



SHIP SAFETY BULLETIN

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Subject: Marine Transportation of Packaged Dangerous Goods: Transport Canada’s New One-Window Approach to Issuing MTRB Decisions and Related TDG Equivalency Certificates

1. Canada regulates marine transportation of packaged dangerous goods under two different Acts and related safety regulations:
 - The *Transportation of Dangerous Goods Act, 1992* (TDG Act) and the *Transportation of Dangerous Goods Regulations* are administered by Transport Canada’s Transport Dangerous Goods Directorate.
 - The *Canada Shipping Act, 2001* (CSA 2001) and the *Cargo, Fumigation and Tackle Regulations* are administered by Transport Canada’s Marine Safety and Security Directorate.
2. Safe carriage of packaged dangerous goods by ships requires compliance with both the *Transportation of Dangerous Goods Regulations* (TDGR) and *Cargo, Fumigation and Tackle Regulations* (CFTR).
3. If, for some reason, it is not possible to satisfy certain TDGR requirements, the authorized representative of a Canadian vessel may propose alternative arrangements, which must provide a level of safety that **at least equals** compliance with the TDG Regulations. The authorized representative of a Canadian vessel must apply to the TDG Directorate for an Equivalency Certificate (previously known as a permit for equivalent level of safety or TDG permit) as set out in TDGR Part 14. To learn more about how to apply for a TDG Equivalency Certificate, please visit Transport Canada’s website at:
<http://wwwapps.tc.gc.ca/saf-sec-sur/3/tdgcert-tmdcert/Certificatesmenu.aspx>
4. Similarly, the Marine Technical Review Board (MTRB) may grant an exemption from – or replacement of – any dangerous goods-related requirement under the CFTR if the Board is satisfied that the exemption or replacement would result in an

Keywords:

1. Packaged dangerous goods
2. Cargo, Fumigation and Tackle Regulations
3. MTRB decision
4. TDG Certificate of Equivalency

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equivalent or higher level of safety. The authorized representative of a Canadian vessel must apply to the Marine Safety and Security (MSS) Directorate for an MTRB decision under CSA 2001, 28.(1). To learn more about how to apply for an MTRB decision, please visit Transport Canada's website at:

<http://www.tc.gc.ca/eng/marinesafety/rsqa-cea-mtrb-apply-mtrb-131.htm#exempt-equiv>

5. Due to the difference in authorities established under the TDG Act and CSA 2001, shippers **must understand**:
 - Equivalency Certificates **do not** indicate approval for exemptions/equivalencies under the CSA 2001's CFTR requirements
 - MTRB decisions **do not** indicate approval for exemptions/equivalencies under the TDGR requirements.

What this means: If a proposed exemption relates to a requirement set out under **both** CFTR and TDGR, the authorized representative of a Canadian vessel must apply for both a TDG Equivalency Certificate and an MTRB decision.

6. Applying section 270 of the CSA 2001 and the requirement for separate TDG Equivalency Certificates and MTRB decisions **affects all old Board of Steamship Inspection (BSI) decisions** related to marine transportation of packaged dangerous goods. They:
 - ceased to have effect on 1 July 2012; and
 - will no longer be accepted beyond the date of the vessel's next annual inspection following 1 September 2014.

Note: If some vessels still need an exemption to continue carrying packaged dangerous goods previously allowed under the old BSI decisions, their authorized representatives must apply for a new MTRB decision and demonstrate that the proposed alternative measures provide a level of safety that at least equals compliance with the respective CFTR requirements currently in force.

7. **Please also note** that in many situations related to compliance with stowage and segregation requirements of the International Maritime Dangerous Goods (IMDG) Code, authorized representatives would need to obtain both a TDG Equivalency Certificate and MTRB decision, as the IMDG Code is referenced in both CFTR and TDGR.
8. Transport Canada's Marine Safety and TDG Directorates have established a **joint process** for reviewing the applications for exemptions from the requirements stipulated under **both** CFTR and TDGR. This single-window approach saves applicants' time, without compromising the safe marine transportation of packaged dangerous goods.