



The Monarch Message

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June 2, 2008

TDG Act Amendment Tabled in House of Commons

Chrim Middleton

The *Transportation of Dangerous Goods Act, 1992* (TDG Act) has been under review for some time. A proposed amendment was tabled in the House of Commons on May 26, 2008.

The proposed amendment looks at the need to address:

1. updating and reinforcing current safety requirements; and
2. adding security requirements, with respect to dangerous goods.

The *UN Recommendations for the Safe Transport of Dangerous Goods* has been including security within the model regulations recently. These requirements are not able to be accommodated in the current TDG Act.

By amending the TDG Act, Canada will now be able to include these dangerous goods security elements.

Modifications

Modifications to current requirements include:

- ✓ emergency response assistance plan (ERAP) reinforcement and strengthening;
- ✓ clarification of definitions;
- ✓ clarification of importer of record;
- ✓ movement of sections from one area of the Act to another, with modifications to the applicable sections (e.g. certificate of inspection moved from Administrative Officials to s.16.1 Monitoring Compliance);
- ✓ reporting requirements for lost or stolen dangerous goods;
- ✓ actual and anticipated releases;
- ✓ allowing Regulations to incorporate the modifications to the Act;
- ✓ types of certificates and directions allowed; and
- ✓ the limitation period for summary conviction offences is extended to 5 years.

Additions

Proposed new requirements include:

- ✓ security plans, training and clearances
- ✓ industry ERAPs may be activated by Transport Canada;
- ✓ creation of tracking authority; and
- ✓ security can be achieved through regulations, security measures and interim orders.



By keeping aware of the amendment and how it will affect your company you will be prepared when it is passed into law!



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TDG Regulations Proposed Amendments

Chrim Middleton

Transport Canada has a number of proposed changes available to the *Transportation of Dangerous Goods Regulations* (TDG Regulations) for public consultation and comment.

In the past, amendments have at times been large and difficult to understand the scope of the amendment. Transport Canada is taking a new approach and is trying to keep future amendments focused on one specific topic.

The proposed changes include:

1. Proposed amendment 8 – the 15th edition of the UN Recommendations;
2. Proposed amendment – Part 7 ERAPs; and
3. Schedule 3.

Proposed Amendment 8

This amendment deals with incorporating the 15th edition of the UN Recommendations into the TDG Regulations.

Proposed changes include:

- ✓ updating Toxic by Inhalation requirements;
- ✓ updating Schedule 1;

- ✓ updating Schedule 2;
- ✓ amending the Class 5.2 label; and



- ✓ adding the environmentally hazardous substance mark.



Proposed Amendment – Part 7

This amendment is to help clarify when ERAPs (emergency response assistance plans) are required.

Proposed changes include:

- ✓ a complete rewrite of Section 7.1; and
- ✓ UN2055 data corrected in Schedule 1.

Schedule 3

Transport Canada is considering removing Schedule 3 directly from the TDG Regulations, and

providing the applicable listing as non-regulatory text in a Consolidated Version of the Regulations.

The general reasoning behind this is basically financial. The cost to continue including Schedule 3 within the Regulations is extensive.

Transport Canada would commit to maintaining a current and applicable cross-reference list that is available on their website.

Please ensure you have an understanding of the proposed changes. Transport Canada welcomes comments either supporting the changes or identifying difficulties that may arise in industry due to the changes. Written comments can be submitted to Transport Canada (Linda Hume-Sastre) by surface mail or by e-mail. Contact information is provided within each of the documents.

Comment Deadline is June 26, 08.