does not provide any benefit in terms of accident prevention.

In light of the events, ICSIM believe it is imperative that the Railway Safety Act be amended to include more proactive measures to prevent, first, accidents.

TRAINING NEEDS FOR STAKEHOLDERS

ICSIM wishes to acknowledge the excellent work of the Standing Committee on Transport, Infrastructure and Communities that resulted in its sixth report, " AN UPDATE ON RAIL SAFETY ", being tabled in June 2016. This report contains 19 recommendations to improve rail safety in the country whose recommendation # 4:

> « ***That Transport Canada collaborate with the municipality of Lac-Mégantic in the establishment of the Lac-Mégantic Canadian Centre for Training and Certification for first responders and teams of interest.*** »

LESSONS LEARNED FROM PREVIOUS ACCIDENTS

In its railway investigation report R13D0054[2], the Transportation Safety Board (TSB) repeatedly highlighted shortcomings in the training of First Responders and Interest Teams and the need for effective and frequent Audits by Transport Canada.

To explain the tragedy of Lac-Mégantic, the TSB stresses, in particular, « *MMA's weak safety culture contributed to the continuation of unsafe conditions* » and **lack of employee training**.

Based on the Lac-Mégantic accident, but also 5 other accidents occurring since 2005 that were investigated by the TSB (R11Q0056, R09T0057, R08V0270, R06V0183, R05H0011), the TSB identifies **training gaps**:

> « *In all these occurrences, the investigation into the operations of these railways* ***identified safety deficiencies in training, oversight, and operational practices****. Although the companies had filed safety management system documentation as required by TC, the safety management system was not being used to identify and proactively address deficiencies through formal risk assessment or continuous improvement processes.* » p.175

However, on reading C-49[3] as currently drafted, ICSIM is surprised to see that none of the amendments currently proposed are intended to improve the training of stakeholders and would like to take this opportunity raise the legislator's awareness of the essential role of an adequate training framework for all stakeholders.

ICSIM appeals to the Railway Safety Act Review panel, in the hope that it will make recommendations for proactive changes to the Railway Safety Act, including training for key stakeholders, to ensure greater safety for all of Canadians.

[2] http://www.tsb.gc.ca/eng/rapports-reports/rail/2013/r13d0054/r13d0054.asp
[3] http://www.parl.ca/DocumentViewer/en/42-1/bill/C-49/first-reading

FINDINGS

F1 : Hundreds, if not thousands, of Canadian municipalities have developed in the vicinity and thanks to the presence of the railway. The economy of our country depends largely on an efficient and safe railway network. The evolution of the nature and the increase in the volume of materials transported by rail generate new risks that must be managed.

F2 : In theory, the systematic construction of bypasses in all Canadian municipalities crossed by railroads would largely eliminate the risk of loss of life. In practice, the construction of bypass routes across Canada would be unthinkable both from a practical and an economic standpoint.

F3 : Consequently, the coexistence of citizens and railway convoys combined with an increase in the transport of hazardous materials requires, more than ever before, the creation of a modern, flexible and efficient regulatory framework promoting optimized risk management and avoiding occurrence and recurrence of accidents.

F4 : The current regulatory framework leaves considerable latitude for the railways to determine the content of their safety management program, particularly with regard to the training of their personnel. Depending on their means and their safety culture, the different railways unequally fulfill their obligation to adequately train their employees.

F5 : Training requirements for train managers and other railway employees vary from company to company and are generally not systematically monitored.

F6 : The first responder training curriculum varies from one jurisdiction to another and does not generally deals specifically with railway risks. Consequently, the capacity of local stakeholders for risk prevention and response to rail accidents is variable and suboptimal.

F7 : The Canadian municipalities crossed by the train vary in size and in response capacity. Municipal prevention and response plans do not all include a section on railway risks.

RECOMMENDATIONS

On the basis of the above, ICSIM is calling on the government to amend Bill C-49 to amend the Railway Safety Act to ensure that Transport Canada plays a larger role in training, to standardize and certify the training of teams of interest and first responders.

R1 : **THAT TRANSPORT CANADA UNIFORM AND MANDATORY THE TRAINING OF TRAINS BY ACCREDITED ORGANIZATIONS**

R2 : **THAT TRANSPORT CANADA UNIFORM AND MAKE REQUIRED TRAINING SPECIFICALLY FOR RAILWAY RISKS FOR FIRST RESPONDENTS OF RAILWAY CROSSED LOCATIONS**