



CANADIAN REGULATORY UP-DATE

Dangerous Goods Instructors
Symposium

September 23 -25, 2009

Chicago, IL

Early Dangerous Goods Regulations

- “Manure: In the 16th and 17th centuries, everything had to be transported by ship and it was also before commercial fertilizer's invention, so large shipments of manure were common. It was shipped dry, because in dry form it weighed a lot less than when wet, but once water (at sea) hit it, it not only became heavier, but the process of fermentation began again, of which a by product is methane gas. As the stuff was stored below decks in bundles you can see what could happen. Methane began to build up below decks and the first time someone came below at night with a lantern, BOOOOM!

History continued:

Several ships were destroyed in this manner before it was determined just what was happening. After that, the bundles of manure were always stamped with the term 'Ship High In Transit' on them, which meant for the sailors to stow it high enough off of the lower decks so that any water that came into the hold would not touch this volatile cargo and start the production of methane.

Acronym: S. H. I. T.



TRANSPORTATION OF DANGEROUS GOODS ACT, 1992 (T.D.G. eh)

- Revision was slated for 2002
- Vancouver Olympics and 2010 G8 Summit
- Security and enhanced Safety
- Ministerial Authority vs. Regulatory Req'ts
- Modify definitions
- Address identified short-comings

Royal Assent: 14th May 2009

New Definition:

- **“Security Requirement” means a requirement for persons engaged in importing, offering for transport, handling or transporting dangerous goods established under regulations made under section 27.1**

CAUTION

**THIS SIGN HAS
SHARP EDGES**

DO NOT TOUCH THE EDGES OF THIS SIGN



ALSO, THE BRIDGE IS OUT AHEAD



PERMITS

- ✓ Permit of Equivalent Level of Safety (PELS)
- ✓ Emergency Permits
- ✓ Oral Permits
- Equivalency Certificate
- Emergency Certificates
- Temporary Certificate

OFFENCES

Section 5. “No person shall import, offer for transport, handle or transport any dangerous goods unless

(a) the person complies with all safety requirements **and security requirements** that apply under the regulations;”

* *Requirements, documents and standards are no longer “prescribed” – now they “apply under the regulations”*

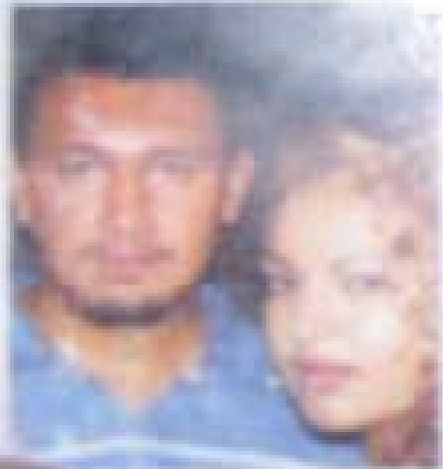
TRANSPORTATION SECURITY CLEARANCES

- 5.2(1) “No prescribed person shall import, offer for transport, handle or transport dangerous goods in a quantity or concentration that is specified by regulation – or that is within a range of quantities or concentrations that is specified by regulation – unless the person has a transportation security clearance granted under subsection (2).”

COMMISSIONER

MISSISSIPPI

IDENTIFICATION



IDENTIFICATION NUMBER: **MS789** EXPIRATION: **7-12-2009**
ISSUE DATE: **7-12-2004** BIRTH DATE: **5/2/1977** WT: **180** SEX: **M**
HT: **5-09** CLASS: **C** RESTR. ENDORSEMENTS:

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PEARL MS 37208

Jose Pacheco

Security Clearances (cont'd)

- 5(2) “ The Minister may, for the purposes of this Act, grant or refuse to grant a transportation security clearance to any person or suspend or revoke such a clearance.”

SECURITY PLANS

- 7.3(1) “ No prescribed person shall import, offer for transport, handle or transport dangerous goods in a quantity or concentration that is specified by regulation – or that is within a range of quantities or concentrations that is specified by regulation – before the person has undergone security training in accordance with the regulations, has a security plan that meets the requirements of subsection (2) and has implemented a plan in accordance with the regulations.”

Security Plans (cont'd)

- 7.3(2) “The plan shall, in accordance with the regulations, set out measures to prevent the dangerous goods from being stolen or otherwise unlawfully interfered with in the course of the importing, offering for transport, handling or transporting.”

DUTY TO REPORT

- ✓ Previously, s. 18(1) requires a person to report an **accidental release** or **imminent accidental release**... and 18(2) requires that person to take all reasonable measures to eliminate or reduce the risk to public safety.....

Now.....

- 18(1) Any person...shall report to every person prescribed for the purposes of this subsection any actual or anticipated release of dangerous goods...

This would include releases of dangerous goods that were not “accidentally” released but were “intentionally released”

NEW Subsection 18(3)

- “ If dangerous goods in excess of a quantity and concentration that is specified by regulation are lost or stolen during their handling or transporting, any person who had the charge, management or control of the goods immediately before the loss or theft shall report it to every person prescribed for the purposes of this subsection.”



FAIL

Governor in Council Powers

- 27.1(1) “The Governor in Council may make regulations respecting the security of the importing, offering for transport, handling or transporting of dangerous goods, including regulations (a) respecting the prevention of unlawful interference...and the action that is to be taken if that interference occurs or is likely to occur;

Governor in Council (cont'd)

(b) prescribing persons or classes of persons, quantities and concentrations of dangerous goods and the manner to determine those quantities and concentrations...

(c) respecting conditions that a person is to meet to receive a transportation security clearance

Governor in Council (Cont'd)

(d) respecting the manner of applying for, issuing, suspending and revoking a transportation security clearance including review and appeal process...

(e) prescribing persons or classes of persons, the contents and implementation of security plans and the quantities or concentrations of the dangerous goods...

Governor in Council (Cont'd)

(f) respecting security training, including its content and implementation...

(g) requiring Security Management Systems to be established...

(h) establishing security requirements for equipment, systems and processes used...

(i) respecting the provision to the Minister of security-related information...

Governor in Council (Cont'd)

(j) prescribing persons or classes of persons who are to receive reports and the manner in which those reports are to be made and the information required

and

(k) prescribing persons or classes of persons who are prescribed under this Act.

POWERS OF THE MINISTER

- 27.2(1) “The Minister may make measures – referred to in this Act as security measures – respecting the security of the importing, offering for transport, handling or transporting of dangerous goods.”

Security Measures:

Only if:

a regulation could be made under 27(1) but the publication of a regulation would compromise security or would endanger the public safety.

There are:

Requirements to review the measure, to publish them in the Canada Gazette, disclosure to those affected and ceases to have force after 90 days unless otherwise extended.

POWERS OF THE MINISTER

27(6) “The Minister may make interim orders that contains any provision that may be contained in regulations under subsection 27.1(1) if the Minister believes that an immediate action is required to deal with an immediate threat to the security of the importing, offering for transport, handling or transporting of dangerous goods or to public safety.”

Interim Orders

(3) An interim order comes into force immediately when it is made but ceases to have effect on the earliest of:

14 days after the day on which it is made unless approved by the Governor in Council, the day on which it is repealed, the day a regulation is made to replace it or on the day the interim order states but not longer than two years.

Interim orders shall be published in the Canada Gazette within 23 days and be tabled in the House of Commons within 15 days.

INTERIM ORDER #1:

INTERIM ORDER RESPECTING LOST OR STOLEN DANGEROUS GOODS OR DANGEROUS GOODS UNLAWFULLY INTERFERED WITH

INTERPRETATION

1. Unless the context requires otherwise, words and expressions used in the interim order have the same meaning as in the *Transportation of Dangerous Goods Act, 1992*, and the *Transportation of Dangerous Goods Regulations*.

INTERIM ORDER #1 (Cont'd)

APPLICATION

2. This interim order applies to persons who import, offer for transport, handle or transport dangerous goods, except dangerous goods included in Class 9, Miscellaneous Products, Substances or Organisms.

INTERIM ORDER #1 (Cont'd)

- 3. Lost or stolen dangerous goods, except dangerous goods included in Class 9, Miscellaneous Products, Substances or Organisms, or dangerous goods unlawfully interfered with**

A person who imports, handles, offers for transport or transports dangerous goods and who discovers that dangerous goods, except dangerous goods in Class 9, Miscellaneous Products, Substances or Organisms, are lost or stolen or are unlawfully interfered with must immediately report that discovery to

INTERIM ORDER #1 (Cont'd)

(a) local police;

(b) CANUTEC at (613) 996-6666; and

(c) for Class 7, Radioactive Materials, to the Duty Officer of the Canadian Nuclear Safety Commission at (613) 995-0479

[Effective Date: 6 July 2009]

Offences and Punishment

33 (1) “Every person is guilty of an offence who contravenes a provision of...

...(d) a security measure; or

(e) an interim order.”

35. “Proceedings by way of summary conviction may be instituted at any time within, but not later than, **five years** after the day on which the subject matter of the proceedings arose.”

Safety Enhancement

7.1 The Minister may...

- Direct a person with an approved ERAP
- Authorize a person with an approved ERAP

to respond to an actual or anticipated release (*no longer an “accidental release”*)

Section 20 protects persons from criminal and civil liability for acts or omissions during such responses.

OTHER REGULATORY ACTIVITY

Amendment # 8:

- Published in Part 1 of the Canada Gazette on May 2, 2009
- 75 Day Comment Period (end of July '09)
- Concentrated on two main issues:
 - Section 1.15 – 150 kg Exemption
 - Part 7 – Emergency Response Assistance Plans (ERAP's)



LEADED GAL/ONE	1.46
UNLEADED PLUS GAL/ONE	1.55
PREMIUM UNLEADED GAL/ONE	1.63
DIESEL #2 GAL/ONE	1.34
DIESEL #2 GAL/ONE	1.37

1.15 – 150 kg Exemption

The regulations do not apply...to dangerous goods on a road vehicle, a railway vehicle or on a ship on a domestic voyage if

(a)(i) in the case of dangerous goods in Class 2, Gases, they are in one or more means of containment in compliance with the requirements for transporting gases in Part 5, Means of Containment, or

(ii) dangerous goods, not included in Class 2, Gases, they are in one or more means of containment designed, constructed, filled, closed, secured and maintained so there will be no accidental release of the dangerous goods that could endanger public safety;

Section 1.15 (cont'd)

(b) except for dangerous goods in Class 2, Gases, the dangerous goods are contained in one or more means of containment each of which has a gross mass less than or equal to 30 kg;

(c) the gross mass of all dangerous goods

(i) transported on a road vehicle or a railway vehicle is less than or equal to 150 kg; [and]

(ii) transported on a ship on a domestic voyage is less than or equal to 150 kg, excluding dangerous goods in a road vehicle or railway vehicle being transported on the ship; **and**

Section 1.15 (Cont'd)

- (d) the dangerous goods are in a quantity and concentration available to the general public and are transported**
 - (i) by the user or purchaser, or**
 - (ii) by a retailer to or from the user or purchaser.**

Emergency Response Assistance Plans (ERAPs)



EMERGENCY RESPONSE ASSISTANCE PLANS

- Dangerous Goods with the same UN Number in a single container in excess of a quantity requiring an ERAP
- Dangerous Goods with the same UN Number in small means of containment where an accumulation exceeds a quantity requiring an ERAP
- Accumulation of large (>450 L) means of containment

ERAP's (Cont'd)

- Accumulation of Explosives
- Interconnected means of containment
- Flammable Liquids in a single train
- Infectious Substances (Category A)
- Accumulation of Gases
- Use of someone else's ERAP

Other Initiatives

- Clarification of Placard requirements
- Part 12, Air (Domestic Exemptions)
- Clarification of hazard labeling requirements for “UN3373, Biological Substances, Category B”
- Security Requirement developments
- CGSB-43.150 – Packaging for Dangerous Goods in Classes 3, 4, 5, 6.1, 8 and 9

UN INVOLVED in AFRICA



FAIL



QUESTIONS ?





Thank You – Merci Beaucoup

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