

## Transportation of Dangerous Goods



# NEWSLETTER

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You're not alone!  
Vous n'êtes pas seuls!



## TRANSPORTATION OF DANGEROUS GOODS DIRECTORATE'S MISSION AND VISION

By Antonella Busa

The Transportation of Dangerous Goods (TDG) Directorate shares Transport Canada's (TC) mandate to ensure a safe and secure transportation system for a healthy and competitive economy. Efficient, safe and secure transportation systems and environmental responsibility are important priorities for the entire Department.

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This is why the TDG national program promotes public safety based on risk during the transportation of dangerous goods, develops safety standards and regulations, monitors industry compliance and gives expert advice (e.g., Canadian Transport Emergency Centre – CANUTEC) on incidents involving dangerous goods.

Working with partners here and abroad, the TDG Directorate promotes and enforces safety standards through three main activities: rulemaking, monitoring and outreach.

## Rulemaking

**Rulemaking** includes identifying threats to public safety, and enforcing the *Transportation of Dangerous Goods Act, 1992* (TDG Act) and its regulations. The TDG Directorate proposes and puts in place strict laws, regulations, standards and policies as required by the TDG Act.

The TDG Directorate is responsible for the administration, development and amendment of the TDG Act and its regulations. By working closely with other federal and provincial agencies, the implementation of the safety program is made possible.

## Results

After the tragic July 2013 derailment in Lac-Mégantic, Québec, the TDG Directorate immediately:

- Issued protective directions requiring crude oil shippers/importers to conduct classification testing, and rail companies to share information with municipalities;
- Worked closely with industry, the Federation of Canadian Municipalities, first responders and key U.S. transportation officials to address safety concerns;
- Began working on longer term measures/targeted actions to strengthen rail and TDG safety. This included:
  - Responding to recommendations from the Transportation Safety Board and the Office of the Auditor General/Commissioner of the Environment and Sustainable Development;
  - Making regulatory and operational changes to better respond to incidents involving flammable liquids; and
  - Working diligently to improve all areas of the program to ensure the appropriate TDG related regimes are in place to protect public safety.

## Monitoring

**Monitoring** includes guiding emergency response and limiting the impact of incidents involving the transportation of dangerous goods, developing policy, and conducting research to enhance safety. TDG issues licenses, certificates, registrations and permits; conducts inspections and surveillance; while enforcement action is taken when rules are broken.

The tragic event in Lac-Mégantic, as well as the unprecedented growth in rail transport of crude oil, continue to define the TDG Directorate's priorities in the long term.

The TDG program has a strong monitoring regime. It includes national inspection plans that ensure industry follows federal laws and regulations. TDG inspectors do not hesitate to take action when any form of non-compliance is observed.

## Inspections

It is important to note that inspections are simply one element in the TDG program's monitoring system. Other TC experts, including remedial measures specialists, researchers and engineers, complement the work TDG inspectors carry out.

With an inspection and enforcement capacity that has steadily grown since 2013, TC has put many initiatives in place to enhance response capacity should dangerous goods incidents occur. For example, the TDG Directorate has:

- Improved inspector training and guidance materials; developed tools, processes and documented follow-up procedures for inspectors; supported the review of the transportation of dangerous goods inspection activities; and introduced a quality assurance program;
- Updated the emergency response assistance plan program's policies and procedures for approving plans, and developed enhanced guidance material for remedial measures specialists;



- Launched the Steering Committee on First Responder Training on December 14, 2016 as a platform where first responders can enhance their knowledge and expertise on rail incidents involving flammable liquids; and
- Had inspectors begin using a national risk assessment tool as the basis for their risk-based inspection planning.

Since 2014–15, TC has significantly increased the number of TDG inspectors. As of winter 2017–18, the TDG program had approximately 150 inspectors (including engineers and remedial measures specialists), and is planning for over 5,000 annual inspections in 2018–19.

The TDG Directorate continually analyzes its workforce, and focuses on recruiting, training and retaining staff needed to plan and conduct effective monitoring activities.

## Outreach

**Outreach** activities promote the public’s safety and security and raise public awareness about the transportation of dangerous goods by all modes of transport in Canada.

The TDG program delivers training programs for all federal and some provincial/territorial inspectors. The TDG Directorate also develops awareness materials (i.e., **“You’re Not Alone!”** publication) and delivers safety awareness to about 60 venues per year (this number continues to grow annually).

## Safety Awareness

The TDG Directorate has also published four separate [safety awareness kits](#) for targeted audiences, namely:

1. First Responders;
2. Communities/Municipalities;
3. Industry; and
4. General Public.

These kits help raise awareness among Canadians involved in the transportation of dangerous goods. In 2017, over 1,687 kits were provided to municipalities across Canada along the rail corridor, and to provincial coordinators responsible for the distribution of the Emergency Response Guidebook.

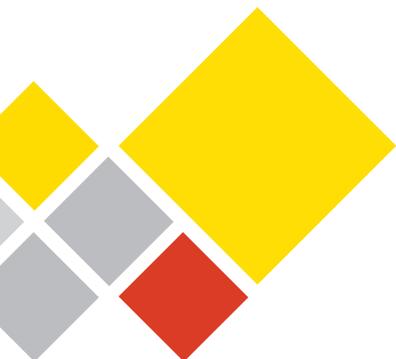
Moreover, the TDG Directorate delivers outreach presentations to first responders and emergency planners to:

1. Explain the TDG Directorate’s resources; and
2. Discuss and promote the Emergency Response Guidebook.

Each year, more and more dangerous goods move across Canada by road, rail, vessel and air. In keeping with our vision and mission, rulemaking, monitoring and outreach, the TDG Directorate works hard to serve the public interest and ensure a transportation system in Canada the world recognizes as safe and secure, efficient and environmentally responsible.



*Silhouette of a person’s head with connecting thinking bubbles capturing words that describes oversight: Planning, Regulations, Safety, Secure, Compliance, Enforcement, Response, Efficient, Monitoring, Education, Training, Awareness, Research, Partnerships, Tools*



# WORD FROM THE DIRECTOR GENERAL

By Benoit Turcotte

I am pleased to introduce this edition of the Transportation of Dangerous Goods (TDG) Newsletter. The focus of this edition is oversight and includes articles on our inspection and enforcement activities as well as information on some of our latest initiatives.

The capacity of the oversight program has significantly increased since 2013 in terms of the number of inspections and number of inspectors. This upward trend is a representation of stabilization in the TDG program.

## National Oversight Plan

The national oversight plan sets out monitoring activities under three categories:

1. Planned inspections, such as general compliance inspections and means of containment (MOC) facility inspections;
2. Reactive activities, such as follow-ups and unplanned inspections; and
3. Regulatory authorizations, such as equivalency and temporary certificates, and emergency response assistance plans.

Other tools to support and improve compliance beyond inspection activities include education, training and safety awareness.

The oversight planning process is regularly updated with emerging risk-based issues and continuous improvement. Specific initiatives this year include:

- Incorporating the concept of risk tolerance;
- Examining the feasibility of introducing mandatory registration requirements for TDG sites;
- Creating and implementing an integrated data governance structure;
- Developing time standards for many of the activities covered in the plan; and
- Improving the compliance estimation program.

## Governance

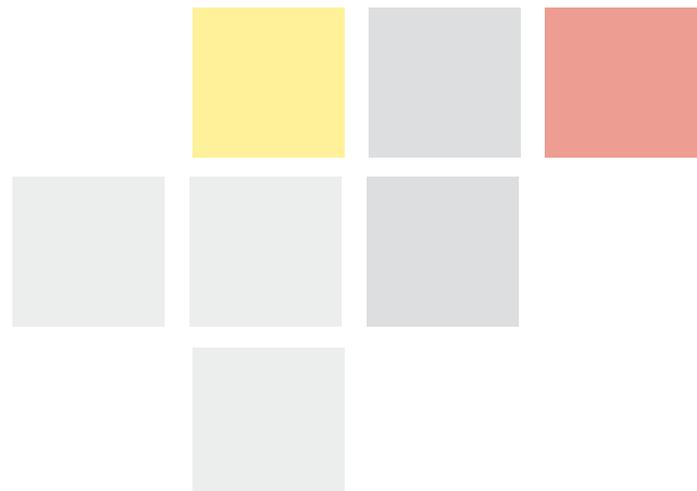
The relationships that the TDG Directorate has with stakeholders play an important part in the success of the program. There is a balanced representation of stakeholders with different sets of expertise participating on various committees, sub-committees and working groups.

The General Policy Advisory Council (GPAC) was established in 1985 under the Transportation of Dangerous Goods Act to counsel the Minister of Transport on various strategic, safety and social issues relating to the transportation of dangerous goods. GPAC also provides the Department with recommendations aimed at enhancing public safety and strengthening standards. GPAC meets twice a year and discussions provide Transport Canada with valuable input to improve the TDG program and public safety.

## Final Note

On a final note, a key player in our TDG program and the senior management team – Clive M. Law – sadly passed away on June 10, 2017. Clive's passing was unexpected and he continues to be missed. You'll find an article in his memory in this issue.

I hope you find some valuable information in this edition.



# TRANSPORTATION OF DANGEROUS GOODS ACT, 1992 INVESTIGATION INTO LAC-MÉGANTIC

By Marc Grignon

Following the rail accident in Lac-Mégantic, Transport Canada (TC) conducted a 14-month regulatory investigation with help from the RCMP, for possible violations to the *Transportation of Dangerous Goods Act, 1992*.

On October 26, 2017, TC charged Irving Oil Commercial GP (Irving), by way of summary conviction, with 34 counts for violations of the *Transportation of Dangerous Goods Act, 1992*:

- 18 charges for failing to ensure the proper classification of dangerous goods (petroleum crude oil) for transportation in Canada; and
- 16 charges for having unqualified personnel offering dangerous goods (petroleum crude oil) for transport.

Irving agreed to plead guilty to all counts, which relate to importing and transporting more than 15,000 rail tank cars containing petroleum crude oil (UN1267) between November 2012 and July 2013. The courts:

- Issued Irving a \$400,320 fine;
- Ordered Irving to pay TC \$3,599,680 under Paragraph 34(1)(d) of the *Transportation of Dangerous Goods Act, 1992*. TC must use this money to conduct technical research and programs to develop and improve safety marks, safety requirements and safety standards;
- Ordered Irving to provide TC with a corrective action plan to address:
  - The company's lack of compliance, corporate staff procedures and guidance; and
  - Its employees and their managers with responsibilities related to the handling, offer for transport and transportation of dangerous goods, having little overall awareness of TDG safety.

Both Irving and the Public Prosecution Services of Canada have agreed not to appeal the courts' decision.

On the same day, TC also charged New Brunswick Southern Railway (NBSR) by way of summary conviction under the *Transportation of Dangerous Goods Act, 1992* for failing to create proper shipping documents for:

- Transporting petroleum crude oil; and
- Having unqualified personnel responsible to prepare dangerous goods shipping documents.

NBSR has not entered a plea at this time. Under the *Transportation of Dangerous Goods Act, 1992* any person who is found guilty of an offence is liable:

- On indictment, to serve a prison term not exceeding two years; or
- On summary conviction, to a fine not exceeding \$50,000 for a first offence and not exceeding \$100,000 for each subsequent offence.

Both the *Transportation of Dangerous Goods Act, 1992* and the *Transportation of Dangerous Goods Regulations* regulate petroleum crude oil as a Class 3, Flammable Liquids.

Properly classifying dangerous goods helps:

- Consignors select the correct means of containment for its transport; and
- Shippers ensure their shipping documents contain the appropriate information and serve to notify carriers, consignees, handlers and first responders of the hazards associated with dangerous goods.

Irving's misclassification of the petroleum crude oil did not cause or contribute to the railway accident in Lac-Mégantic on July 6, 2013, the resulting fatalities, property damage and release of petroleum crude oil into the environment. It may, however, have slowed down first responders, who had wrong information about the substance.

Rail safety remains Minister Garneau's top priority. The department continues to closely monitor the safety of rail operations and the safety of the transportation of dangerous goods by all modes of transport across Canada. TC does not hesitate to take action against non-compliance with acts and regulations.



# ENFORCEMENT TOOLS

By Suzanne Lessard

Enforcement activities are key elements of Transport Canada's (TC) efforts to reduce risk to life, protect property, reduce environmental impacts, and support the continued efficiency and effectiveness of the national transportation system.

For its part, the Transportation of Dangerous Goods (TDG) Directorate and five regional offices seek voluntary compliance with the *Transportation of Dangerous Goods Act, 1992* (TDG Act) and the *Transportation of Dangerous Goods Regulations* (TDG Regulations). To achieve this, the TDG Directorate conducts awareness, education and enforcement activities. This article presents the different enforcement tools TDG inspectors use to promote public safety and future compliance.

## Non-Compliances

In the course of an inspection, TDG inspectors usually respond to a non-compliance by providing information and requiring the person (individual or organization) to stop the non-compliant activity until they take corrective measures. However, in some cases, an enforcement response is necessary.

To select the appropriate enforcement response, TDG inspectors use the Enforcement Decision Framework, the risk assessment tool and the graduated approach set out in TC's Center of Enforcement Expertise policies. This approach requires inspectors to consider the risk, magnitude of the existing harm, due diligence, compliance history and intent of the person as well as any aggravating factors.

## Types of Enforcement Tools

Below is a list of enforcement tools available to inspectors to address a non-compliance and immediate harm or risk of harm and ensure future compliance:

- The **Inspection Report** is a written record of the findings an inspector notes in the course of an inspection. The report informs the person of the inspection results, including any non-compliance with the TDG Act and TDG Regulations and specifies that the non-compliant activities must stop and to take suitable corrective measures.
- A **Notice of Infraction** is an official written warning of an offense to the TDG Act and TDG Regulations. This may result in a stricter enforcement action such as a prosecution.
- A **Detention Notice** is a written direction an inspector issues under Subsection 17(1) of the TDG Act. Its purpose is to detain dangerous goods or means of containment destined to contain or containing dangerous goods.
- A **Notice of Direction to Remedy Non-Compliance** is a written direction an inspector issues under Subsection 17(2) of the TDG Act. This notice informs the person of an existing non-compliance and directs them to remedy the situation.
- A **Notice of Direction not to Import or to Return to Place of Origin** is a written direction an inspector issues under Subsection 17(3) of the TDG Act. Its purpose is to ensure that dangerous goods or means of containment destined to contain or containing dangerous goods that are non-compliant, do not enter Canada or are returned to the place of origin. In Canada, TDG inspectors use this enforcement tool when they have reasonable grounds to believe that measures to remedy a non-compliance are not possible or desirable.
- A **Direction** issued under Section 19 of the TDG Act addresses immediate harm. It acts to prevent danger to public safety in the event of an actual release of dangerous goods. TDG inspectors often use this enforcement tool when they attend an incident involving dangerous goods. They may give the direction verbally or in writing, and the person must comply with it immediately.

- TDG inspectors issue **tickets** under the authority of the *Contraventions Act* and *Contraventions Regulations*. Prosecution through the ticketing system rather than a formal criminal charge allows TC to address minor violations of the TDG Act and Regulations.
- TDG inspectors will initiate a **prosecution** when they find serious violations or where a person has not taken corrective actions. The Public Prosecution Service of Canada reviews the evidence to decide if a prosecution is warranted.
- TDG inspectors may use a **revocation of a registration certificate** if a means of containment manufacturer or requalifier registered with TC is not complying with, or cannot consistently comply with the requirements of the standards that apply to a means of containment.

TDG inspectors may use a combination of enforcement tools to provide a timely and appropriate response to a non-compliance and safety concerns.

## Responses to Non-Compliance

The TDG Act also gives the Minister or delegates other ways to provide an appropriate response to a non-compliance with the TDG Act or to reduce danger to public safety.

These responses are to:

- Implement an emergency response assistance plan (ERAP);
- Revoke an ERAP;
- Issue a recall or notice of defective construction, repair or testing; and
- Issue protective directions.

From informal verbal counselling to prosecution, TDG inspectors have a wide range of enforcement tools to address safety concerns, as well as ensure and promote future compliance.

## THE CENTRE OF ENFORCEMENT EXPERTISE (THE CENTRE)

By Jeremy Hill

In March 2014, Transport Canada (TC) launched the Multimodal Enforcement Project (MMEP). As part of the Safety and Security Transformation 2020 Initiative, this project aims to improve the safety and security of the transportation system through a stronger, more rigorous and timely enforcement regime across the department.

After extensive consultations, the MMEP Steering Committee released TC's Enforcement Policy. Soon after, TC established the Centre of Enforcement Expertise (the Centre).

### What is the Centre?

The Centre of Enforcement Expertise staff put their enforcement expertise at the disposal of inspectors and investigators in the field. The Centre's primary role is to provide timely and effective expert support to TC inspectors and investigators, remedial measures specialists, engineers, managers and other employees, on all matters related to enforcement. The Centre is subject to standards, which makes it accountable to provide the right advice at the right time to the right persons in an operational setting.

This advice takes the form of developing enforcement standards, publishing targeted newsletters and providing file-specific counsel. The Centre:

- Develops and announces enforcement standards, policies, programs and services;
- Supports national enforcement effectiveness through standards policy guidance, work instructions and practices;
- Represents TC before the Transportation Appeal Tribunal of Canada (TATC);
- Provides major case management support; and
- Delivers surge capacity for major events/incidents.

## Who is a part of the Centre?

The Centre's staff of experienced inspectors, investigators and former Department of Justice employees focus on matters unique to regulatory enforcement. While it has a relatively short history, its members include some of the most experienced regulatory enforcement personnel in TC and likely within the entire Government of Canada! The Centre also has direct access to, and can engage with, more than 30 senior inspectors and investigators across Canada who form part of the Surge Team, to respond to major or significant enforcement events.

TC officers who encounter, observe or learn of non-compliant behaviour, which actively and currently either poses a threat or causes harm or a threat of harm, have the authority, and in some cases the duty, to act. They may have an immediate need for timely advice. Just as CANUTEC experts provide immediate advice on addressing an immediate safety need, Centre experts provide immediate enforcement advice via email or phone.

For example:

- In situations that give rise to safety, security or environmental concerns that do not clearly demonstrate non-compliant behavior, but where the statutes authorize TC officers to intervene to prevent the risk of harm from arising or to prevent existing harm from escalating, they can get timely advice directly from the Centre via email or phone.
- For operational enforcement actions that require significant planning and preparation (e.g., support for a production order or search warrant, planning for investigations and interviews), TC officers can access the Centre's capability to review and directly support the preparation of enforcement documentation.

## Standardized Enforcement

The Centre is also responsible for developing multimodal enforcement standards and guidance materials. One valuable resource the Centre has authored and released, has come to be known as the Desk Book. Written in close collaboration with the Transportation of Dangerous Goods enforcement personnel, this compendium of the best practices in regulatory enforcement is one of the first tools TC enforcement personnel consult. It sets TC's enforcement standards for many critical decision points including standards on:

- Immediate Harm Reduction – Risk Assessment Tool;
- Instrument and Penalty Amount Selection – Graduated Approach;
- Notices of Violation Preparation;
- Transitions – Safety, Security & Environmental Concerns, Inspections and Investigations;
- Prosecution of Summary Conviction and Indictable Offences;
- Information to Obtain a Search Warrant, Production Orders and Demand;
- Interviews of Witnesses and Suspects;
- Officer Note Taking;
- Executing a Search Warrant;
- Collection, Preservation and Control of Evidence and Property;
- Preparation of Case Reports; and
- Major Case Management Principles.

For more information, please consult our website: [Transportation of Dangerous Goods Program](#)



# PROSECUTION

By Marc Grignon

Prosecution is one of many tools Transport Canada's Transportation of Dangerous Goods (TDG) Directorate makes available to its inspectors, to enforce the *Transportation of Dangerous Goods Act, 1992* and its regulations.

TDG inspectors use prosecution when:

- Non-compliances are so serious, they cause obvious and substantial danger to the public, or serious harm to the environment; and/or
- An alleged violator has intentionally provided false information, or knowingly ignored the provisions of the Act and its regulations.

## Investigation and Alleged Offences

When investigating alleged violations or transportation incidents where individuals and organizations are subject to the *Transportation of Dangerous Goods Act, 1992*, TDG inspectors may also take the person's compliance history into account to determine whether or not prosecution is the most appropriate action.

As a guideline, TDG inspectors always consider the following circumstances when determining whether or not to recommend prosecution to the Public Prosecution Service of Canada:

- There is a direct link between a violation of the Act, and:
  - The death of, or serious injury to, a person; and/or
  - Serious harm or risk to the environment, human life or health.
- The alleged violator:
  - Hid or tried to hide information related to the violation;
  - Knowingly gave false or misleading information;
  - Obstructed the inspector from carrying out his responsibilities under the TDG Act;
  - Is continuing non-compliance with apparent disregard for other inspections and notices of infraction; and/or
  - Has deliberately ignored a Direction and Notice of Detention.

After TDG inspectors have investigated an alleged offence and decide to recommend prosecution, they:

- Prepare a report to Crown Counsel and recommend charges; and
- Submit the evidence and information they gathered during the course of the investigation.

If Crown Counsel brings charges before the courts, they will disclose this information to the offender's lawyer.

## The Decision to Prosecute

In its exercise of duties and responsibilities, the Crown Counsel must have sufficient evidence, and determine if it best serves the public interest, before bringing a case before the courts. This is why TDG inspectors are diligent when they conduct investigations. Any recommendation to prosecute must include:

- Evidence that supports the facts; and
- Objective and complete information.

## Conviction

Individuals and organizations that see their cases brought to court are liable to punishment in the form of fines, imprisonment or other measures the court may deem necessary. For example:

- Subsection 33(2) of the *Transportation of Dangerous Goods Act, 1992*:
  - Makes every person guilty of an offence liable on indictment, to a prison term not exceeding two years; and
  - Liable on summary conviction, to a fine not exceeding \$50,000 for a first offence, and not exceeding \$100,000 for each subsequent offence.
- Section 34 of the *Transportation of Dangerous Goods Act, 1992* gives a judge authority amongst other things, to order a guilty person to:
  - Stop undertaking any action regulated under this Act; and
  - Provide compensation which can consist of conducting technical research towards developing and improving safety marks, safety requirements and safety standards.

Although TDG inspectors must judge each situation according to the circumstances of the immediate offence, it is in their best interest to always properly document their findings during oversight inspections. It is also in the best interest of individuals and organizations to comply with all provisions of the *Transportation of Dangerous Goods Act, 1992* and its regulations, since inspection results may play a factor in determining whether or not prosecution is the right approach to deal with the alleged offence.

# THE GRADUATED APPROACH

By Jeremy Hill

Taking the graduated approach means choosing enforcement instruments and penalties that match the gravity and consequences of non-compliant behaviour, but yet effectively encourage or compel the offender to come into and remain in compliance.

## Choosing Enforcement Actions

Transport Canada (TC) officers have delegated authority to enforce certain Acts and regulations. While there are slight differences between authorities and programs, there are common elements when choosing and using enforcement tools.

The **five** most common enforcement tools available are:

1. **Informal verbal counselling**, by which a TC officer encourages an alleged offender to comply with requirements and provides information as well as advice on how to comply;
2. **Written warning**, by which a TC officer draws an alleged offender's attention to the specific non-compliant behaviour and explains that failure to comply with the requirements may result in even more serious penalties such as a Notice to Remedy Non-Compliance;
3. **Administrative Monetary Penalty (AMP)**, by which a TC officer serves a violator with a formal Notice of Violation that cites the violation and its monetary penalty. The goal is to denounce the behaviour and encourage future compliance (in the context of TDG, this is possible where the violation is also a violation of a modal statute Railway Safety, Aeronautics);
4. **Suspension or Cancellation of Operating Certificate**, by which a TC officer serves an offender with a Notice that the Minister is amending, suspending or cancelling the offender's permission to operate (in the context of TDG, this is possible where the violation is also a violation of a modal statute Railway Safety, Aeronautics); and
5. **Prosecution**, by which TC pursues a criminal process in the form of summary conviction information or on indictment, which would subject an offender to a criminal trial and potentially a fine or incarceration.

## Reflecting Case Law

In the case of **R. v. Buffalo Airways**, the court was asked to consider what should be the right sentence for the accused air carrier. It pled guilty to three violations of the *Transportation of Dangerous Goods Regulations*, which occurred between March 3<sup>rd</sup> and May 5<sup>th</sup> 2012. It made 27 fuel deliveries to two separate mining camps, using fuel tanks that were too large. Each flight carried more than 9,200L of diesel fuel. Buffalo Airways did not display dangerous goods safety

marks on their fuel tanks on any of these delivery flights and, failed to fill out proper documentation for the return flights to indicate that dangerous goods (residual fuel) were being transported.

The penalty for these violations is a maximum fine of \$50,000 on summary conviction, for a first offence. The Crown recommended a total penalty of \$200,000, including \$50,000 in actual fines, and \$150,000 to be paid to TC for research towards developing and improving safety marks, safety requirements and safety standards. The defendant proposed a fine in the range of \$17,500–\$30,000 and suggested a probation order, or similar order under Paragraph 34(1)(d) of the *Transportation of Dangerous Goods Act, 1992*.

In determining her approach to sentencing, the **Judge looked for the price that the company would be unwilling to pay in order to come into compliance and not reoffend**. In imposing a fine of \$55,000, the judge wrote:

*“The goal of a legislation of this type is behavior modification of the corporate entity; and the primary objective in sentencing a corporation for public welfare offences is to ensure immediate and future compliance with the Statute and Regulations. Secondary objectives include deterrence, denunciation, retribution and rehabilitation.”*

TC officers apply the exact same logic when choosing an enforcement instrument. They conduct a thoughtful systematic examination of the three important elements:

- Gravity of the “non-compliance” as expressed in the statute or regulation;
- The seriousness of the non-compliance as committed; and
- The characteristics of the party not in compliance.

## Learning More

For more information, please consult our website: [Transportation of Dangerous Goods Program](#).



# POSTING ENFORCEMENT ACTION SUMMARIES ON THE TDG WEBSITE

By Danny Bechamp

The Transportation of Dangerous Goods (TDG) Directorate now publishes a list of Corporate and Non-Corporate Offenders on its website, “**TDG Enforcement Action Summaries**”.

Based on the model Transport Canada’s (TC) Civil Aviation, Rail Safety and Marine Safety Directorates use, this list is published with the aim to deter wrongdoing and increase public awareness.

## Types of Offences

- **Corporate offences** are those a company commits and against whom we take enforcement actions; and
- **Non-corporate offences** are those a company employee or an individual commits, against whom we take enforcement actions (without taking actions against the company).

## Enforcement Action Summaries

The “**TDG Enforcement Action Summaries**” identify the non-compliances that have been committed along with our resulting enforcement actions. These are published when:

- An alleged offender is served with:
  - A detention notice;
  - A notice of direction to remedy non-compliance;
  - A notice of direction not to import or return to place of origin;
  - A letter revoking their certificate of registration; and/or
  - A ticket.
- A court finds the offender guilty of an offence.

For more detailed information about enforcement actions, please refer to the article dedicated to enforcement tools in this Newsletter.

## Posting Offences

The names of incorporated companies are posted (e.g., ABC Inc.) only after:

- Their certificate of registration is revoked;
- A ticket is issued; and/or
- A court has found a company or an individual guilty of an offence.

To comply with *Privacy Act* provisions, a person’s name or any other personal information that could identify them will be excluded from the narrative. This includes, but is not limited to, the type of transportation/means of containment and/or the exact location of the offence. In most cases, the name of the offender will simply say “**Name of offender withheld**”.

**Note:** If an alleged offender successfully appeals a ticket or prosecution in court, the offense and enforcement action will be removed from the TC enforcement action summary list.

## Accessing TC Enforcement Actions

You can access the lists of TC enforcement action summaries here:

PROGRAM	TC ENFORCEMENT ACTION SUMMARIES
<b>TDG</b>	<a href="http://www.tc.gc.ca/eng/tdg/enforcement-actions-summaries.html">www.tc.gc.ca/eng/tdg/enforcement-actions-summaries.html</a>
<b>Civil Aviation</b>	<a href="http://www.tc.gc.ca/eng/civilaviation/standards/standards-enforcement-publications-menu-2963.htm">www.tc.gc.ca/eng/civilaviation/standards/standards-enforcement-publications-menu-2963.htm</a>
<b>Rail Safety</b>	<a href="http://www.tc.gc.ca/eng/railsafety/railsafety-569.htm">www.tc.gc.ca/eng/railsafety/railsafety-569.htm</a>
<b>Marine Safety</b>	<a href="http://www.tc.gc.ca/eng/marinesafety/rsqa-cea-aes-menu-1745.htm">www.tc.gc.ca/eng/marinesafety/rsqa-cea-aes-menu-1745.htm</a>



# IMPLEMENTATION OF TDG INSPECTION CYCLES

By Krista Ainslie

The Transportation of Dangerous Goods (TDG) program aims to increase safety in the transportation of dangerous goods by all modes of transport in Canada. A key component of the program is the use of inspections to monitor and evaluate compliance with the Transportation of Dangerous Goods Act and Regulations. As of April 1, 2017, a new approach to inspection planning was introduced that follows an inspection cycle based on the level of risk. The plan is to inspect every known TDG site and means of containment (MOC) facility within a reasonable period of time, giving priority to highest risk sites and facilities.

## What is a Means of Containment Facility?

A facility or other service provider registered by Transport Canada to manufacture, assemble, retest or repair TDG containers to the applicable means of containment safety standard.

## What is a TDG Site?

A commercial entity in Canada that handles, offers for transport, transports or imports dangerous goods.

## The Inspection Planning Process

Before inspections occur, the TDG Directorate completes a planning and prioritization exercise based on risk. This exercise allows for a better allocation of our resources. The inspection planning process outlines all the steps which must be followed before an inspection takes place:

1. Determine the number of inspection activities that inspectors can conduct. This number (which exceeds 5,000 inspections annually) fluctuates based on the number of TDG inspectors;
2. Determine the distribution of inspections between TDG sites and MOC facilities.  
**Note:** At least 5% of inspections are directed to MOC facilities;

3. Assign a risk category to all TDG sites and MOC facilities. There are four risk categories: very high, high, medium and low. Two separate models are used to determine the risk level for every known TDG site and MOC facility. These models take many factors into account, such as compliance history, incident history, population density, emergency response assistance plan holder status, new facility registration, and response history. A risk score is not static, it is updated at least once a year, to account for new risk-related information;
4. Identify the breakdown of planned and reactive inspections. Approximately 20% of inspections are reactive, which allows TDG to ensure resources are available to adjust for risks or issues that emerge during the year;
5. Identify the mandatory inspection activities. This includes sites that are selected for a targeted inspection campaign or for TDG's Compliance Estimation Program (which randomly selects sites for inspection in order to establish a statistically-valid measure of industry's compliance); and
6. Select sites and facilities for inspection by each region. While overall inspection cycles must be respected, considerations beyond the risk ranking may impact the order in which inspectors conduct inspections, such as travel distance, budgetary constraints, and proximity to other priority sites.

## Risk-Based Inspections Cycles

The risk category assigned to TDG sites and MOC facilities will determine the frequency of inspections. Prioritizing by risk ensures that all very high and high risk sites and facilities will be inspected more regularly, while also ensuring that inspectors can inspect other sites and facilities within a reasonable amount of time.

The table below presents the risk-based inspection cycles for TDG sites and MOC facilities:

RISK LEVEL	INSPECTION CYCLE FOR TDG SITES	INSPECTION CYCLE FOR MOC FACILITIES
Very High	1 year	1 year
High	2 years	3 years
Medium	5 years	8 years
Low	8 years	10 years

## Benefits

This new approach to inspection planning provides benefits such as being able to:

- Prioritize inspections based on more reliable data;
- Adapt the inspection plan to new information, and provide flexibility to conduct reactive inspections;
- Improve how resources are allocated; and
- Improve forecasting and the control of costs.

We are dedicated to protecting public safety by regularly inspecting TDG sites and facilities.

## TDG ROAD BLITZ

By Vincent Whitton

Partnership is a key component for the overall purpose of the Transport Canada (TC) Transportation of Dangerous Goods (TDG) Road Blitz. On an annual basis, federal inspectors attend the TDG Road Blitz for one week to support provincial/territorial inspectors by providing additional subject matter expertise in relation to TDG by road. During this week, all participating inspectors are able to:

- Focus on networking with other designated inspectors;
- Apply a consistent approach related to the enforcement of:
  - The *Transportation of Dangerous Goods Regulations*;
  - The *Transportation of Dangerous Goods Act, 1992*; and
  - Any other Road Transportation Acts.
- Provide public awareness to drivers; and
- Allow for visibility of non-compliances found on the road.

By providing a national view of the situations presented on Canada's roads, the TDG Road Blitz helps to better determine a risk-based approach to enforcement as well as foster better working relationships with Commercial Vehicle Enforcement Officers (CVEO) nationwide.

## Joint Efforts

The National Compliance Working Group (NCWG) serves as a forum for the provinces/territories to work together with TC toward the common goal of the safe transportation of dangerous goods in Canada (for further information, please refer to the article "Good Governance" of this Newsletter). With the collaboration between members during the NCWG meetings, the TDG Road Blitz serves as a platform to evaluate the trends CVEO and federal inspectors discover by the data collected.

Some of the data collected includes:

- The classes of dangerous goods handled, offered for transport and/or imported;
- The most commonly found UN numbers;
- The requirements of emergency response assistance plans; and
- Whether the company has an equivalency certificate (permit).

During the 2016 TDG Road Blitz, more than 400 provincial and territorial inspectors across Canada inspected close to 1700 vehicles nationally.

The 2017 TDG Road Blitz took place during the week of September 26 to 29 with similar findings across Canada. 1,568 vehicles were inspected, 1,370 contained dangerous goods and 273 violations were noted.



*TDG Inspector holding a notepad standing beside a parked highway tank with a UN1203 placard*

# 30-DAY FOLLOW-UP REPORTING PROCESS

By Krista Ainslie

## Reporting Requirements

The Transportation of Dangerous Goods (TDG) Directorate considers a company non-compliant if it fails to fulfill the reporting requirements under Part 8 of the *Transportation of Dangerous Goods Regulations* (TDG Regulations). Part 8 of the TDG Regulations identifies the reporting requirements each person must follow if they have a dangerous goods incident. In the 2016 Amendments to Part 8, three levels of road, rail and marine reporting were introduced (and are each subject to specific criteria):

- **Level 1** is an **Emergency Report** to local authorities, most likely a call to 911;
- **Level 2** is a **Release or Anticipated Release Report** to CANUTEC, the consignor, the Canadian Nuclear Safety Commission, and/or the Canadian Coast Guard; and
- **Level 3** is a **30-Day Follow-Up Report** to the TDG Director General within 30 days after a Release or Anticipated Release Report.

For the full list of criteria, please visit our webpage:  
[www.tc.gc.ca/eng/tdg/clear-part8-379.htm](http://www.tc.gc.ca/eng/tdg/clear-part8-379.htm)

**Please note that there are additional reporting requirements related to air transport and security incidents.**

## Improved Incident Reporting Process – Level 3

The information from the 30-Day Follow-Up Report helps to determine the actual cause of release. By identifying this information, the TDG Directorate accident analysts are better able to contribute to the prevention of similar incidents. The data gathered allows for further monitoring and correction of these situations during the transportation of dangerous goods. This data is key as it allows analysts to see what actually occurs during an incident and provides concrete numbers to help support decision making.

In 2014, the accident team participated in a lean exercise to simplify, align, and eliminate duplication in their work. The result was a new process that focuses on early communication with industry. The accident team sends instructions and forms to companies within days of the incident so they are aware of their responsibility to report.

In the past, accident analysts contacted companies once they became non-compliant. Being proactive and prioritizing early communication increases compliance and the quality of information in the 30-Day Follow-Up Report as well as allowing inspectors to address areas of non-compliance.

## Steps of the Process

If level 3 reporting is required, accident analysts on TDG's accident team:

- Cross reference multiple data sources;
- Create an electronic record;
- Send a reminder email within days of the incident;
- Send a non-compliance email if non-compliant after 30 days; and
- Generate and send a quarterly report to regional TDG inspectors to address issues of non-compliances.

After the TDG Director General receives a 30-Day Follow-Up Report, accident analysts update the electronic records to reflect changes in the initial information. Trends are identified by internal quarterly reports compiled by accident team members. These reports analyze the data from the 30-Day Follow-up Reports and give the TDG Directorate information about potential emerging issues. TDG will close an incident file at any point in the process once a completed 30-Day Follow-Up Report is received. Issues identified by these quarterly reports are addressed by inspectors who take the appropriate enforcement measures.

**Please refer to the [Graduated Approach](#) article in this Newsletter for further details.**

## What is a complete 30-Day Follow-Up Report?

A complete 30-Day Follow-Up Report contains all the information listed in the TDG Regulations under [Sections 8.7](#) (Road, Rail and Marine Transport) and/or [8.12](#) (Air Transport).

If you have an incident that requires you to submit a 30-Day Follow-Up Report, TDG's analysts will send a reminder email informing you of your responsibilities. A reminder email includes:

- 30-Day Follow-Up Report form;
- Means of containment template;
- Guide for reporting dangerous goods incidents; and
- Additional materials (disclaimer, Part 8 of the TDG Regulations, articles).

Enforcement of Part 8 of the TDG Regulations could also be done by inspectors while they undertake inspections.

## Contact Us

The TDG Directorate is here to help you! The accident analysts are available to answer your questions or concerns.

### If you want to receive reminder emails:

- Let us know who you are and we'll enter your contact information into our electronic system. Contact the accident team at [dor-rcd@tc.gc.ca](mailto:dor-rcd@tc.gc.ca).

### If you can't gather all the information required within 30 days:

- We recommend you send us the information you do have available **before** the 30 days expire and explain your situation in an email. Keep us informed on when you expect to receive the missing information.

### If you need guidance on completing the form:

- Use our [guide for reporting dangerous goods incidents](#) or email your questions directly to the accident team at [dor-rcd@tc.gc.ca](mailto:dor-rcd@tc.gc.ca).

### If you need to amend your 30-Day Follow-Up Report:

- Re-submit the form with the updated information.

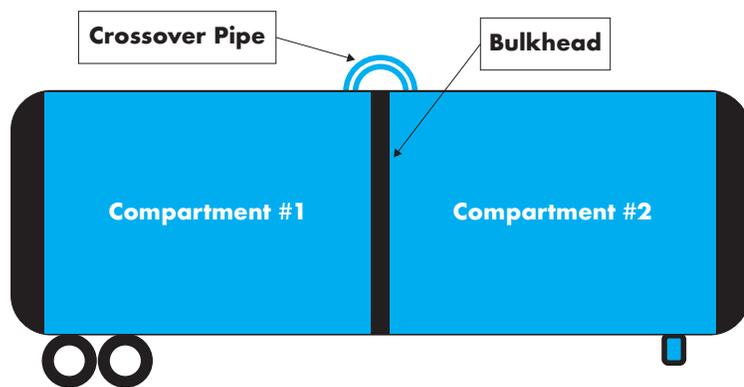


# HIGHWAY TANKS WITH CROSSOVER PIPING & STATIONARY TANKS PERMANENTLY MOUNTED ON TRAILERS

By Roberto Bruni

## Highway Tanks with Crossover Piping

Transport Canada (TC) recently learned that some highway tanks have been manufactured with a bulkhead and crossover pipe (also referred to as an equalization line). These highway tanks are typically used for crude oil service, but could be used for other dangerous goods as well. As shown in the image below, a crossover pipe connects two compartments separated by a bulkhead. The metal identification plate for these highway tanks identify them as having two or more compartments. Due to the two compartments being interconnected, the highway tank is considered to be a single compartment and therefore, non-compliant with CSA<sup>1</sup> B620 and B621 standards.



Although technically there are two compartments, in practice, there is no way to isolate them. This means:

1. Different dangerous goods could become unintentionally mixed through the crossover pipe;
2. Crossover piping makes the highway tank a single compartment highway tank.

This is why TC is advising the regulated community that they **must remove** non-compliant highway tanks with crossover piping **from dangerous goods service** until they are in compliance with, and can be properly pressure tested to, CSA B620 and B621 standards.

Note that highway tanks with crossover piping **are deemed to be compliant** when the metal identification plate indicates only one compartment.

For more information, contact us at: [TDG-TMD@tc.gc.ca](mailto:TDG-TMD@tc.gc.ca)

## Stationary Tanks Permanently Mounted on Trailers

TC has become aware that some propane companies are transporting liquefied petroleum gases (LPG) in stationary tanks permanently mounted on trailers (i.e., bolted or welded). In most cases, companies:

- Deliver these stationary tanks to construction sites or to farmers' fields; and/or
- Leave the stationary tanks on the trailer for use at the site and remove them when they are no longer needed.

TC has advised the industry that transporting LPG (e.g., propane) in stationary tanks permanently mounted to trailers, does not comply with the TDG Act & Regulations and CSA B620 and B622 standards.

To transport propane and other types of LPG, **highway tanks** (for example, TC 331) must be manufactured as per CSA B620 standard.

**Stationary tanks**, on the other hand, must be manufactured to comply with CSA B51. What the TDG Directorate has noticed lately is that the stationary tanks permanently mounted on trailers do not comply with the requirements of a TC 51 portable tank nor a TC 331 highway tank. This is because stationary tanks are **not designed to transport** dangerous goods but rather **to store them** at a fixed location.



*Stationary tank loaded onto a vehicle*

<sup>1</sup> Canadian Standards Association

Carriers may only transport a stationary tank as set out in CSA B622 standard if it meets all conditions listed under Clause 6.3, in Specific Requirement (SR) 24. The stationary tank must:

- Comply with CSA B51 standard;
- Be emptied to the greatest extent possible; and
- Not contain more than 5% of its volumetric capacity of LPG.

SR 24 aims to prevent TC having to issue equivalency certificates (EC) for moving stationary tanks when:

- Users no longer need them at the site; or
- Owners must move the emptied stationary tanks to an authorized facility in order to be requalified.

Before SR 24 came into effect, TC had to issue EC for such periodic movement. However, SR 24 was created for the **periodic** (not frequent) movement of stationary tanks filled to less than 5% of their volumetric capacity.

While TC has issued EC to allow for the transport of “stationary” tanks with more than 5% of propane, these EC prohibit permanently mounting the stationary tank on a chassis or trailer (see images below).



Image 1



Image 2

TC considers stationary tanks mounted on trailers to be “highway tanks” because:

- It is clear the trailer’s only purpose is to transport the stationary tank from site to site, even if the tank is less than 5% full; and
- If the tank was removed from the trailer, the trailer would serve no other purpose since it does not have a loading deck.

Therefore, all stationary tank and trailer configurations must **comply with all** CSA B620 standard requirements that apply to TC 331 highway tanks.

These types of transport must come into compliance **immediately**.

**Note:** Federal, provincial, and territorial inspectors will be monitoring the issue and will take necessary enforcement action to remedy the situation.

TC brought this issue forward to the Canadian Propane Association and the Association québécoise du propane so they could inform their members about this non-compliance and the need to comply immediately with CSA standards.

For more information, contact us at:  
[TDG-TMD@tc.gc.ca](mailto:TDG-TMD@tc.gc.ca).



## FAQ added on TDG’s website about the new lithium battery mark when using Special Provision 34

**Question:** When a person uses the lithium battery exemption found in Special Provision 34, he/she must include a telephone number (on the lithium battery mark or until December 31, 2018, on the means of containment) in order to request more information on the shipment. Could they include CANUTEC’s telephone number?

**Answer:** No, it cannot be used because [Special Provision 34](#) does not explicitly allow the use of CANUTEC’s telephone number.

While [Subsection 3.5\(2\)](#) of the TDG Regulations does allow the use of CANUTEC’s telephone number as the 24-Hour number on the shipping document under certain conditions, as per [Special Provision 34](#), the consignor’s telephone number or that of a person who is able to provide more information on the shipment must be used.

# EMERGENCY RESPONSE GUIDEBOOK (ERG) 2020

By Anne Champagne



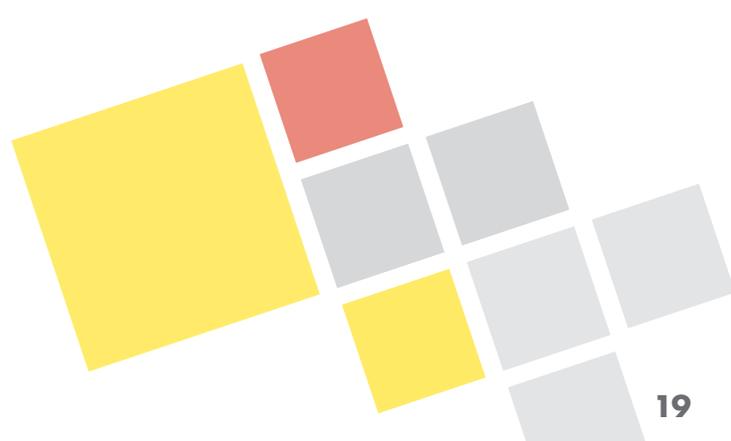
Emergency services personnel often consult the Emergency Response Guidebook (ERG) early in their response to a dangerous goods incident. If **you** use the ERG2016, the Transportation of Dangerous Goods (TDG) Directorate wants your help to improve the 2020 version (ERG 2020).

## CANUTEC, the Canadian Transport Emergency Centre would like to know:

1. How can TDG make the ERG more user-friendly for first responders during the initial response phase of an incident? Please provide examples.
2. Does the ERG2016 effectively emphasize the most useful information for the initial response phase?
3. Have you found mixed guidance messages when using the ERG and other sources of technical information?
4. Are there ways TDG could improve the **white** pages? For example:
  - Did you find the “How to Use this Guidebook” flow chart of the ERG2016, located on page 1, useful to understand how to use the ERG? Please explain why.
  - Do you believe TDG should reformat the tables, charts and the information they provide? (i.e.: Table of Markings, Labels and Placards, Rail Car Identification Chart and Road Trailer Identification Chart). What changes do you think would make them more useful, clear and, easy to read and use?
  - What other identification charts should TDG add, if any? What other subject(s) should we address?
  - How could TDG improve the information the ERG provides on chemical, biological, and radiological transportation incidents? Can you suggest information to include or remove?
  - Do you find the terms in the glossary appropriate and current? What terms should TDG add, remove or change?
5. In the ERG2016 **yellow** or **blue** pages, have you found any identification number and/or material name that seems to be assigned to an incorrect guide number? If so, please note the identification number, material name, the guide number, and suggest (if possible) a new guide number with your reasons why.
6. Do the **orange** guide pages contain recommendations and responses that are inappropriate to the material they are assigned to? If yes, please explain and recommend a correction.
7. How could TDG change/improve the following **green** page tables, their introduction or description?
  - Table 1 – “Initial Isolation and Protective Action Distances”
  - Table 2 – “Water Reactive Materials Which Produce Toxic Gases”
  - Table 3 – “Initial Isolation and Protective Action Distances for Large Spills for Different Quantities of Six Common TIH Gases”
8. When calling any of the emergency response telephone numbers listed in the ERG2016, have you experienced a busy telephone line, disconnection, or no response? If yes, please describe.
9. What format(s) of the ERG do you use (hardcopy, electronic, on-line, mobile applications, etc.), and why?
10. How often do you use the ERG in a dangerous goods transportation emergency?

**ADDRESSES:** You may submit comments by:

- Email: [TC.CanutecERG-GMUCanutec.TC@tc.gc.ca](mailto:TC.CanutecERG-GMUCanutec.TC@tc.gc.ca)
- Fax: 1-613-954-5101
- Mail: CANUTEC  
330 Sparks Street  
Place de Ville, Tower C  
14<sup>th</sup> floor, Suite 1415  
Ottawa, Ontario K1A 0N5  
Canada



# THE PROPER USE OF CANUTEC'S 24-HOUR PHONE NUMBER ON DANGEROUS GOODS SHIPPING DOCUMENTS

By Kaitlyn Lavergne and Laurianne Bouchard

Section 3.5 of the *Transportation of Dangerous Goods Regulations* requires that dangerous goods shipping documents include a 24-hour number. The number must provide immediate contact with a person, who is able to provide technical information **at any given time** on the dangerous goods during transport. This information is verified by inspectors during inspections to ensure compliance.

Even though the consignor may use their own 24-hour number, many companies are not able to meet this requirement. This is why some Canadian companies choose to register with CANUTEC and use CANUTEC's 24-hour emergency phone number on shipping documents when handling, offering for transport, transporting or importing dangerous good in Canada.

## How to Register with CANUTEC

Registration is required prior to a person using CANUTEC's 24-hour emergency phone number on a shipping document. You can register with CANUTEC online at:

[wwwapps.tc.gc.ca/saf-sec-sur/3/SRC-CRS/CANUTEC/index.aspx?lang=0](http://wwwapps.tc.gc.ca/saf-sec-sur/3/SRC-CRS/CANUTEC/index.aspx?lang=0)

When registering with CANUTEC, the company is asked to select a status:

- Manufacturer;
- Distributor;
- End user;
- Biological;
- Radiological; or
- Waste consignor.

Depending on their status, CANUTEC may also require a company to provide safety data sheets (SDS) for the dangerous goods they ship. This practice has resulted in the CANUTEC Registration System (CRS). The CRS has over 12,000 registered companies and contains more than 2.5 million SDS. These SDS allow CANUTEC's emergency response advisors to give better advice during emergencies involving dangerous goods.

Once all the information has been verified, CANUTEC will send the company a confirmation letter and file number.

## Verbal Authorization for Unregistered Companies

When an unregistered company needs to transport a load of dangerous goods on short notice and outside of office hours, CANUTEC can provide **verbal authorization** to use their 24-hour phone number until the formal registration process is complete.

To grant this verbal authorization, CANUTEC:

- Will ask the company to provide all information the normal registration process requires; and
- Must verify this information.

To contact CANUTEC's registration officer or to learn more about CANUTEC's registration process, please send an email request to [canutec.services@tc.gc.ca](mailto:canutec.services@tc.gc.ca).

## GOOD GOVERNANCE

By Stéphanie Lepage

Transport Canada (TC) is responsible for the Government of Canada's transportation policies and programs. TC develops legislative and regulatory frameworks, and oversees the transportation industry through legislative, regulatory, surveillance and enforcement activities.

TC's Transportation of Dangerous Goods (TDG) Directorate administers the *Transportation of Dangerous Goods Act, 1992* (TDG Act). The TDG Act:

- Applies to all modes of transport throughout Canada; and
- Governs the design, manufacturing, repair and testing for means of containment and transport intended to be used for the handling, offering for transport, transporting and importing of dangerous goods.

The TDG Directorate plays a leadership role to ensure that all parts of the transportation system across Canada work together effectively. To foster effective and responsive governance and promote safety and efficiency, TDG shares this responsibility with other federal, provincial and territorial agencies.





Silhouettes of humans holding a gear system showing team work

## Working with the Provinces and Territories

To support TC's mandate, the TDG Directorate has put in place various governance bodies, including the National Compliance Working Group (NCWG) and Federal/Provincial/Territorial (FPT) Task Force. These two bodies provide a forum where TC can work directly with the provinces and territories toward the common objective of safe transportation of dangerous goods in Canada.

Both the NCWG and FPT Task Force are forums where members can discuss regulations, enforcement, research and development programs, education and awareness programs as well as emergency response actions. Its members have the responsibility of reporting back to their jurisdictions and giving TC an overview of the perspective their province, territory or jurisdiction has on the transportation of dangerous goods.

The TDG Directorate created the working groups to ensure that both the NCWG and Task Force members could share information and seek clarification on the federal government compliance and enforcement aspects of the transportation of dangerous goods. Working group members:

- Seek consensus on how to apply and monitor compliance matters;
- Identify and discuss questions, issues and needs related to compliance and enforcement;
- Identify threats to public safety;

- Work towards enforcing the *Transportation of Dangerous Goods Regulations* and *Transportation of Dangerous Goods Act, 1992* in a uniform and collaborative manner; and
- Make recommendations to the NCWG and FPT Task Force.

## Memoranda of Agreement

TC and the provinces and territories have a Memoranda of Agreement in place to help both parties achieve program objectives, commitments, roles and accountabilities; while ensuring the safe movement of dangerous goods through the Canadian transportation system.

The agreements related to the *Transportation of Dangerous Goods Act, 1992* sets clear expectations, shared roles and accountabilities for the federal government and for provincial/territorial governments.

These agreements ensure that the roles for applying the Federal Act are well defined, with no ambiguity between the federal government and provincial/territorial responsibilities.

## Stakeholders

TC also works on different aspects of the transportation of dangerous goods with other stakeholders such as carriers, producers, shippers, emergency response contractors, first responders, municipalities, indigenous groups, fire marshals and commissionaires.

In 1985, the Transportation of Dangerous Goods General Policy Advisory Council (GPAC) was established. The Advisory Council members are made up of various stakeholders and subject matter experts.

GPAC presents a forum to discuss safety requirements, awareness programs, emergency response actions as well as the nature and extent of the responsibilities and liabilities of individuals involved in handling, offering for transport or transportation of dangerous goods. Under the GPAC there are three subcommittees that work to further discuss specialized matters specific and technical in nature:

- Classification Working Group;
- Emergency Response Assistance Plan Working Group; and
- Means of Containment Working Group.

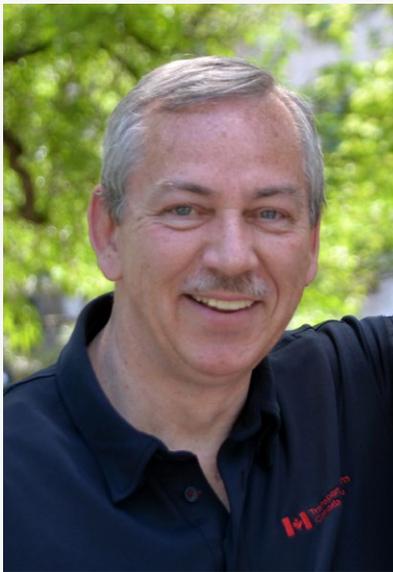
Overall, the federal government and provincial/territorial jurisdictions have a joint role to play in assuring the safe transportation of dangerous goods within Canada and the proper administration of the *Transportation of Dangerous Goods Act, 1992*.

Through various governance bodies, TC officials maintain regular contact with provincial/territorial counterparts to address specific issues of common interest. The various Memoranda of Agreement in place are important, as they allow TC and the provincial/territorial jurisdictions to define their roles and responsibilities in relation to the *Transportation of Dangerous Goods Act, 1992*, the *Transportation of Dangerous Goods Regulations*, and any other applicable Acts depending on the mode of transportation, such as the *Rail Safety Act*.

Please consult TC's website to find out more about the:

- **Transportation of Dangerous Goods Program;**
- National Compliance Working Group and Federal/Provincial/Territorial Task Force's **membership;**
- **Current agreements;** and
- **General Policy Advisory Council.**

## IN MEMORIAM – CLIVE M. LAW



The Transportation of Dangerous Goods (TDG) Directorate regrets to announce the passing of Clive M. Law on June 10, 2017. He served as Executive Director for the Compliance and Response Branch from 2009 to 2017. Although he is no longer with us, his memory will always live on through his legacy and numerous contributions at Transport Canada, to industry as well as various other endeavors. Some of these various endeavors included: his military service serving as a cadet, establishing Service Publications (SP), authoring various works related to military affairs and apparel as well as his deployment to Haiti as a United Nations (UN) Peacekeeping Veteran. Those who knew him remember his charismatic nature, sense of humour, hard work and advice. He led as Chair for numerous initiatives such as the National Compliance Working Group (NCWG), TDG Learning Committee, and many others. He treated everyone with respect regardless of the person's level. He was encouraging, loyal, trustworthy and a leader who strived to make a difference. Whether he was our colleague, boss, mentor, dear friend, or any combination, Clive had the remarkable

ability to not only gain one's trust, but to keep it. He was always ready with a witty comeback, and could engage in a conversation on just about any subject – with authority. For those meeting him for the first time, he may have given the impression to be strict or severe in his approach to whatever he was working on. However, once you knew him or attended a meeting, you soon learned not only how approachable he was but saw how passionate he was about his work. Many valued his opinions as he was relatable to many, not only within the government but also from various stakeholders. He is and will continue to be missed.

To see another side of Clive, visit his Wikipedia page: [en.wikipedia.org/wiki/Clive\\_M.\\_Law](https://en.wikipedia.org/wiki/Clive_M._Law).