



Changes to Transportation of Dangerous Goods Regulations

Recently, Transport Canada released changes to the Transportation of Dangerous Goods (TDG) Regulations, published in the [Canada Gazette Part II, Vol. 153, No. 9](#). The changes to the regulations will come into force on June 1, 2019; the regulations will be enforced nine months after this date, to allow for appropriate balance between achieving safety objectives and accommodating the implementation of the new regulatory requirements.

Emergency Response Assistance Canada (ERAC) would like to inform you of the proposed changes, and what it means to you, as our Plan Participant member, and the service that ERAC provides.

If you have additional questions regarding these changes, please contact Patrick Knight, Safety & Quality Manager, 403-543-6501 or Patrick.Knight@erac.org.

New TDG Regulations	Change to Regulations	Action by ERAC	Action by Plan Participant
Clarifying ERAP Implementation			
<p>8.20 ERAP Incident Report A person who is required under subsection 18(1) of the Act to report a release or anticipated release of dangerous goods in respect of which an approved ERAP is required under subsection 7(1) of the Act must, as soon as possible after the release or anticipated release, make an ERAP incident report by telephone to the person at the ERAP telephone number required to be included on the shipping document under paragraph 3.6(1)(b), if the dangerous goods are, or could be, in excess of the quantity set out in the following table: [See Table 1]</p>	<p>The carrier will make an ERAP incident report to the ERAP holder (shipper/ consignor) by calling the ERAP phone number as soon as possible in the event of a release or anticipated release of dangerous goods.</p>	<p>ERAC, as the ERAP phone number provider, will record the information required in the ERAP incident report requirements, inform the plan holder and recommend ERAP implementation as required. ERAC will change the language and rename our incident briefing form to ERAP Incident & Implementation Report.</p>	<p>To give permission to ERAC to implement the ERAP as required based on the tiered approach.</p>



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<p>7.8 Implementation of an Approved ERAP (1) A person with an approved ERAP must implement it to tier 1 or tier 2 in response to a release or anticipated release of dangerous goods.</p>	<p>The ERAP holder has the responsibility to implement the ERAP, and that an ERAP must be implemented if there is an actual or anticipated release that endangers or could endanger public safety.</p>	<p>ERAC continues to provide guidance and technical advice to Plan Participant. ERAC will adopted the two-tiered response approach and will be documented in the ERAP Incident & Implementation Report.</p>	<p>To give permission to ERAC to implement the ERAP as required based on the tiered approach.</p>
<p>7.8 Implementation of an Approved ERAP (2) A person who implements an approved ERAP to tier 1 must (a) provide technical or emergency response advice as soon as possible after a request for the advice; and (b) remotely monitor the response to the release or anticipated release. (3) A person who implements an approved ERAP to tier 2 must (a) provide technical or emergency response advice as soon as possible after a request for the advice; (b) monitor the response to the release or anticipated release; and (c) send ERAP emergency response resources to the location of the release or anticipated release.</p>	<p>The new regulations provide two tiers of response. The first tier involves remotely monitoring the response to the release or anticipated release, while the second tier involves deploying resources such as equipment or personnel to the site.</p> <p>Providing technical or emergency response advice “as soon as possible.”</p>	<p>ERAC will amend the language in the ERAP to the two-tier implementation system and definitions to match those of Transport Canada.</p>	<p>Once the ERAP is implemented, the ERAP holder must indicate whether they are implementing a tier 1 or tier 2 response, based on the needs of the incident.</p> <p>Plan participants are to provide required information, such as SDS, when requested by ERAC during an incident.</p>



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<p>8.22 ERAP Implementation Report Each time a person implements an approved ERAP to tier 1 or tier 2, the person must, as soon as possible, make an ERAP implementation report to CANUTEC, at 1-888-CANUTEC (1-888-226-8832) or 613-996-6666.</p> <p>8.23 Information to Be Included in an ERAP Implementation Report An ERAP implementation report referred to in section 8.22 must include the following information:</p> <ul style="list-style-type: none"> (a) the name and contact information of the person making the report; (b) the ERAP reference number; (c) if applicable, the person authorized under subsection 7.7(1) to use the ERAP; (d) whether the ERAP was implemented to tier 1 or 2; (e) the date and time that the ERAP was implemented to tier 1 or 2; (f) the shipping name or UN number of the dangerous goods in relation to which the ERAP was implemented; and (g) the measures taken to respond to the release or anticipated release. 	<p>Each time an ERAP holder implements an ERAP to tier 1 or tier 2, they must make an ERAP implementation report to the Canadian Transport Emergency Centre (CANUTEC) as soon as feasible.</p>	<p>ERAC currently calls CANUTEC and provides a verbal report; we will continue to do so and will indicate to CANUTEC on behalf of the Plan Participant that the ERAP has been implemented and to which tier.</p>	<p>Be familiar with the two-tier approach.</p>



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Enhancing Emergency Preparedness and Response			
<p>7.3 Application for Approval of an ERAP (2) (m) a potential incident analysis, including (i) the following scenarios: (A) an anticipated release of dangerous goods, (B) the release of less than 1% of the dangerous goods in a means of containment, (C) the release of more than 50% of the dangerous goods in a means of containment, and (D) the exposure to fire of a means of containment that contains dangerous goods, (ii) the possible consequences of the release or anticipated release for each scenario, (iii) the measures, organized by tier in accordance with section 7.8, to be taken in response to the release or anticipated release for each scenario, and (iv) the identification of the persons responsible for taking the measures referred to in subparagraph (iii).</p>	<p>The “potential accident assessment” is renamed “potential incident analysis” and requires the analysis of at least four scenarios for dangerous goods included in the ERAP.</p> <p>A copy of the plan and a potential incident analysis must be included with the ERAP application.</p>	<p>ERAC is to update the ERAP using the new language provided by Transport Canada: replace “Potential accident assessment” with “Potential accident analysis” and insert the new language describing the four potential accident analyses.</p>	<p>Be familiar with the content of the ERAP.</p>



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Reducing Regulatory Burden			
<p>7.7 Authorization to Use an Approved ERAP (1) A person who is required to have an ERAP under subsection 7(1) of the Act may use, as an authorized user, the ERAP of another person who received approval for the ERAP if</p> <ul style="list-style-type: none"> (a) the authorized user is not the producer of the dangerous goods to which the ERAP relates; (b) the ERAP applies to the dangerous goods, the mode of transport, the means of containment and the geographical area in which the dangerous goods will be in transport; (c) the person who received approval for the ERAP agrees to take measures to respond to a release or anticipated release of the dangerous goods to which the ERAP relates; and (d) the person who received approval for the ERAP provides a written authorization to the authorized user before the information referred to in subsection 3.6(1) is entered on the shipping document. <p>(2) The authorized user must be able to produce a copy of the authorization referred to in paragraph (1)(d)</p>	<p>There is no longer a need to notify Transport Canada when an authorization to use an ERAP is given or rescinded.</p>	<p>During an ERAP report, the ERAC Home Base Coordinator (HBC) will determine who the consignor is and verify if the consignor is the ERAP holder. If not, the HBC will report to the ERAP holder and determine if the consignor is an authorized user.</p>	<p>When receiving a call from ERAC to implement an ERAP, the ERAP holder should be able identify all its authorized users at the time of the call.</p> <p>The ERAP holder agrees to respond to a release or anticipated release of the dangerous goods to which the ERAP relates; and the person who received approval for the ERAP provides a written authorization to the authorized user before the information is entered on the shipping document.</p>



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<p>(a) for two years after the day on which the authorization is no longer in effect; and</p> <p>(b) within 15 days after the day on which the authorized user receives a written request from the Minister.</p>			
<p>Other Amendments (Housekeeping)</p>			
<p>TDG Reporting Requirements:</p> <p>Outside the requirements of an ERAP, an emergency report must be made to local emergency response authorities if there is a release or anticipated release of dangerous goods exceeding the quantities specified in the table of quantity for reporting in Part 8 (Reporting Requirements) of the TDG Regulations (see Table 1).</p>	<p>Dangerous goods in Class 3, 4, 5, 6.1 or 8 without an assigned packing group are now subject to the reporting requirements.</p>	<p>ERAC will continue to make the ERAP implementation report to CANUTEC as required by law.</p>	<p>Make verbal emergency report to local emergency response authorities if required.</p>
<p>8.22 ERAP Implementation Report</p> <p>Each time a person implements an approved ERAP to tier 1 or tier 2, the person must, as soon as possible, make an ERAP implementation report to CANUTEC, at 1-888-CANUTEC (1-888-226-8832) or 613-996-6666.</p>	<p>The new regulations remove the term “activate” with respect to an ERAP and replace it with “implement” to align with the terminology used in the TDG Act.</p>	<p>Change terminology in the ERAP to match that of Part 7 of the TDG regulations.</p>	<p>The ERAP holder is responsible for implementing the plan. An ERAP must be implemented when there is a release or anticipated release that endangers or could endanger public safety.</p>



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<p>5 (1) Subsection 3.6(1) of the Regulations is replaced by the following: (1) In addition to the information required by subsection 3.5(1), the shipping document for dangerous goods for which an approved ERAP is required under subsection 7(1) of the Act must include</p> <ul style="list-style-type: none"> (a) the ERAP reference number issued by Transport Canada, preceded or followed by the letters “ERAP” or “PIU”; and (b) the ERAP telephone number required under paragraph 7.3(2)(f). 	<p>Regulations now require “ERAP” or “PIU” to be written before or after the ERAP number on a shipping document.</p>	<p>ERAC to remove any reference to ERP in the plan and only use ERAP or PIU to describe a reference number.</p>	<p>Ensure ERAP or PIU is used to describe the reference number on the shipping document.</p>

Table 1

Class	Quantity
1,2,3,4,5,6 or 8	Any quantity
7	A level of ionizing radiation greater than the level established in section 39 of the “Packaging and Transport of Nuclear Substances Regulations, 2015”