**Comments on the Proposed Amendments to Part 11 – Marine, and Short-Run Ferry Provisions under the *Transportation of Dangerous Goods Regulations***

Stakeholders and interested parties are invited to provide comments on this proposal by **February 28, 2016**. Comments may be provided using this form or by email or mail to the address below.

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1. **Terminology and Definitions (Under Part 1 - Coming into Force, Repeal, Interpretation, General Provisions and Special Cases)**

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| **Current Text TDGR** | **Proposed Text/Change** | **Comments** |
| **Home-trade voyage** | Replace reference throughout the TDGR with text that reflects the current intent of the TDGR |  |
| **1.4 Passenger**  Means **(a)** for a **ship**, a **person** defined as a passenger in the "Canada Shipping Act"; and **(b)** for a **road vehicle**, a **railway vehicle** or an **aircraft**, a **person** carried on board the **means of transport** but does not include  **(i)** a crew member,  **(ii)** a **person** who is accompanying **dangerous goods** or other cargo,  **(iii)** an operator, owner or charterer of the **means of transport**,  **(iv)** an employee of the operator, owner or charterer of the **means of transport**, who is acting in the course of employment, or  **(v)** a **person** carrying out inspection or investigation duties under an Act of Parliament or of a provincial legislature. **(passager)** | **Passenger**  Means **(a)** for a **~~ship~~ vessel**, a **person** defined as a passenger in the "Canada Shipping Act 2001"; and **(b)** for a **road vehicle**, a **railway vehicle** or an **aircraft**, a **person** carried on board the **means of transport** but does not include  **(i)** a crew member,  **(ii)** a **person** who is accompanying **dangerous goods** or other cargo,  **(iii)** an operator, owner or charterer of the **means of transport**,  **(iv)** an employee of the operator, owner or charterer of the **means of transport**, who is acting in the course of employment, or  **(v)** a **person** carrying out inspection or investigation duties under an Act of Parliament or of a provincial legislature. **(passager)** |  |
| **1.4 Passenger-carrying ship**  means a **ship** that is carrying  **(a)** for the purposes of the provisions of these Regulations that refer to **dangerous goods** other than explosives,  **(i)** more than 25 **passengers**, or  **(ii)** more than one **passenger** for each 3 m of the length of the **ship**; and  **(b)** for the purposes of the provisions of these Regulations that refer to explosives,  **(i)** more than 12 **passengers**, and  **(ii)** more than one **passenger** for each 3 m of the length of the **ship**. **(navire de passagers)** | **Passenger-~~carrying ship~~ vessel**  means a **~~ship~~ vessel** that is carrying  **(a)** for the purposes of the provisions of these Regulations that refer to **dangerous goods** other than explosives,  **(i)** more than 25 **passengers**, or  **(ii)** more than one **passenger** for each 3 m of the length of the **~~ship~~ vessel**; and  **(b)** for the purposes of the provisions of these Regulations that refer to explosives,  **(i)** more than 12 **passengers**, and  **(ii)** more than one **passenger** for each 3 m of the length of the **~~ship~~ vessel**~~.~~ **~~(navire de passagers)~~ (bâtiment de passagers)** |  |
| **Passenger-carrying ship** | References to *passenger-carrying ship* would be replaced with *passenger vessel* throughout the TDGR |  |
| **1.4 Ship**  has the meaning assigned by the definition of "vessel" in section 2 of the "Canada Shipping Act, 2001". **(navire)** | **~~Ship~~ Vessel**  has the meaning assigned by the definition of "vessel" in section 2 of the "Canada Shipping Act, 2001". **(~~navire~~)(bâtiment)** |  |
| **Ship** | References to *ship* would be replaced with *vessel* throughout the TDGR |  |
| **Ship on a domestic voyage** | References to *ship on a domestic voyage* would be replaced with *vessel* *on a domestic voyage* throughout the TDGR |  |
| **1.4 Short-run ferry**  means a **ship** that is operating over the most direct water route between two points not more than 3 km apart. **(bac)** | Repeal definition. |  |
| **Short-run ferry** | References to *short-run ferry* throughout the TDGR would be replaced with text that reflects the current intent of the TDGR |  |
| **1.4 Roll-on roll-off ship**  means a **ship** **(a)** with one or more decks that are closed or open, normally not subdivided in any way and that generally run the entire length of the **ship**; and **(b)** onto or from which **persons** embark or disembark or goods or vehicles are loaded or unloaded, normally in a horizontal direction. **(navire roulier)** | Repeal definition |  |
| **Roll-on roll-off ship** | Reference to *roll-on roll-off ship* would be replaced with text that reflects the current intent of the TDGR |  |

# Section 1.30 Marine: Short-run Ferry Exemption (Under Part 1 - Coming into Force, Repeal, Interpretation, General Provisions and Special Cases)

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| **Current Text in TDGR** | **Proposed Text** | **Comments** |
| 1.30 Marine: Short-run Ferry Exemption The requirements of these Regulations that relate solely to the handling, offering for transport or transporting of dangerous goods by ship do not apply to dangerous goods in transport on a road vehicle or railway vehicle that is being transported on board a short-run ferry. | **1.30 Marine: ~~Short-run~~ Ferry Exemption**  ~~The requirements of these Regulations that relate solely to the handling, offering for transport or transporting of dangerous goods by ship~~ Paragraph 3.6(3)(a) of Part 3 (Documentation), subsections 4.16(3) and 4.22(1), paragraph 4.16.1(2)(d) of Part 4 (Dangerous Goods Safety Marks) do not apply to dangerous goods in transport on a road vehicle or railway vehicle that is being transported on board a ~~short-run ferry~~ vessel that is operating over the most direct water route between two points not more than 5 km apart. |  |

Summary of Exemptions under section 1.30

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| Current exemption for ≤ 3km | **Proposed exemption for ≤ 5km** | **Comments** |
| 1.6 Schedule 1: Quantity Limits in Columns 8 and 9 **(1)** When there is a number shown in column 8 of Schedule 1, that number is a quantity limit per means of containment for the corresponding dangerous goods in column 2. **A person must not load onto a passenger carrying ship, or transport on a road vehicle or a railway vehicle on board a passenger carrying ship, dangerous goods that exceed the quantity limit.** Dangerous goods exceed the quantity limit if **(a)** in the case of a solid, they have a mass that is greater than the number when that number is expressed in kilograms;  **(b)** in the case of a liquid, they have a volume that is greater than the number when that number is expressed in litres;  **(c)** in the case of a gas, including a gas in a liquefied form, they are contained in one or more means of containment the total capacity of which is greater than the number when that number is expressed in litres; and  **(d)** in the case of an explosive  **(i)** not subject to special provision 85 or 86, they have a net explosives quantity that is greater than the number when that number is expressed in kilograms, or  **(ii)** subject to special provision 85 or 86, they exceed 100 articles.  **Schedule 1 Legend**  **Col. 8 Passenger Carrying Ship Index.** This column gives the maximum quantity of dangerous goods that may be transported, per means of containment, on board a passenger carrying ship. The quantity limit is expressed in kilograms for solids, in litres for liquids, and, for gases, as the capacity in litres of the means of containment. For Class 1, Explosives, the quantity is expressed either in kilograms of net explosives quantity or, if the explosives are subject to special provision 85 or 86, in number of articles. There may be special stowage requirements or restrictions for some of these dangerous goods, and the consignor should contact the marine carrier for more information.  The word "Forbidden" in this column means that the dangerous goods must not be transported in any quantity on board a passenger carrying ship.  If no index number is shown, there is no quantity limit. | NO  Ferries that travel distances of 5 km or less would need to comply with the quantity limits in column 8 of Schedule 1, except for liquefied petroleum gases (UN1075), gasoline (UN1203) and propane (UN1978) if certain conditions to ensure safety are met (new special case 1.30.1). |  |
| 3.6 Additional Information on a Shipping Document **(3)** In addition to the information required by subsection 3.5(1), the following information must be included on a shipping document:  **(a)** for dangerous goods in **transport by ship**,  **(i)** the **flash point for dangerous goods included in Class 3, Flammable Liquids**, and  **(ii)** for dangerous goods that are marine pollutants under section 2.7 of Part 2, Classification, the words **“marine pollutant” or “polluant marin”** and, for a pesticide that is a marine pollutant, the name and concentration of the most active substance in the pesticide; | YES  The flash point for dangerous goods in Class 3, Flammable Liquids, and the marine pollutant mark would not be required on the shipping document if they are transported on ferries that travel distances of 5 km or less. |  |
| 3.9 Location of a Shipping Document: Marine **(1)** The master of a ship containing dangerous goods or the master in control of a ship containing dangerous goods **must have readily available on or near the bridge of the ship a paper copy or electronic copy of**  **(a)  the shipping document**; or  **(b)** a list that includes the classification of the dangerous goods.  **(2)** If dangerous goods are **transported by ship** on board a road vehicle that is accompanied by one or more drivers or a railway vehicle that is accompanied by one or more members of the train crew, a driver or a member of the train crew must notify the master of the ship or the marine carrier of the presence of the dangerous goods and make available to the master a copy of the shipping document. However, the shipping document must be kept, for the road vehicle, in accordance with section 3.7 and, for the railway vehicle, in the possession of a member of the train crew. | NO  The master of a ferry that travels a distance of 5 km or less would be required to have a copy of the shipping document on or near the bridge of the ship. |  |
| 4.13 Flash Point for Class 3, Flammable Liquids, on a Small Means of Containment for Transport by Ship When dangerous goods included in Class 3, Flammable Liquids, are to be **transported by a ship** other than a short-run ferry and are in a small means of containment, the flash point or the flash point range for the dangerous goods must be displayed on the small means of containment next to the shipping name of the dangerous goods or, if there is a technical name, next to the technical name. | N/A  This section would be repealed under this proposal to harmonize with the IMDG Code and 49 CFR. |  |
| 4.16 DANGER Placard **(3)** If a **road vehicle or railway vehicle to be transported by ship** contains a flammable gas, the flammable gas placard illustrated in the appendix to this Part must be displayed on the road vehicle or railway vehicle. | YES  A DANGER placard may be displayed on a road or railway vehicle containing flammable gas if it is transported on a ferry that travels a distance of 5 km or less. |  |
| 4.16.1 Placarding Exemption for Dangerous Goods Having a Gross Mass of 500 kg or Less ****(1)**** Except in the case of the dangerous goods listed in subsection (2), a placard is not required to be displayed on a road vehicle or railway vehicle if the dangerous goods in or on the road vehicle or railway vehicle have a gross mass that is less than or equal to 500 kg. **(2)** The exemption set out in subsection (1) does not apply to dangerous goods  **(d)** included in Class 2.1, Flammable Gases, if the **road vehicle or railway vehicle is to be transported by ship**; | YES  A placard would not be required for a road vehicle or a railway vehicle containing less than or equal to 500 kg of class 2.1, Flammable Gases, transported on a ferry that travels a distance of 5 km or less. |  |
| 8.1 Immediate Reporting **(1)** In the event of an accidental release of dangerous goods from a means of containment, a person who has possession of the dangerous goods at the time of the accidental release …  **(3)** In the event of an imminent accidental release of dangerous goods, a person who has possession of the dangerous goods at the time of the imminent accidental release …  **(5)** A person referred to in subsection (1), (2) or (3) must make an immediate report to  **(f)** **for a ship**, CANUTEC at (613) 996-6666, a Vessel Traffic Services Centre or a Canadian Coast Guard radio station; | NO  Immediate reporting to CANUTEC, a Vessel Traffic Services Centre or a Canadian Coast Guard radio station would be required for an accidental release or an imminent accidental release of dangerous goods on a ferry that travels a distance of 5 km or less. |  |
| 8.2 Immediate Reporting Information The immediate report must include as much of the following information as is known at the time of the report:  **(f)** **for a ship**, the position of the ship and the next location at which the ship will be at anchor or alongside a fixed facility; | NO  The position of the vessel and the next location at which the vessel will be at anchor or alongside a fixed facility would need to be included in an immediate report of an accidental release or an imminent accidental release of dangerous goods on a ferry that travels a distance of 5 km or less. |  |

# Section 1.30.1 Marine: Propane and Gasoline in Highway Tanks on Board Ferries (Under Part 1 - Coming into Force, Repeal, Interpretation, General Provisions and Special Cases)

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| **Current Text in TDGR** | **Proposed Text** | **Comments** |
|  | **1.30.1 Marine: Propane and Gasoline in Highway Tanks on Board Ferries**  Subsection 1.6(1) of Part 1 (Coming into Force, repeal, Interpretation, General Provisions and Special cases) Paragraph 3.6(3)(a) of Part 3 (Documentation) and subsection 4.22(1) of Part 4 (Dangerous Goods Safety Marks) do not apply to UN1075, LIQUEFIED PETROLEUM GASES, UN1203, GASOLINE and UN1978, PROPANE in transport in a road vehicle that is being transported on board a vessel that is operating over the most direct water route between two points not more than 5 km apart if the following conditions are met:   1. The operator of the vessel has ensured that the dangerous goods are contained in a means of containment that meets the requirements of Part 5; 2. A maximum of 2 highway tanks containing UN1203, UN1978 or UN1075 are transported on the passenger vessel; 3. Before the highway tank containing UN1203, UN1978 or UN1075 is placed on the passenger vessel, the means of containment must be visually inspected by the driver for evidence of dents, corroded or abraded areas, leakage, or any other condition that might render the means of containment unsafe for transportation. A highway tank having one of these conditions must not be accepted on the passenger vessel; 4. A safety perimeter of at least 1 m must be established around the highway tank to prevent any contact between passengers and the tank and the tank must be parked at least 3 m from other road vehicles that have fuel in their tanks or ignition sources; 5. Parking breaks of the highway tank must be set securely to prevent movement; 6. Motor and vehicle lights of the highway tank must be shut off and not restarted until the vessel has completed its voyage and is docked. 7. The operator of the highway tank must remain with the vehicle while it is on the vessel; 8. Smoking, using an open flame or using a spark-producing equipment is prohibited at any time on the passenger vessel transporting the dangerous goods and notices to that effect must be placed in full view of passengers; 9. Firefighting equipment, including absorbing material and foam cannon units providing coverage for the highway tank, must be installed on board the passenger vessel; 10. A flammable gas detector must be available on board the passenger vessel; 11. The vessel’s master must ensure that the highway tank is constantly monitored by a crew member while it is on board the passenger vessel; 12. The operator must ensure that the crew members of the passenger vessel are trained in the proper use of the emergency equipment on board. |  |

1. **Section 4.13 Flash Point for Class 3, Flammable Liquids, on a Small Means of Containment for Transport by Ship (Under Part 4 – Dangerous Goods Safety Marks)**

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| **Current Text in TDGR** | **Proposed Text/Change** | **Comments** |
| 4.13 Flash Point for Class 3, Flammable Liquids, on a Small Means of Containment for Transport by ShipWhen dangerous goods included in Class 3, Flammable Liquids, are to be transported by a ship other than a short-run ferry and are in a small means of containment, the flash point or the flash point range for the dangerous goods must be displayed on the small means of containment next to the shipping name of the dangerous goods or, if there is a technical name, next to the technical name. | Repeal |  |

1. **Section 11.1 International Transport and Home-Trade Voyage, Class I, Transport (Under Part 11 – Marine)**

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| Current Text in TDGR | Proposed Text/Change | Comments |
| 11.1 International Transport and Home-Trade Voyage, Class I, Transport **(1)** A person who handles, offers for transport or transports dangerous goods by ship must comply with the IMDG Code when the dangerous goods are in transport between  **(a)** Canada and another country, if the voyage is not an inland voyage;  **(b)** two points in Canada on a home-trade voyage, Class I; or  **(c)** two points outside Canada on board a ship registered in Canada.  **(2)** In addition to the requirements in subsection (1), a person who handles, offers for transport or transports dangerous goods by ship must do so in accordance with the following provisions of these Regulations: **(a)** the following provisions in Part 3, Documentation:  **(i)** section 3.2, Carrier Responsibilities,  **(ii)** subsection 3.4(1), Legibility and Language,  **(iii)** paragraph 3.5(1)(f) and subsection 3.5(2), concerning a 24-hour number on a shipping document,  **(iv)** section 3.9, Location of a Shipping Document: Marine, and  **(v)** section 3.10, Location of a Shipping Document: Storage in the Course of Transportation;  **(b)** the following provisions in Part 4, Dangerous Goods Safety Marks:  **(i)** section 4.2, Misleading Dangerous Goods Safety Marks,  **(ii)** section 4.4, Consignor Responsibilities,  **(iii)** subsection 4.5(1), Carrier Responsibilities, and  **(iv)** section 4.6, Visibility, Legibility and Colour;  **(c)** the following provisions in Part 5, Means of Containment:  **(i)** section 5.2, Requirements for a Standardized Means of Containment to Be in Standard,  **(ii)** section 5.3, Certification Safety Marks on a Means of Containment,  **(iii)** section 5.6, UN Standardized Means of Containment, and  **(iv)** section 5.10, Means of Containment for Class 2, Gases, and section 5.11, UN1950, AEROSOLS, and UN2037, GAS CARTRIDGES; and **(d)** Part 8, Accidental Release and Imminent Accidental Release Report Requirements. **(3)** The means of containment used to transport the dangerous goods must be designed, constructed, filled, closed, secured and maintained so that under normal conditions of transport, including handling, there will be no accidental release of the dangerous goods that could endanger public safety. | 11.1 International Transport ~~and Home-Trade Voyage, Class I, Transport~~ **(1)** A person who handles, offers for transport or transports dangerous goods by ~~ship~~ vessel must comply with the IMDG Code when the dangerous goods are in transport between  **(a)** Canada and another country, if the voyage is not an inland voyage;  **(b)** two points in Canada ~~on a home-trade voyage, Class I~~ not on a domestic voyage; or  **(c)** two points outside Canada on board a ~~ship~~ vessel registered in Canada.  **(2)** In addition to the requirements in subsection (1), a person who handles, offers for transport or transports dangerous goods by ~~ship~~ vessel must do so in accordance with the following provisions of these Regulations:  **(a)** the following provisions in Part 3, Documentation:  **(i)** section 3.2, Carrier Responsibilities,  **(ii)** subsection 3.4(1), Legibility and Language,  **(iii)** paragraph 3.5(1)(f) and subsection 3.5(2), concerning a 24-hour number on a shipping document,  **(iv)** section 3.9, Location of a Shipping Document: Marine, and  **(v)** section 3.10, Location of a Shipping Document: Storage in the Course of Transportation;  **(b)** the following provisions in Part 4, Dangerous Goods Safety Marks:  **(i)** section 4.2, Misleading Dangerous Goods Safety Marks,  **(ii)** section 4.4, Consignor Responsibilities,  **(iii)** subsection 4.5(1), Carrier Responsibilities, and  **(iv)** section 4.6, Visibility, Legibility and Colour;  **(c)** the following provisions in Part 5, Means of Containment:  **(i)** section 5.2, Requirements for a Standardized Means of Containment to Be in Standard,  **(ii)** section 5.3, Certification Safety Marks on a Means of Containment,  **(iii)** section 5.6, UN Standardized Means of Containment, and  **(iv)** section 5.10, Means of Containment for Class 2, Gases, and section 5.11, UN1950, AEROSOLS, and UN2037, GAS CARTRIDGES; and **(d)** Part 8, Accidental Release and Imminent Accidental Release Report Requirements. **(3)** The means of containment used to transport the dangerous goods must be designed, constructed, filled, closed, secured and maintained so that under normal conditions of transport, including handling, there will be no accidental release of the dangerous goods that could endanger public safety. |  |

# Sections 11.2 Domestic Transport and 11.3 Transporting Dangerous Goods from One Country through Canada to another Country (Under Part 11 – Marine)

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| **Current Text in TDGR** | **Proposed Text/Change** | **Comments** |
| 11.2 Domestic TransportA person who handles, offers for transport or transports dangerous goods by ship between two points in Canada, other than on a home-trade voyage, Class I, must comply with these Regulations. | 11.2 Domestic Transport A person who handles, offers for transport or transports dangerous goods by ~~ship~~ vessel between two points in Canada~~, other than on a home-trade voyage, Class I,~~ on a sheltered waters voyage, a near coastal voyage, Class 2 or an inland voyage must comply with these Regulations. |  |
| 11.3 Transporting Dangerous Goods from One Country through Canada to Another Country A person who transports dangerous goods by ship from one country through Canada to another country must comply with the IMDG Code and Part 8, Accidental Release and Imminent Accidental Release Report Requirements, of these Regulations. | 11.3 Transporting Dangerous Goods from One Country through Canada to Another Country A person who transports dangerous goods by ~~ship~~ vessel from one country through Canada to another country must comply with the IMDG Code and Part 8, Accidental Release and Imminent Accidental Release Report Requirements, of these Regulations. |  |

1. **Section 11.4 Notification of the Loading or Unloading of Explosives or Ammonium Nitrate (Under Part 11 – Marine)**

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| **Current Text in TDGR** | **Proposed Text/Change** | **Comments** |
| 11.4 Notification of the Loading or Unloading of Explosives or Ammonium Nitrate At least 24 hours before 25 tonnes or more of explosives, other than explosives included in Class 1.4S, or 150 tonnes or more of ammonium nitrate, are to be loaded on or unloaded from a ship, the consignor of the dangerous goods or the consignor's agent must notify the following of the intended loading or unloading and the place where the loading or unloading will take place:  **(a)** the Marine Safety Office of Transport Canada nearest to the place where the explosives or the ammonium nitrate is to be loaded or unloaded; and  **(b)** the harbour master at the port where the explosives or the ammonium nitrate is to be loaded or unloaded or, if there is no harbour master, the person responsible for the port.  *This section applies to UN0222, UN0223, UN1942, UN2067, UN2068, UN2069, UN2070 and UN2426.* | Repeal |  |

# Column 8, Passenger-Carrying Ship Index (Schedule 1)

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| **Current Text in TDGR** | **Proposed Text/Change** | **Comments** |
| Schedule 1, column 8 UN3156, COMPRESSED GAS, OXIDIZING, N.O.S.  Forbidden | Schedule 1, column 8 UN3156, COMPRESSED GAS, OXIDIZING, N.O.S.  ~~Forbidden~~ 18 L |  |