



Transportation of Dangerous Goods



NEWSLETTER

2016 | Vol.36 No.2 | TP 2711E | 12/2016 | ISSN 0828-5039

INSIDE

Issuance of New Protective Directions	1
Word from the Director General	3
Amendment to Part 8 (Reporting Requirements) – Road, Rail and Marine Transport	4
Class 3 Reporting Scenario	7
Amendment to Part 8 (Reporting Requirements) – Air Transport	7
Amendment to Part 8 (Reporting Requirements) – Security Reports	8
Overview of Modifications to Schedule 2 (Special Provisions)	10
Regulatory Amendment Process	11
Modifications to the Contravention Regulations	12
International Harmonization	13
Canadian Update	15
Modifications to Marine Provisions	16
Modifications to Part 6 (Training)	17
Modifications to Part 7 (Emergency Response Assistance Plan)	18
Modifications to Part 12 (Air Transport)	19



ISSUANCE OF NEW PROTECTIVE DIRECTIONS

By Anne-Marie Noël

Transport Canada (TC) issues protective directions to stop an activity or to conduct other activities that will reduce any danger to public safety (human life and health and of property and the environment). A protective direction:

- Takes effect on the date the Minister or a designated person signs it, or at a date set out in the protective direction; and
- Expires on the expiry date set out in it. If there is no set expiry date, it will expire 12 months after it is signed.

TC issues them under the authority of Section 32 of the *Transportation of Dangerous Goods Act, 1992* and regulates them under [Part 13](#) of the *Transportation of Dangerous Goods (TDG) Regulations*. Over the last few months, TC has issued four new protective directions in order to increase the transportation of dangerous goods' safety.

© Her Majesty the Queen in Right of Canada,
represented by the Minister of Transport, 2016.

Cette publication est aussi disponible en français
sous le titre *Transport des marchandises
dangereuses - Nouvelles*.

Permission to reproduce

Transport Canada grants permission to copy and/or reproduce the contents of this publication for personal and public non-commercial use. Users must reproduce the materials accurately, identify Transport Canada as the source and not present theirs as an official version, or as having been produced with the help or the endorsement of Transport Canada.

For request permission to reproduce materials from this publication for commercial purposes, contact:
TCcopyright-droitdauteurTC@tc.gc.ca.

Subscriptions are free of charge and available to anyone on request by visiting the TDG website at:
www.tc.gc.ca/eng/tdg/newsletter-menu-268.htm

To modify or cancel your registration, please contact the editor at: TC.TDGNewsletter-NouvellesTMD.TC@tc.gc.ca

This newsletter is also available at the same internet address. Please address comments and inquiries regarding additional information or publications to:

The Editor,
Transportation of Dangerous Goods Newsletter
Transportation of Dangerous Goods Directorate
Transport Canada
330 Sparks Street, Tower C, 9th floor-ASDB
Ottawa, Ontario, Canada
K1A 0N5

Contacts

Transportation of Dangerous

Goods Directorate
Director General
Nicole Girard
(Nicole.Girard@tc.gc.ca)
TDG-TMD@tc.gc.ca

CANUTEC

Information: 613-992-4624
Emergency: 613-996-6666 Fax: 613-954-5101
1-888-CAN-UTEC (226-8832)

Atlantic Region

Dartmouth: 902-426-9461 Fax: 902-426-6921
St. John's: 709-772-3994 Fax: 709-772-5127
Moncton: 1 866-814-1477 Fax: 506-851-7042
E-mail: TDG-TMDAtlantic@tc.gc.ca

Quebec Region

514-283-5722 Fax: 514-283-8234
E-mail: TMD-TDG.Quebec@tc.gc.ca

Ontario Region

416-973-1868 Fax: 416-973-9907
E-mail: TDG-TMDOntario@tc.gc.ca

Prairie and Northern Region

Winnipeg: 204-983-5969 Fax: 204-983-8992
Saskatoon: 306-975-5105 Fax: 306-975-4555
E-mail: TDG-TMDPNR@tc.gc.ca

Pacific Region

New Westminster: 604-666-2955 Fax: 604-666-7747
Kelowna: 250-491-3712 Fax: 250-491-3710
E-mail: TDGpacific-TMDpacifique@tc.gc.ca

WRITERS/CONTRIBUTORS TO THIS ISSUE

- **Anne-Marie Noël**
Acting Chief, Inspection Standards & Safety Awareness,
Compliance and Response Branch,
TDG Directorate
- **Nicole Girard**
Director General
TDG Directorate
- **Kaitlyn Lavergne**
Junior Emergency Response Advisor, CANUTEC,
TDG Directorate
- **Ray Zillich**
Dangerous Goods Inspector, Prairie and Northern Region
- **Alina Anghel**
Emergency Response Advisor, CANUTEC,
TDG Directorate
- **Suzanne Lessard**
TDG Inspector/Instructor, Compliance and Response Branch,
TDG Directorate
- **Emily Feeley**
Dangerous Goods Inspector, Compliance and Response Branch,
TDG Directorate
- **Sarah Cumberbirch**
Analyst, Special Regulatory Projects, Regulatory Affairs Branch,
TDG Directorate
- **Katy Joncas**
Acting Senior Advisor, Legislation and Regulations,
Regulatory Affairs Branch,
TDG Directorate
- **Roberto Bruni**
TDG Inspector/Instructor, Compliance and Response Branch,
TDG Directorate
- **Sarah Olivier**
Analyst, Special Regulatory Projects, Regulatory Affairs Branch,
TDG Directorate
- **Saeed Khan**
Safety Policy Advisor, Regulatory Affairs Branch,
TDG Directorate
- **Najib Moussafir**
Remedial Measures Specialist, Compliance and Response Branch,
TDG Directorate
- **Nora Doerr-MacEwen**
Safety Policy Advisor, Regulatory Affairs Branch,
TDG Directorate

Brief Summaries

1. Protective Direction No.35

- Took effect on April 1st, 2016.
- Requires every air carrier to immediately stop transporting the dangerous goods UN3480, Lithium Ion Batteries as cargo on passenger carrying aircraft.
- Forbids any person to offer for transport by air or transport by air the dangerous goods UN3090, Lithium Metal Batteries and UN3480, Lithium Ion Batteries unless they meet the provisions of Packing Instruction 965 or 968 of the International Civil Aviation Organization (ICAO) Technical Instructions.

Note: The content of this protective direction was incorporated into Schedule 2 of the TDG Regulations as an amendment to the regulations on June 1st, 2016.

2. Protective Direction No.36

- Took effect on April 28th, 2016.
- Cancels and replaces Protective Direction (PD) 32.
- Increases PD 32 data requirements, adds more flexibility to confidentiality agreements and requires rail carriers to share information that can be disclosed publicly.
- Ensures jurisdictions receive the dangerous goods information they need to conduct their risk assessments, emergency planning activities, and identify training requirements for First Responders by adding new requirements to those covered in PD 32.

3. Protective Direction No.37

- Took effect on June 6th, 2016.
- Requires top-fitting protection in retrofitted TC/DOT-111 tank cars in Canada. These requirements will:
 - Make the transport of flammable liquids including crude oil and ethanol in Canada safer; and
 - Align Canadian requirements with those for retrofitted TC/DOT-111 tank cars in the United States.

4. Protective Direction No.38

- Took effect on November 1st, 2016.
- Phases out both jacketed and unjacketed legacy TC/DOT-111 from being used for transporting crude oil in Canada beginning November 1st, 2016.

Note: All other provisions of Part 5 (Means of Containment) of the TDG Regulations remain in effect.

To learn more

Visit our website at
<http://www.tc.gc.ca/eng/tdg/safety-menu-1272.html>

WORD FROM THE DIRECTOR GENERAL

By Nicole Girard

I am pleased to introduce this new edition of the Transportation of Dangerous Goods (TDG) Newsletter, dedicated to recent and upcoming regulatory changes.

Here's a brief overview of the harmonization mechanisms in place between Canada and the world via the United Nations (UN) Model Regulations; and the United States (U.S.) via the Regulatory Cooperation Council.

UN Model Regulations

To minimize barriers to transporting goods into and out of Canada, Transport Canada's (TC) role is to harmonize the TDG Regulations with the UN Model Regulations, when it makes sense from a domestic and North American perspective. The UN Model Regulations lay out a regulatory framework to allow alignment of national and international regulations governing the transportation of dangerous goods, to the extent practicable.

These are called the Recommendations on the Transport of Dangerous Goods, more commonly referred to as the "UN Model Regulations" or the "Orange Book," and are updated on a two-year cycle. The latest version of the UN Model Regulations is the 19th edition. The 20th edition will be published in the winter of 2017.

These regular updates allow for technical progress, new substances and materials, and changing requirements in modern transportation systems. TC participates in these meetings that take place twice a year.

Note: The TDG Regulations contain:

- Requirements specific to particular modes of transport not addressed by the UN Model Regulations, but which may be addressed by other international organizations such as the International Civil Aviation Organization (ICAO).
- Canadian-specific requirements not addressed in the UN Model Regulations, such as the requirement for Emergency Response Assistance Plans (ERAP) for those offering for transport, transporting or importing certain dangerous goods.

Regulatory Cooperation Council

Both Canada and the U.S. work on harmonizing their respective regulations to increase regulatory transparency and coordination under the Regulatory Cooperation Council initiatives. Former Prime Minister Stephen Harper and President Barack Obama announced its creation on February 4th, 2011. Prime Minister Justin Trudeau and President Obama reconfirmed regulatory cooperation as a priority on March 10th, 2016.

Because of the close and special trading relationship between our two countries, TC strives to harmonize the scope of its dangerous good regulations with its U.S. counterpart. These regulatory processes allow Canada and the U.S. to continue to harmonize their regulations as an effective way to facilitate North American trade and increase economic competitiveness, while maintaining high safety standards.

This TDG Newsletter publication will focus on regulatory amendments: the recently-adopted amendment to [Part 8](#) (Reporting Requirements) and the future amendments still in development.

AMENDMENT TO PART 8 (REPORTING REQUIREMENTS) – ROAD, RAIL AND MARINE TRANSPORT

By Kaitlyn Lavergne

The newly amended [Part 8](#) (Reporting Requirements) of the Transportation of Dangerous Goods (TDG) Regulations better reflects the TDG Act and:

- Improves the data collection process;
- Increases risk analysis capacity; and
- Clarifies reporting requirements.

[Part 8](#) needed to be updated because:

- During review, certain reportable quantities were deemed too high, since several relevant incidents were not reported; and
- The Transportation Safety Board recommended that Transport Canada (TC) reassess reporting requirements for means of containment failure, after several incidents involving tank stub sills on railcars were not reported to TC.

[Part 8](#) **now** establishes three reports for road, rail and marine transport. They are:

1. **Emergency Reports** to local authorities;
2. **Release or Anticipated Release Reports** only if specific requirements are met; and
3. **30-day Follow-up Report**, if a Release or Anticipated Release Report was required.

Emergency Reports are made to local authorities only if the release or anticipated release of dangerous goods that are being offered for transport, handled or transported **is greater than** the quantity set out in revised [Section 8.2](#) **AND** if the release or anticipated release endangers, or could endanger, public safety.

Note: Public safety means the safety of human life and health and of property and the environment.

Table of quantity versus class and packing group of Dangerous Goods

Class	Packaging Group or Category	Quantity
1	II	Any quantity
2	Not applicable	Any quantity
3, 4, 5, 6.1 or 8	I or II	Any quantity
3, 4, 5, 6.1 or 8	III	30 L or 30 kg
6.2	A or B	Any quantity
7	Not applicable	A level of ionizing radiation greater than the level established in section 39 of the "Packaging and Transport of Nuclear Substances Regulations, 2015"
9	II or III, or without packing group	Any quantity

You can find contact information for local authorities by scrolling down TC's [Reporting Requirements](#) web page.

If someone makes an Emergency Report, there are specific factors that justify making a **Release or Anticipated Release Report** to CANUTEC. This second report is only required if the release or anticipated release results in:

- The death of a person;
- Injuries requiring immediate medical treatment;
- Orders to evacuate or shelter in place;
- The closure of:
 - a facility used in the loading and unloading of dangerous goods, or
 - a road, main railway line, main waterway or facility;

- Compromised integrity of the means of containment; or
- Crack of at least 15 cm of a tank car's center sill or stub sill or if it is broken.

If none of these criteria is met, the Release or Anticipated Release Report is not required.

When the Release or Anticipated Release Report is required, a **30-Day Follow-up Report** must also be provided. This report asks for more information than what was required in the previous version of the TDG Regulations. This report must be provided **in writing** to the Director General of the TDG Directorate within 30 calendar days following the Release or Anticipated Release Report.

Helpful Reporting Tool

TC introduced a voluntary reporting form to help fill out the 30-Day Follow-up Report. While using this specific form is not mandatory, it can help the person reporting identify and supply all information the newly amended [Part 8](#) requires. A person could use their own format, provided all required information is included. This form is available on [TC's website](#).

HOW DOES THIS AMENDMENT AFFECT THE INDUSTRY?

- The industry must adequately train their employees for compliance with the new [Part 8](#) requirements.
- Since the reportable quantities set out in Section 8.2 are much lower for road, rail or marine transport, the industry may expect an increase of Emergency Reports. However, they must keep in mind that only certain scenarios will trigger the requirement of the Release or Anticipated Release Report.

Did you know that Samsung Corporation ceased manufacturing the Samsung Galaxy Note 7 in light of many recent cases of these smartphones exploding or catching fire?

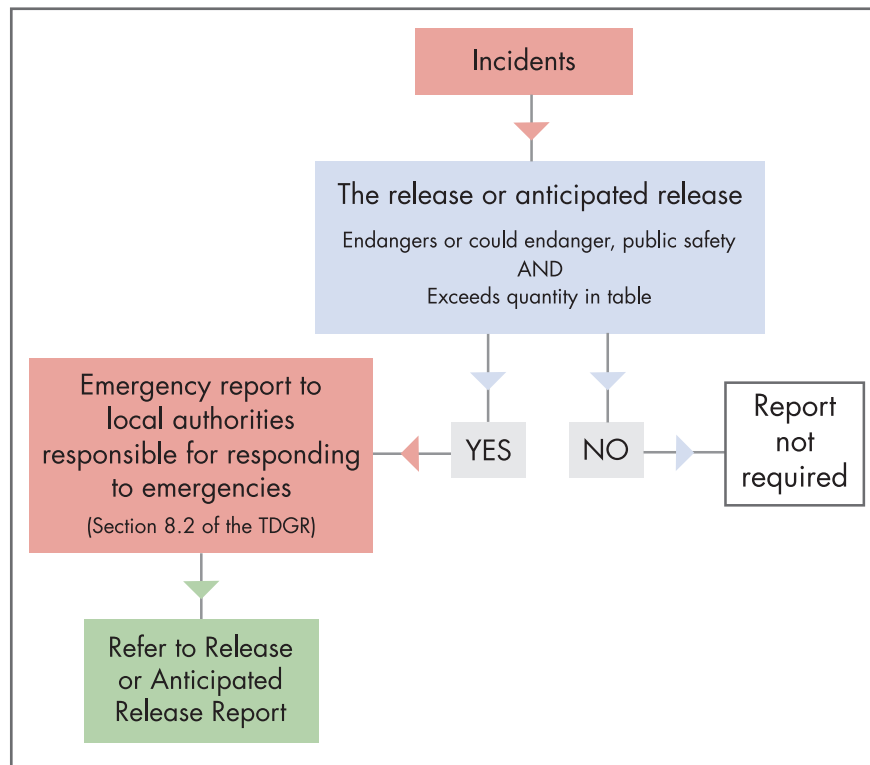
For safety reasons, Transport Canada issued a NOTAM that can be consulted on TDG's website:

<https://www.tc.gc.ca/eng/tdg/page-1295.html>

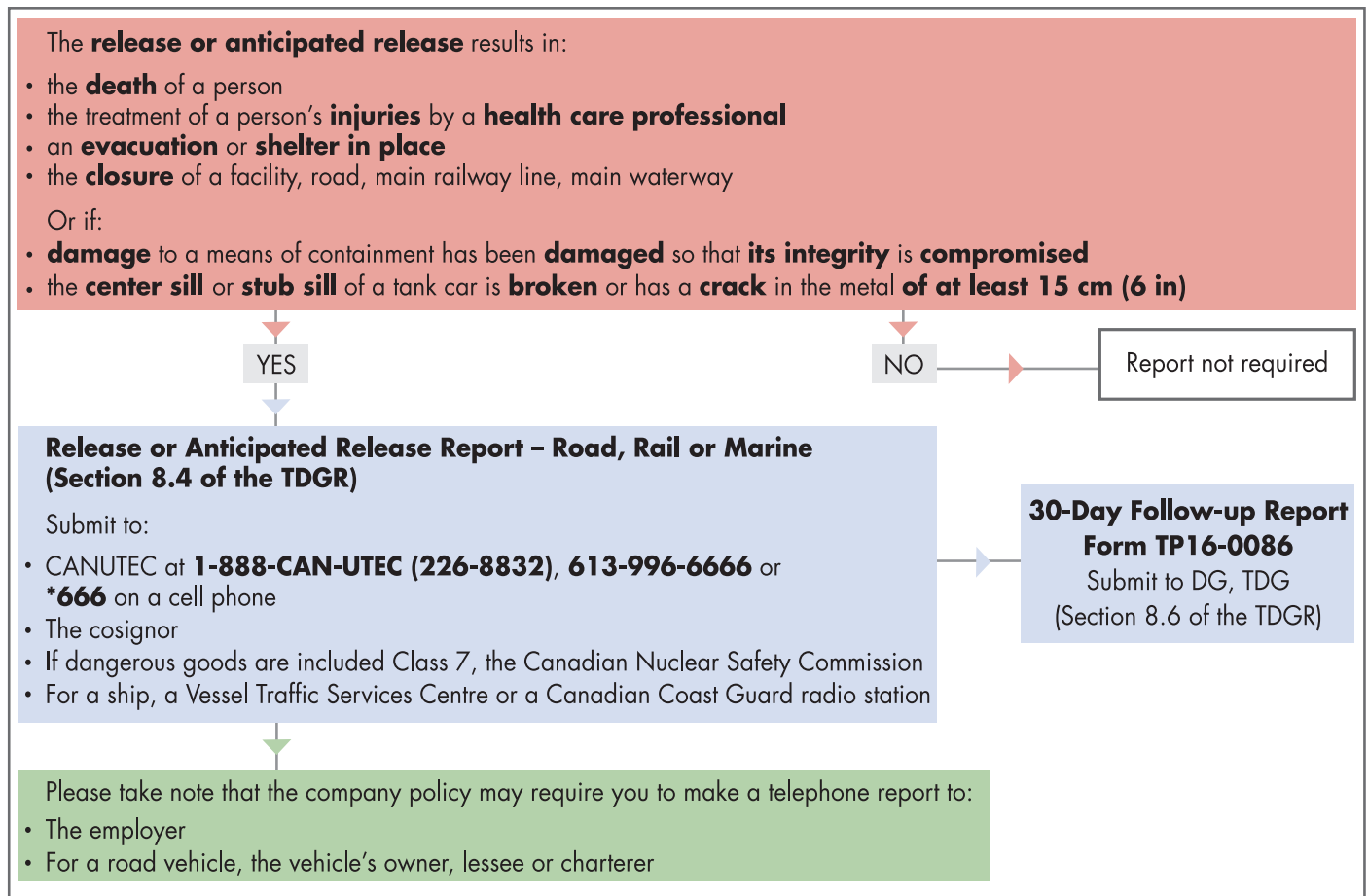


Helpful Flowcharts

Emergency Reports – Road, Rail and Marine Transport



Release or Anticipated Release Reports - Roads, Rail, and Marine Transport



CLASS 3 REPORTING SCENARIO

By Ray Zillich

The most recent amendment (SOR/2016-95) to the *Transportation of Dangerous Goods Regulations* includes significant changes to **Part 8** (Reporting Requirements). Subsection 18(1) of the *Transportation of Dangerous Goods Act, 1992* establishes the 'Duty to Report.' It states:

...any person who has the charge, management or control of a means of containment shall report any actual or anticipated release of dangerous goods that exceeds a quantity or concentration specified by regulation that endangers or could endanger public safety.

The previous Part 8 – Accidental Release and Imminent Accidental Release Report Requirements set the reportable quantity for all Class 3 (Flammable Liquids) dangerous goods as **any quantity greater than 200 litres**.

The new Part 8 – Reporting Requirements, distinguishes Class 3 dangerous goods in Packing Group (PG) I or II from Class 3 dangerous goods in PG III.

Using a release of Class 3, Flammable Liquids dangerous goods as an example, this means that an Emergency Report would now be required if there is:

- A release of any quantity of Gasoline (UN1203, Class 3, PG II) when the actual or anticipated release does or could put public safety at risk.
- A release of Diesel Fuel (UN1202, Class 3, PG III) in quantities exceeding 30 litres and public safety is or could be at risk.

In summary, the impact of the new **Part 8** (Reporting Requirements) includes having to identify each type of Class 3 dangerous goods by packing group, in order to determine the specific quantity of a release or anticipated release that requires reporting.

Note: There is a six-month transition period that permits compliance with the **Part 8** requirements in effect before amendment SOR-2016/95. For complete details, please visit the [Canada Gazette, Part II, Vol. 150, No. 11](#).

AMENDMENT TO PART 8 (REPORTING REQUIREMENTS) – AIR TRANSPORT

By Alina Anghel

A newly amended **Part 8** of the Transportation of Dangerous Goods (TDG) Regulations was published on June 1st, 2016. It allows a six-month transition period, and modifies the air reports described in the previous version. This amendment updates the TDG Regulations to reflect changes proposed by the International Civil Aviation Organization (ICAO) Technical Instructions, and to reduce potential security threats.

The amended **Part 8** includes three types of reports for air transport:

1. Dangerous Goods Accident or Incident Report – Air;
2. 30-Day Follow-up Report; and
3. Undeclared or Misdeclared Dangerous Goods Report.

1. Dangerous Goods Accident or Incident Report – Air

Sections 8.9 and 8.10 of the TDG Regulations specify the conditions under which a person must report a release or anticipated release of dangerous goods being offered for transport, handled or transported at an aerodrome, an air cargo facility or by aircraft. It also sets out the information to include in the report.

The report must be made to:

- **CANUTEC** for **any quantity** of dangerous goods for classes 1, 2, 3, 4, 5, 6, 8 or 9;
- The **Canadian Nuclear Safety Commission** for dangerous goods included in Class 7, Radioactive Materials, that are in a quantity with a level of ionizing radiation **greater than** the level established in Section 39 of the *Packaging and Transport of Nuclear Substances Regulations, 2015*.

Important Note:

This Dangerous Goods Accident or Incident Report - Air is required **only** if the release or anticipated release endangers or could endanger public safety and does result in any of the following:

- the death or injury of a person;
- It could damage property or the environment;
- There is evidence that the integrity of the means of containment has been compromised, including signs of fire, of breakage, or fluid or radiation leaks;
- It puts the aircraft or its occupants in serious jeopardy;
- People must shelter in place or evacuate the area; or
- Operators must close a runway, an aerodrome or an air cargo facility.

2. 30-Day Follow-up Report

When someone makes the report described above, the same person or his/her employer must provide a follow-up report **in writing** to the Director General of the TDG Directorate within 30 calendar days after making the first report. The report should include most of the information required in the previous [Part 8](#).

The new version:

- **Does not require** information on the name of the person who responded to an emergency in accordance to an Emergency Response Assistance Plan (ERAP);
- **Does require** the ERAP reference number.

Helpful Reporting Tool

TC introduced a voluntary reporting form to help fill out the 30-Day Follow-up Report. While using this specific form is not mandatory, it can help the person reporting identify and supply all information the newly amended [Part 8](#) requires. A person could use their own format providing all required information is included. This form is available on [TC's website](#).

3. Undeclared or Misdeclared Dangerous Goods Report

[Section 8.14](#) of the TDG Regulations states:

- If a person discovers undeclared or misdeclared dangerous goods, on board an aircraft, at an aerodrome or air cargo facility, he/she **must report it to CANUTEC as soon as possible**.
- Undeclared or misdeclared dangerous goods are defined as dangerous goods that are not accompanied by the documentation or dangerous goods marks set out in the ICAO Technical Instructions.

Helpful Tip: Sections [8.10](#), [8.12](#) and [8.15](#) set out what specific information to include in each of the three air reports mentioned above.

Transport Canada's TDG Directorate offers support to the public through its regional TDG offices by answering regulatory questions by e-mail or telephone. You can find all TDG regional offices contact information at the bottom of the TDG Home Page (<http://www.tc.gc.ca/eng/tdg/safety-menu.htm>).

HOW DOES THIS AMENDMENT AFFECT THE AIR INDUSTRY?

- Under the TDG Regulations, the air industry now has reporting quantities or level of ionizing radiation for certain scenarios.
- The amendment also requires a report for undeclared or misdeclared dangerous goods.

AMENDMENT TO PART 8 (REPORTING REQUIREMENTS) – SECURITY REPORTS

By Suzanne Lessard

While the *Transportation of Dangerous Goods Act, 1992* (TDG Act) was amended in 2009 to include security requirements, the Transportation of Dangerous Goods (TDG) Regulations had no provisions related to security until the recent amendment. Transport Canada (TC) used Interim Orders during special events such as the Vancouver 2010 Olympics or the G20 meetings in Toronto, to eliminate or reduce potential security threats.

With authority granted by the TDG Act, the TDG Directorate introduced Security Reports in the third section of the TDG Regulations' new [Part 8](#) (Reporting Requirements). The Security Reports apply to lost, stolen or unlawfully interfered with dangerous goods.

Loss or Theft Reports ([Section 8.16](#) of the TDG Regulations):

Even in the best conditions, dangerous goods can be lost or stolen during handling or transportation.

Important Notes:

- Some lost or stolen dangerous goods must be reported no matter how small the quantity. However, other dangerous goods do not need to be reported unless the quantity is 450 kg or greater.
- Consult [Subsection 8.16\(2\)](#) for more details.

The person who had the charge, management or control of dangerous goods immediately before the loss or theft must, as soon as possible, report by telephone to:

- CANUTEC, in all cases, at **1-888-CAN-UTEC** (226-8832) or 613-996-6666.
- In the case of dangerous goods included in **Class 1, Explosives**, a Natural Resources Canada Inspector, at 613-995-5555.
- In the case of dangerous goods included in **Class 7, Radioactive Materials**, the Canadian Nuclear Safety Commission.

The information to provide in a loss or theft report is:

- The name and contact information of the person making the report;
- The name and contact information of the consignor, consignee and carrier;
- Information as to whether the dangerous goods were lost or stolen;
- The shipping name or UN number of the lost or stolen dangerous goods;
- The quantity of the lost or stolen dangerous goods;
- Description of the means of containment; and
- Approximate date, time and geographic location of the loss or theft.

Note: If the reported lost or stolen dangerous goods are recovered, the person who made the report must notify the individuals he or she originally contacted.

Unlawful Interference Report (Section 8.18 of the TDG Regulations)

Dangerous goods can also be unlawfully interfered with while being imported, offered for transport, handled or transported.

Examples include:

- A cylinder valve is purposely damaged or altered.
- A means of containment is purposely damaged or altered.
- Shipping document information is purposely altered.
- A means of containment is vandalized.

The person who had the charge, management or control **must**, as soon as possible after the discovery of the unlawful interference, report by telephone to:

- CANUTEC, **in all cases**, at **1-888-CAN-UTEC** (226-8832) or 613-996-6666).
- **In the case of dangerous goods included in Class 1, Explosives**, a Natural Resources Canada Inspector, at 613-995-5555.
- **In the case of dangerous goods included in Class 7, Radioactive Materials**, the Canadian Nuclear Safety Commission.

The information to include in an unlawful interference report is:

- The name and contact information of the person making the report;
- The name and contact information of the consignor, consignee and carrier;
- A detailed description of unlawful interference;
- The shipping name or UN number of the dangerous goods;
- Description of the means of containment containing the dangerous goods, and the number of means of containment; and
- Approximate date, time and geographic location of the unlawful interference.

These new requirements will also allow the TDG Directorate to:

- Take a new step toward sharing national security-related information;
- Make the information TC collects available to provincial authorities and designated federal Canadian Government institutions with national security responsibilities; and
- Use the data to identify risks and trends that could lead to regulatory changes.

To find out more about security reports, please consult [Part 8](#) (Reporting Requirements) of the TDG Regulations.

Transport Canada's TDG Directorate offers support to the public through its regional TDG offices by answering regulatory questions by e-mail or telephone.

You can find all TDG regional offices contact information at the bottom of the TDG Home Page

<http://www.tc.gc.ca/eng/tdg/safety-menu.htm>

HOW DOES THE ADOPTION OF THE SECURITY REPORTS BENEFIT THE GENERAL PUBLIC?

- The Security Reports' main goal is to eliminate or reduce potential security threats. Essentially, the introduction of these reports is aimed at protecting the general public and the environment.



OVERVIEW OF MODIFICATIONS TO SCHEDULE 2 (SPECIAL PROVISIONS)

By Emily Feeley

Background

The transportation of dangerous goods in Canada is regulated under the Transportation of Dangerous Goods (TDG) Act, the TDG Regulations and the standards incorporated by reference into them.

The TDG program is based on the premise that properly classifying a dangerous good while ensuring it is transported in the required means of containment is crucial to its safe transport. Other safety requirements include Emergency Response Assistance Plans (ERAP), appropriate documentation, safety marks, reporting and training.

Canada's TDG program is harmonized, as appropriate, with international regulations, United Nations (UN) recommendations, and U.S. regulations. Transport Canada (TC) helps develop all aspects of the UN recommendations for the transportation of dangerous goods.

Why Did We Make These Changes?

Prior to 2009, the TDG Act did not address security issues. The TDG Act now allows adopting regulations to address security issues related to the transportation of dangerous goods. As a result, [Part 8](#) of the TDG Regulations required updating.

Recommendations from internal audits and from the Transportation Safety Board (TSB) had also reaffirmed the need to review [Part 8](#) reporting requirements.

Goal

The main objectives of this proposal were:

- To clarify the reporting requirements to enable the efficient collection of data. TC uses report data to conduct risk analyses (e.g. on means of containment issues) and to help maintain public safety during the transportation of dangerous goods in all modes of transport.
- To require the reporting of lost, stolen or unlawfully interfered with dangerous goods, and to report undeclared or misdeclared dangerous goods transported by air.

Amendments to Schedule 2

Here are two changes that were made to Schedule 2:

1. An amendment was made to Special Provision 80 stating that when a person is using the exemption set out in Section 1.17 (Limited Quantities Exemption) of the TDG Regulations, he/she must not offer for transport or transport UN1950 or UN2037 unless they are in a means of containment that is in compliance with the requirements for transporting gases in [Part 5](#) (Means of Containment).

2. Special Provision 151 was added to Schedule 2. It is specific to UN3090 and UN3480 transported by aircraft. These dangerous goods must comply with Packing Instructions 965 or 968 of the *Technical Instructions for the Safe Transport of Dangerous Goods by Air*, 2015-2016 edition, published by the International Civil Aviation Organization (ICAO).

The new provisions aim to reduce the risk of a fire involving lithium cells and batteries that may exceed the fire suppression capability of the aircraft and could lead to a catastrophic failure of the airframe. These new provisions include a 30% state of charge limit and stricter limitations on packaging to increase safety.

When Will These Changes Take Effect?

This amendment came into force June 1, 2016. There is a six-month transition period that permits compliance with the TDG Regulations in effect before this amendment. Please note that this transition period does not apply to Special Provisions 149 and 151 that were also updated in this amendment. The amendment is accessible through the following URL:

<http://www.gazette.gc.ca/rp-pr/p2/2016/2016-06-01/html/sor-dors95-eng.php>

Where Do I Get More Information?

To find out more please visit our website at: <https://www.tc.gc.ca/eng/tdg/safety-menu.htm>

Did you know that the TDG Directorate provides safety awareness materials on its website in order to promote the safe transportation of dangerous goods?

For more information, please visit

<http://www.tc.gc.ca/eng/tdg/awareness-materials-and-faq-1159.html>

REGULATORY AMENDMENT PROCESS

By Sarah Cumberbirch

From time to time, Transport Canada (TC) makes changes to the Transportation of Dangerous Goods (TDG) Regulations so they align with changing international safety requirements and to make the transport of dangerous goods in Canada safer. TC follows the federal regulatory development process, which is structured to:

- Provide a consistent approach to making regulations across government;
- Meet the Government of Canada's policy commitments and legal obligations; and
- Ensure predictability for Canadians, institutions and businesses affected by regulations.

Overview of Federal Regulatory Process



Consultation on Policy

Before developing a regulatory amendment to the TDG Regulations, TC consults key stakeholders on proposed policy options. This consultation includes:

- The TDG General Policy Advisory Council (GPAC);
- The Multi-Association Committee on TDG;
- TC Federal/Provincial/Territorial TDG Task Force; and
- Other stakeholders, depending on the scope of the issue or the mode of transport that the amendment would affect.

Note: In most cases, TC also conducts broader web-based consultations.

Steps to Developing a Regulatory Proposal

1. TC reviews and takes into consideration the feedback they receive during the policy consultations when developing the proposed regulatory amendment. TC also conducts a cost-benefit analysis to consider the net economic, environmental and social benefits to Canadians, business and government that would result from the proposed changes.
2. As part of the proposal, TC develops a regulatory impact analysis statement (RIAS) which explains the issue and the need for the amendment. The RIAS:
 - States the government's objectives;
 - Describes what the amendment would do;
 - Summarizes the cost and benefit analysis of the amendment and who would be affected; and
 - Includes information on who was consulted.

Note: The RIAS later becomes a public document for informing the public of the proposal and the factors we considered in its development.

3. The Department of Justice (DOJ) works with TC to write the regulatory text for the proposed amendment.

4. The Minister of Transport approves the proposed amendment and the RIAS, and forwards them to the Privy Council Office (PCO), which is responsible for putting the proposal before the Treasury Board (TB).

The TB meets weekly when Parliament is in session, and as required at other times of the year (e.g., during the summer recess).

5. The TB reviews the proposal to ensure:
 - The regulatory analysis is of high quality;
 - The proposal aligns with government priorities; and
 - Benefits to Canadians are maximized while costs are minimized.

Publication in *Canada Gazette*, Part I

If approved by TB, the proposed amendment and the RIAS are published in the *Canada Gazette*, Part I for public comment. While the standard comment period following publication in the *Canada Gazette*, Part I, is 30 days, a minimum comment period of 75 days is required for proposals that may affect international trade.

Steps to Reviewing Comments and Revising Amendment

1. TC considers all comments it receives during the comment period and revises the amendment as required, based on these comments. They also consider any changes that may have occurred, domestically or internationally, that could affect the wording or intent of the amendment.

Note: TC and the DOJ will work together to write any new regulatory text.

TC will then revise the RIAS to include a summary of the comments they received following publication in the *Canada Gazette*, Part I and to provide the rationale for changes that they made (or did not make) to the amendment.

2. The Minister of Transport approves the final regulatory amendment and the RIAS and forwards them to the PCO for TB consideration.
3. Upon TB recommendation, the Governor General will sign the regulations.
4. The amendment then gets registered and assigned a number.

Publication in *Canada Gazette*, Part II

The final amendment and the RIAS are published in the *Canada Gazette*, Part II. The amendment comes into force on the date specified in the amendment. This is typically either the day on which it is registered or the day on which it is published in the *Canada Gazette*, Part II.

For most amendments to the TDG Regulations, TC allows anyone required to comply with them, to continue to comply with the requirements in force before the amendment was made, for six months, after which time they must meet the amendment's new requirements.

MODIFICATIONS TO THE CONTRAVENTION REGULATIONS

By Katy Joncas

Canada's *Contravention Regulations* are legal tools that give the legal system an alternative method of prosecution of federal offences such as non-compliance, covered under Part XXVII of the Criminal Code.

Issued under Section 8 of the *Contraventions Act*, the *Contraventions Regulations*:

- Identify the federal offences designated as contraventions;
- Provide a short-form description for each offence;
- Set a fine for each contravention.

Appendix XV of the *Contraventions Regulations* specifically identifies those offences as set out in the *Transportation of Dangerous Goods Act, 1992* (TDG Act).

The TDG Act was amended in June 2009 to include the notion of security to offences and new requirements for the:

- Manufacture and certification of means of containment used to carry dangerous goods; and
- Reporting the loss or theft of dangerous goods.

These new requirements do not yet appear in Appendix XV of the *Contraventions Regulations*.

To prosecute these new offences against the TDG Act under the *Contraventions Regulations*, Canada's Department of Justice is amending Appendix XV of the *Contraventions Regulations* to:

- Designate these new offences as contraventions, and
- Add the issue of security to those offences already designated as contraventions.

This will take place in two phases:

Phase One is complete. An amendment, published in the *Canada Gazette*, Part II under SOR/2016-200 came into effect on July 21st, 2016.

It adds the notion of security to offences already designated as contraventions.

Phase Two will:

- Add new shortened descriptions and specific fine amounts; and
- Shorten the descriptions of offences included in the TDG Act already designated as contraventions. We estimate the regulatory process for these technical amendments will be completed by the spring 2017.

These long-awaited amendments will make it easier for enforcement officers to perform their duties and the legal system to prosecute contraventions as prescribed by Section 8 of the *Contraventions Act* as well as by the TDG Act.

HOW WOULD THIS AMENDMENT AFFECT THE INDUSTRY?

- Non-compliances such as misleading certification of means of containment or loss or theft of dangerous goods would be prosecuted and fines could be issued.

Transporting hazardous wastes or hazardous recyclable materials across the Canadian border

Environment and Climate Change Canada requires consignors to identify all hazardous wastes or hazardous recyclable materials that cross international borders for export, import or transit through Canada, **with a UN number**. This is required even if the waste or recycle materials do not meet the criteria for dangerous goods classes 1 to 9 in Part 2 of the Transportation of Dangerous Goods (TDG) Regulations.

When no other UN number applies, consignors must use either:

- UN3077, Environmentally Hazardous Substance, Solid, N.O.S.; or
- UN3082, Environmentally Hazardous Substance, Liquid, N.O.S.

Once consignors classify such materials as dangerous goods, the TDG Regulations requirements apply in their entirety, including those parts related to shipping documents, means of containment, placarding and training.

INTERNATIONAL HARMONIZATION

By Roberto Bruni

Why Do We Need to Update the Transportation of Dangerous Goods (TDG) Regulations?

Updating the TDG Regulations periodically harmonizes them, to the greatest extent possible, with the United Nations Model Regulations (UN Recommendations) and the international modal regulations. This helps carriers, consignors and inspecting authorities because it:

- Facilitates compliance and trade between countries; and
- Improves the safe transportation of dangerous goods both home and abroad.

For example, the TDG Regulations reference the International Civil Aviation Organization (ICAO) Technical Instructions and the International Maritime Dangerous Goods (IMDG) Code. Since these documents are updated regularly, the versions referenced in the TDG Regulations are not always the most current ones. This can confuse stakeholders and create more work for regulators since only a regulatory amendment can update the reference in the TDG Regulations to the newest versions.

Recently, the international community has made updates to the UN Recommendations and international modal regulations for the transportation of dangerous goods. These updates include:

- **New** marine pollutants to the IMDG Code;
- **New** requirements for dangerous goods safety marks for the transport of lithium batteries; and
- **New** shipping names and UN numbers.

These changes have not yet been introduced in the TDG Regulations causing confusion amongst Canadian and foreign stakeholders.

Furthermore, differences between certain technical standards and regulations in Canada and those in the United States (U.S.) sometimes create obstacles for shippers on both sides of the border as they must comply with two sets of requirements.

Objectives of the proposed amendment

This amendment has four main objectives.

1. Harmonize the TDG Regulations with international regulatory requirements to incorporate changes introduced in the 19th edition of the UN Recommendations, the 2014 IMDG Code and the 2015-2016 ICAO Technical Instructions with respect to:
 - Safety marks;
 - Classification;
 - Shipping names;
 - Special provisions; and
 - Marine pollutants.

Some changes are also being proposed to align with the *Title 49 of the U.S. Code of Federal Regulations* (49 CFR).

2. Introduce ambulatory references (also known as “dynamic references”) in the TDG Regulations.

Why? Because if the reference is a “static” reference, the document is incorporated **as it exists at the time it is made part of the regulations**. This means that if the referenced document is amended after it is incorporated, the amendment is not automatically incorporated, and the regulations continue to make reference **to the previous version**.

By incorporating the document using an ambulatory reference, “as amended from time to time”, any change to that document would automatically become part of the TDG Regulations.

This will allow Canadian stakeholders to use the most recent versions of:

- The UN Recommendations;
 - The IMDG Code;
 - The ICAO Technical Instructions and its Supplement;
 - The UN Manual of Tests and Criteria; and
 - 14 technical standards referenced in [Section 1.3.1](#) of the TDG Regulations
3. Reduce regulatory barriers to cross-border trade with the U.S. by formally recognizing aspects of the U.S. regulatory regime and by increasing reciprocity of regulatory requirements for pressure receptacles, national standards and regulations.
 4. Eliminate the need to obtain an equivalency certificate to transport hot air balloon cylinders of propane by road, rail, or ship.

Examples of Proposed Changes

New UN numbers

This proposed amendment would add eleven new UN numbers to the TDG Regulations in order to align with the 19th edition of the UN Recommendations.

Classification Updates

This amendment proposes updates to several classification provisions of the TDG Regulations to align with the requirements in the 19th edition of the UN Recommendations.

New Marine Pollutants

This proposed amendment would update the Marine Pollutants list in Schedule 3 by adding 62 new entries and removing five to reflect changes in the IMDG Code 2014.

Dangerous Goods Safety Marks

This proposed amendment would introduce the new Class 9 lithium battery placard and label and the lithium battery mark found in the 19th edition of the UN Recommendations.

Pressure Receptacles

Under this proposed amendment, pressure receptacles (cylinders, tubes and spheres) that meet U.S. Department of Transportation specifications would be allowed to be filled with gases such as propane and used in Canada, regardless of the date of manufacture.

Under the current TDG Regulations, all cylinders manufactured after 1992 must conform to Canadian specifications.

Timeline

The proposed amendment was expected to be published in the *Canada Gazette*, Part I for a 60-day public comment period, in late November 2016.

HOW WOULD THIS AMENDMENT AFFECT THE INDUSTRY? WHAT WOULD BE THE BENEFIT FOR THE GENERAL PUBLIC?

- The harmonization with international regulatory requirements would bring clarity and make it easier to navigate between sets of regulations.
- The ambulatory references would allow the industry to use the most recent versions of different regulations.

Would you like to learn how to use the Emergency Response Guidebook (ERG) 2016?

The TDG Directorate has created a series of videos in order to familiarize yourself with the ERG2016.

For more information, visit <https://www.tc.gc.ca/eng/tdg/safety-menu.htm>

CANADIAN UPDATE

By Sarah Olivier

Why are the TDG Regulations being updated?

The Canadian Update will provide amendments to the Transportation of Dangerous Goods (TDG) Regulations that range from editorial changes to the full reorganization of certain Parts. These changes will:

- Respond to stakeholder comments received by Transport Canada (TC) over the past several years.
- Fulfill Ministerial priorities identified in the 2016 Budget, to:
 - **Strengthen oversight and enforcement;** and
 - **Enhance prevention and response capabilities** related to rail safety and the transportation of dangerous goods.

What Will Change?

The current version of the TDG Regulations is not compatible with the Department of Justice (DoJ) system and is not published on the website as are most other Federal Acts and Regulations. The Canada Update will remove certain text and change formatting such as

the italics, tables of contents and headings within the TDG Regulations to bring it in to conformity with DoJ requirements. It will also:

- Aim to resolve many ongoing issues related to the usability, clarity and applicability of [Part 1](#) (Coming into Force, Interpretation, General Provisions and Special Cases), [Part 2](#) (Classification), [Part 3](#) (Documentation), [Part 4](#) (Dangerous Goods Safety Marks), [Part 5](#) (Means of Containment), [Part 16](#) (Inspectors) and [Schedule 2](#) (Special Provisions);
- Modernize [Part 2](#) based on aspects of the latest United Nations Recommendations on the Transport of Dangerous Goods Model Regulations (UN Model Regulations);
- Modernize [Part 5](#) to create a better link between the TDG Regulations and the Safety Standards for Means of Containment; and
- Harmonize with recent changes to the Packaging and Transport of Nuclear Substances Regulations for dangerous goods included in Class 7, Radioactive Materials, and the Explosive Regulations, for dangerous goods included in Class 1, Explosives.

Progress to Date

TC is in the initial phase of analyzing stakeholder comments that have been received over the past several years on various aspects of TDG Regulations. Throughout the summer of 2016, TC established internal working groups, made up of subject matter experts, to analyze these comments. TC will develop an initial proposal for the Canadian Update amendment and expects to launch a broader web-based consultation in late 2016.



MODIFICATIONS TO MARINE PROVISIONS

By Sarah Cumberbirch

Why Do the Marine Provisions Need Changing?

The marine provisions in the Transportation of Dangerous Goods (TDG) Regulations are outdated. Some have not been revised since 2001.

Terminology

Some TDG Regulations terms and definitions no longer appear in the *Canada Shipping Act, 2001* (CSA 2001) or in regulations made under the CSA 2001, such as the *Vessel Certificates Regulations* (VCR) and the *Cargo, Fumigation, and Tackle Regulations* (CFTR). Stakeholders have requested that we harmonize the TDG Regulations with the CSA 2001 and other Transport Canada regulations to minimize confusion about requirements.

Short-Run Ferries

The distance that defines a short-run ferry differs between the TDG Regulations (3 km) and the CFTR (5 km). This has raised concerns and affected some stakeholders. Since both regulations provide exemptions for short-run ferries, consignors and carriers that transport dangerous goods on ferries with routes between 3 and 5 km are eligible for exemptions under the CFTR, but not under the TDG Regulations.

The TDG Regulations wording for the short-run ferry exemption poses a challenge for regulated stakeholders. If they misinterpret the exemption, they could be in non-compliance with parts of the TDG Regulations, which could have a negative impact on safety.

Gasoline and Propane in Tank Trucks on Ferries

The transport of gasoline and propane is currently limited to quantities of 100 L and 110 L respectively per means of containment under the TDG Regulations' passenger-carrying ship index. This means highway tanks transporting these dangerous goods cannot board ferries that travel routes longer than 3 km if the ferry is carrying more than 25 passengers since it would be considered a passenger-carrying ship as per [Section 1.4](#) of the TDG Regulations. Some stakeholders have reported that this restriction has a negative impact on traffic and local businesses.

Oxidizing Compressed Gas

The current TDG Regulations forbid the transport of UN3156, COMPRESSED GAS, OXIDIZING, N.O.S. on ships with more than 25 passengers. This is problematic, as it forbids the transport of oxygen required for medical purposes in ambulances on board vessels and enriched oxygen tanks required by underwater divers on board vessels with divers.

How Would Transport Canada (TC) Change the TDG Regulations?

Terminology and Harmonization

TC would update the TDG Regulations to reflect the CSA 2001, the VCR and the CFTR terminology and definitions. For example, TC would:

- Replace the term "ship" with "vessel" and revise related terms, such as "ship on a domestic voyage" accordingly;
- Repeal the definition of "short-run ferry" to remove discrepancies with the CFTR definition;
- Remove the term "home-trade voyage", which is not in the CSA 2001, and replace it with text that reflects the current intent of the TDG Regulations;
- Add the terms "near coastal voyage, Class 1", "near coastal voyage, Class 2", "sheltered waters voyage" and "unlimited voyage" and make it clear they have the same meanings as in the VCR;
- Make it clear the term "Vessel" has the same meaning as in the CSA 2001; and
- Revise the names of the types of voyages referenced in [Part 11](#) to reflect the updated terminology, but keep the current requirements for international and domestic transport.

TC would also:

- Remove the requirement to provide notification of the loading or unloading of explosives or ammonium nitrate from a ship to reduce duplication with the CFTR; and
- Remove the requirement to indicate the flashpoint on small means of containment to align with the *International Maritime Dangerous Goods Code* and the *Title 49 of the U.S. Code of Federal Regulations* (49 CFR), which do not require it.

Short-Run Ferries

TC would amend the exemption for short-run ferries to provide clarity about the provisions from which it grants exemption, and would apply to ferries with routes of up to 5 km to align with the CFTR.

Gasoline and Propane in Tank Trucks on Ferries

TC would add a new exemption to allow the transport of gasoline and propane in tank trucks on ferries with passengers operating over the most direct water route between two points up to 5 km apart, under specified conditions to minimize safety risks.

Oxidizing Compressed Gas

TC would modify the passenger carrying ship index for UN3156, COMPRESSED GAS, OXIDIZING, N.O.S. to 25 L to allow enriched oxygen tanks on board ferries with over 25 passengers.

When Will the Amendment Take Effect?

Publication of the proposed amendment in the *Canada Gazette*, Part I is planned for early 2017, followed by a public comment period. TC will review all comments received and take them into consideration when developing the final amendment.

HOW WOULD THIS AMENDMENT BENEFIT THE INDUSTRY?

- The marine provisions in the TDG Regulations would be easier to understand and comply with.
- Ferries with routes of up to 5 km would be eligible for exemptions. This would remove a discrepancy between the TDG Regulations and other marine regulations.
- Tank trucks containing gasoline and propane would now be allowed on ferries with passengers under certain conditions.
- Underwater divers would be allowed to bring their oxygen tanks on board and ambulances would be allowed to carry medical oxygen on ferries with passengers.

MODIFICATIONS TO PART 6 (TRAINING)

By Saeed Khan

The Lac-Mégantic tragedy and other recent events have highlighted the importance for industry to have well-trained people to ensure the safe transport of dangerous goods.

Part 6 of the Transportation of Dangerous Goods (TDG) Regulations tells an employer how to train employees, but some stakeholders have told Transport Canada (TC):

- The term “adequately trained” is vague and, currently, there are no means to determine whether employees can actually do their job safely, even though they hold a training certificate. This increases the likelihood of mistakes occurring, which could endanger both themselves and the public.
- Part 6 doesn’t sufficiently explain how to choose appropriate training. Courses vary greatly in content, length, and in cost with no clear guidelines to explain what is appropriate.

How TC is addressing these issues

Since summer 2015, TC has reviewed the current regulations and proposed changes for improvement.

These changes include:

- The knowledge and skills TC expects from trained employees so they can do their job safely (*competency-based training and assessment*);
- The topics which must be included in a training course (*standardized curriculum*);
- Consistent testing for employees across the country to demonstrate they have a basic understanding of the TDG Regulations; (*standardized test*); and
- A way for TC or other independent organization to confirm that:
 - Employees and training instructors are well trained.
 - Training institutions provide suitable training (*certification of employees and trainers, accreditation of institutions*).

In spring 2016, TC asked stakeholders:

- Whether they would support or oppose these changes, and why;
- To explain how they currently train their employees; and
- To suggest other ways to improve the regulations.

TC reviewed the comments received and they were considered as the proposed changes to the regulations were developed. TC posted the proposed changes on TDG’s website this fall.

What Will Change

TC understands that companies and training institutions provide training quite differently. The proposed changes aim to clearly set out TC's expectations of the employer, the trainer, and the employee.

The changes will not include everything that TC initially proposed. What TC proposed this fall was a combination of changes which TC proposed to phase-in over a period of time. TC may also consider specific amendments to the regulations.

Next Steps

Please review and comment on the proposed changes. TC finds it helpful when stakeholders give specific examples, and as much detail as possible to support the comments.

TC will consider all comments as the proposed changes to the regulations are prepared, which is planned for publishing in the *Canada Gazette*, Part I, in fall 2017.

HOW WOULD THIS AMENDMENT BENEFIT THE INDUSTRY?

- Industry would benefit from better trained employees that have the knowledge and skills to perform their jobs and, as a result, safety would be increased. This could also have an impact on the number of work-related incidents.

MODIFICATIONS TO PART 7 (EMERGENCY RESPONSE ASSISTANCE PLAN)

By Najib Moussafir

[Part 7](#) of the *Transportation of Dangerous Goods Regulations* (TDG Regulations) relates to Sections 7 and 7.1 of the *Transportation of Dangerous Goods Act, 1992*. It sets out conditions, quantities and classes of dangerous goods that require an Emergency Response Assistance Plan (ERAP). Following the tragedy in Lac-Mégantic, the Minister of Transport gave the Emergency Response Task Force (ERTF) a one-year mandate to conduct research, assess, evaluate and make recommendations to enhance the ERAP program. For more information on the ERTF, please consult the December 2015 TDG Newsletter. A number of ERTF recommendations suggested many changes to [Part 7](#) of the TDG Regulations, which needed clarification.



Why?

Amending [Part 7](#) of the TDG Regulations is important because this part of the regulations deals with complex emergency response procedures. Clarifying the text will improve public safety for all modes of transport across Canada. The TDG Regulations amendment will:

- Update requirements to suit recent changes to the transportation of dangerous goods;
- Address certain ERTF recommendations; and
- Improve response capability during incidents involving dangerous goods.

What?

Transport Canada will work to:

- Update and streamline [Section 7.1](#) requirements;
- Clarify certain items, especially in regards to current trade arrangements where it may be hard to know who needs to have an ERAP for a given shipment of dangerous goods;
- Draft an addendum to clarify an ERAP's activation stage and help determine **who** can activate an ERAP and when.

How?

Most changes to [Part 7](#) will involve adding or removing regulatory requirements from the TDG Regulations. For example, a regulatory standard will be added to ensure greater clarity and make requirements easier to understand for all parties directly or indirectly involved in an emergency response.

When?

Publication of the proposed amendment in the *Canada Gazette*, Part II is planned for summer 2017.

HOW WOULD THIS AMENDMENT IMPROVE THE RESPONSE FROM FIRST RESPONDERS?

- The procedure to activate the ERAP would be defined and clarified (who may activate an ERAP and at what point in an incident should it be activated?)

MODIFICATIONS TO PART 12 (AIR TRANSPORT)

By Nora Doerr-MacEwen

Transporting dangerous goods by air allows people and companies to get the dangerous goods they need quickly and, in Northern communities may be the only alternative available. [Part 12](#) (Air) of the Transportation of Dangerous Goods (TDG) Regulations advises people how to ship and carry dangerous goods safely by air.

The aviation industry is looking forward to the changes Transport Canada (TC) is proposing to the regulations for transporting dangerous goods by air because:

- **They are out-of-date.** TC wants to update them.
- **Their requirements are complicated.** TC wants to simplify them.
- **Inconsistent definitions creates confusion.** TC wants to make sure that words mean the same thing in different TC regulations, when it is possible.

The changes will aim to improve safety and make sure communities and businesses can get the dangerous goods they need.

What TC Has Done so Far

In spring 2016, TC asked the aviation and dangerous goods industries about possible changes to the TDG Regulations. Papers were e-mailed explaining TC's ideas, along with a link to an online survey.

Respondents:

- Liked some of TC's ideas, but not others.
- Suggested their own changes.

TC listened to these suggestions and thought about which ones will improve safety and make the regulations clearer. TC is preparing a paper to explain the thinking, and the plan for changing the regulations. In winter 2017, TC will post the paper on the TDG website and invite feedback.

The Changes TC is Making

The paper will talk about a number of key issues, including:

- **What 'Limited Access' Means**

The TDG Regulations tell people what they must do if they are transporting dangerous goods to or from "limited access" locations that **rely solely** on transportation of goods by air. The rules for limited access locations must allow people to get the goods they need while maintaining safety.

Survey respondents made many suggestions about what makes a place a 'limited access' location. The paper will explain TC's thinking on 'limited access' and the changes the Department would like to make.

- **Aerial Work:**

Part 12 of the TDG Regulations explains how to transport dangerous goods when they are doing aerial work. It has a list of activities that are “aerial work”. The *Canadian Aviation Regulations* (CARs) also have rules for aerial work but their list of activities differs from the TDG Regulations.

TC wants to make sure that ‘aerial work’ means the same thing in both sets of regulations. The online paper will explain how TC plans to do this. It will also explain what people have already told the Department about transporting dangerous goods when they are doing aerial work.

- **Other Issues:**

TC is reviewing Part 12 of the TDG Regulations in order to decide what other changes may be needed to bring them up-to-date. For example, TC may need to update the types of goods that can be transported by air. TC also plans to:

- Update the list of containers that dangerous goods can be transported in;
- Look at special situations where the rules need to be flexible, such as aerial firefighting; and

- Examine when Canadian carriers must follow the international rules for transporting dangerous goods by air.

Note: TC will explain its position on these topics in the online paper.

Tell Us What You Think

Please read the online paper when TC posts it on its website (www.tc.gc.ca/tdg) and provide feedback on the changes TC has in mind. All comments will be read carefully. It especially helps when you can give real-life examples and explain why you agree or disagree with the proposed changes.

Next Steps

After the review and consideration of your comments, TC will write a draft of new TDG Regulations for air transport. TC plans to publish them in the *Canada Gazette*, Part I in fall 2017/winter 2018.

HOW WOULD THIS AMENDMENT AFFECT THE GENERAL PUBLIC?

- The Canadian public will benefit from this amendment since this amendment is aimed at improving safety while making sure communities and businesses can get the dangerous goods they need.

HOW WOULD IT AFFECT THE INDUSTRY?

- It would harmonize the type of aerial work with the Canadian Aviation Regulations (CARs).
- It would facilitate the transport by air while keeping a high level of safety.

