

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

### **Introduction**

Transport Canada is proposing to update the marine provisions in Part 11 of the *Transportation of Dangerous Goods Regulations* (TDGR) and special case provided for at section 1.30 of the TDGR which grants exemptions for short-run ferries. Transport Canada is soliciting feedback from interested parties with respect to this proposal and requesting the voluntary submission of information related to the transport of dangerous goods by ferry, the needs of the communities served by the ferry services and shippers and consignors that use these ferries to transport dangerous goods. The feedback received will assist in the analysis of the potential impacts that could result from the proposal as well as influence the regulatory amendments that will be published in the *Canada Gazette*, Part I.

### **Background**

The marine provisions in the TDGR have not been updated since 1992. The TDGR currently refer to terms and definitions with respect to marine transportation that are no longer in the *Canada Shipping Act, 2001* (CSA 2001) and regulations made under the CSA 2001 such as the *Cargo, Fumigation, and Tackle Regulations* (CFTR) and the *Vessel Certificates Regulations* (VCR). In addition, there are other inconsistencies between the TDGR and the CFTR which also pose challenges for regulatees.

One difference in particular between the CFTR and the TDGR, pertaining to the distances that define a short-run ferry, has raised concerns and has impacted some stakeholders. The TDGR define a short-run ferry as a ship with a route that is 3 km or less, while the CFTR define it as a vessel with a route that is 5 km or less. Operators with routes between 3 and 5 km are eligible for exemptions under the CFTR but not under the TDGR.

In order to meet the requirements of the TDGR, some ferry operators that are not eligible for the exemption in the TDGR to transport certain dangerous goods on passenger carrying ferries, offer designated dangerous goods runs several times per week. However, some have expressed concerns regarding negative impacts on local businesses and communities and longer wait times for passengers during peak seasons resulting from having these designated runs. The dangerous goods of greatest concern for the ferry operators are gasoline (UN1203), propane (UN1978) and liquefied petroleum gases (UN1075) transported in highway tanks. These dangerous goods are needed by local industries, communities and businesses for heating, cooking and vehicle fuel. Following a risk assessment conducted by Transport Canada to examine risks and determine potential mitigation measures for transporting UN1203, UN1978 and UN1075 onboard ferries with passengers, temporary certificates were issued to two ferry operators who had applied for exemptions. These certificates specified conditions that must be met in order to transport these dangerous goods on board ferries with more than 25 passengers.

Misinterpretation of the short-run ferry exemption in section 1.30 of the TDGR has also led to non-compliance with the TDGR which could have potential negative impacts on safety. For example, some stakeholders believe that section 1.30 provides an exemption from all requirements related to shipping documents while others believe it provides an exemption from the TDGR in their entirety. Section 1.30 only provides exemption from specific provisions of the TDGR which are listed in section 2 below.

In 2015, Transport Canada conducted a survey to gather information on the number of ferry operators in Canada, the distance of ferry routes as well as the types and quantities of dangerous goods transported on board ferries in Canada. Sixty (60) operators were identified as providing service to 258 routes across the country. The results of the survey indicate that there are 112 ferries with routes of 3 km and under to which the exemption in section 1.30 of the TDGR currently applies. Of those, 63 confirmed that they do not transport dangerous goods while 26 confirmed that they do transport dangerous goods and in some cases on cargo only trips. The survey also determined that there are 17 ferries with routes between 3 km and 5 km long and 4 of them confirmed that they do not transport dangerous goods while 4 confirmed that they do carry dangerous goods. The majority of the dangerous goods, identified by the operators, transported by ferry were either flammable gases (Class 2.1) or flammable liquids (Class 3). Based on the information available it is understood that the majority of shipments of Class 2.1 and Class 3 dangerous goods involve the transport of UN1203, UN1978 and UN1202 (Diesel) in highway tanks. UN1203 and UN1978 have limited quantity indexes of 100 L and 110 L respectively when transported on board a passenger-carrying ship. UN1202 has no quantity restriction for transport with passengers.

While the data collected provides an overview of the landscape, Transport Canada would benefit from more information related to the transport of dangerous goods on board all ferries in Canada in order to develop a regulatory proposal that considers the concerns of all stakeholders prior to publication in *Canada Gazette*, Part I.

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

Terminology and definitions related to the marine provisions of the TDGR would be updated to reflect the terminology and definitions used in the current version of the CSA 2001 and in regulations, such as the VCR and the CFTR, that are made under the CSA 2001. References to these terms would be updated throughout the TDGR to reflect the changes.

The term “ship” would be replaced with “vessel” to align with the CSA 2001 and related terms, such as “ship on a domestic voyage” would be revised accordingly. The term “passenger-carrying ship” would be changed to “passenger vessel” to align with the CFTR. The definition of “passenger” would be updated to reference the definition of passenger in the CSA 2001 instead of the one defined in the repealed Canada Shipping Act. The definition of “short-run ferry” would be repealed to remove discrepancies with the CFTR definition and references to “short-run ferry” throughout the TDGR would be replaced

such that the current intent of the TDGR would be reflected. The definition for “roll-on roll-off ship” and the term “home-trade voyage” are not in the CSA 2001 so they would be removed and replaced with text that would reflect the current intent of the TDGR.

Current Text TDGR	Proposed Text/Change
<b>Home-trade voyage</b>	Replace reference throughout the TDGR with text that reflects the current intent of the TDGR
<b>1.4 Passenger</b> Means (a) for a <b>ship</b> , a <b>person</b> defined as a passenger in the "Canada Shipping Act"; and (b) for a <b>road vehicle</b> , a <b>railway vehicle</b> or an <b>aircraft</b> , a <b>person</b> carried on board the <b>means of transport</b> but does not include (i) a crew member, (ii) a <b>person</b> who is accompanying <b>dangerous goods</b> or other cargo, (iii) an operator, owner or charterer of the <b>means of transport</b> , (iv) an employee of the operator, owner or charterer of the <b>means of transport</b> , who is acting in the course of employment, or (v) a <b>person</b> carrying out inspection or investigation duties under an Act of Parliament or of a provincial legislature. ( <b>passager</b> )	<b>Passenger</b> Means (a) for a <b>ship-vessel</b> , a <b>person</b> defined as a passenger in the "Canada Shipping Act 2001"; and (b) for a <b>road vehicle</b> , a <b>railway vehicle</b> or an <b>aircraft</b> , a <b>person</b> carried on board the <b>means of transport</b> but does not include (i) a crew member, (ii) a <b>person</b> who is accompanying <b>dangerous goods</b> or other cargo, (iii) an operator, owner or charterer of the <b>means of transport</b> , (iv) an employee of the operator, owner or charterer of the <b>means of transport</b> , who is acting in the course of employment, or (v) a <b>person</b> carrying out inspection or investigation duties under an Act of Parliament or of a provincial legislature. ( <b>passager</b> )
<b>1.4 Passenger-carrying ship</b> means a <b>ship</b> that is carrying  (a) for the purposes of the provisions of these Regulations that refer to <b>dangerous goods</b> other than explosives, (i) more than 25 <b>passengers</b> , or (ii) more than one <b>passenger</b> for each 3 m of the length of the <b>ship</b> ; and (b) for the purposes of the provisions of these Regulations that refer to explosives, (i) more than 12 <b>passengers</b> , and (ii) more than one <b>passenger</b> for each 3 m of the length of the <b>ship</b> . ( <b>navire de passagers</b> )	<b>Passenger-carrying-ship vessel</b> means a <b>ship-vessel</b> that is carrying  (a) for the purposes of the provisions of these Regulations that refer to <b>dangerous goods</b> other than explosives, (i) more than 25 <b>passengers</b> , or (ii) more than one <b>passenger</b> for each 3 m of the length of the <b>ship-vessel</b> ; and (b) for the purposes of the provisions of these Regulations that refer to explosives, (i) more than 12 <b>passengers</b> , and (ii) more than one <b>passenger</b> for each 3 m of the length of the <b>ship-vessel</b> . ( <del>navire de passagers</del> ) ( <del>bâtiment de passagers</del> )
<b>Passenger-carrying ship</b>	References to <i>passenger-carrying ship</i> would be replaced with <i>passenger vessel</i> throughout the TDGR
<b>1.4 Ship</b> has the meaning assigned by the definition of "vessel" in section 2 of the "Canada Shipping Act, 2001". ( <b>navire</b> )	<b>Ship Vessel</b> has the meaning assigned by the definition of "vessel" in section 2 of the "Canada Shipping Act, 2001". ( <del>navire</del> )( <del>bâtiment</del> )

Current Text TDGR	Proposed Text/Change
<b>Ship</b>	References to <i>ship</i> would be replaced with <i>vessel</i> throughout the TDGR
<b>Ship on a domestic voyage</b>	References to <i>ship on a domestic voyage</i> would be replaced with <i>vessel on a domestic voyage</i> throughout the TDGR
<b>1.4 Short-run ferry</b> means a <b>ship</b> that is operating over the most direct water route between two points not more than 3 km apart. <b>(bac)</b>	Repeal definition.
<b>Short-run ferry</b>	References to <i>short-run ferry</i> throughout the TDGR would be replaced with text that reflects the current intent of the TDGR
<b>1.4 Roll-on roll-off ship</b> means a <b>ship</b> <b>(a)</b> 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 <b>ship</b> ; and <b>(b)</b> onto or from which <b>persons</b> embark or disembark or goods or vehicles are loaded or unloaded, normally in a horizontal direction. <b>(navire roulier)</b>	Repeal definition
<b>Roll-on roll-off ship</b>	Reference to <i>roll-on roll-off ship</i> would be replaced with text that reflects the current intent of the TDGR

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

### **Current Exemption**

Section 1.30 of the TDGR currently provides that the requirements of the TDGR “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”, with a short run ferry defined as “a ship that is operating over the most direct water route between two points not more than 3 km apart”. These requirements are:

1. Section 1.6 – Passenger carrying ship Index under column 8 of Schedule 1;
2. Paragraph 3.6(3)(a) – Flash point and marine pollutant indication on the shipping document;
3. Section 3.9 – Location of a shipping document;
4. Section 4.13 – Flash point indication on a small means of containment;
5. Subsection 4.16(3) – Flammable gas placard (DANGER placard not allowed);
6. Paragraph 4.16.1(2)(d) – Flammable gas placard (500 kg exemption placard exemption not allowed);
7. Section 4.22 – Marine pollutant mark (exemption for roll-on roll-off ship);

8. Paragraph 8.1(5)(f) – Immediate report to Canadian Transport Emergency Centre (CANUTEC), a Vessel Traffic Services Centre or a Canadian Coast Guard radio station after an accidental release of dangerous goods;
9. Paragraph 8.2(f) - Reporting of ship location after an accidental release of dangerous goods;
10. Part 11 – Marine specific provisions for different type of voyages;
11. Column 8 of Schedule 1 – Passenger-carrying ship Index.

### ***Proposed Changes***

To clarify the exemption under the TDGR and eliminate confusion with the exemption under the CFTR ( $\leq 5$  km) it is proposed that section 1.30 of the TDGR be revised to provide relaxation for ferries travelling distances up to 5 km. To provide clarity, section 1.30 would list all of the provisions for which an exemption would be granted. Specifically, an exemption would continue to be provided from the following provisions:

1. Paragraph 3.6(3)(a) – Flash point and marine pollutant indication on the shipping document;
2. Subsection 4.16(3) – Flammable gas placard (DANGER placard not allowed);
3. Paragraph 4.16.1(2)(d) – Flammable gas placard (500 kg exemption placard exemption not allowed);
4. Section 4.22 – Marine pollutant mark (exemption for roll-on roll-off ship);
5. Part 11 – Marine specific provisions for different type of voyages.

There are four exemptions granted currently under section 1.30 which would be removed, thus the requirements would apply. They are the following:

1. Section 1.6 – Passenger carrying ship Index under column 8 of Schedule 1;
2. Section 3.9 – Location of a shipping document;
3. Paragraph 8.1(5)(f) – Immediate report to CANUTEC, a Vessel Traffic Services Centre or a Canadian Coast Guard radio station after an accidental release of dangerous goods;
4. Paragraph 8.2(f) - Reporting of ship location after an accidental release of dangerous goods.

Under this proposal, ferries would not be exempt from the requirements in section 1.6 – Passenger-carrying ship index, column 8 of Schedule 1. Communications with ferry operators and the results of the survey conducted by Transport Canada indicate that consignors and carriers who transport dangerous goods on ferries do not generally have difficulties meeting the quantity limits set out in column 8 of Schedule 1; the exceptions being the limits for UN1075, UN1203 and UN1978. Even short-run ferries that are eligible for the exemption are using it primarily to transport UN1203 and UN1978 in highway tanks. They are transporting most other dangerous goods in quantities less than or equal to those prescribed in column 8 of Schedule 1.

Under the current TDGR, ferries that travel distances greater than 3 km are not currently eligible for the exemption and thus cannot transport UN1075, UN1203 or UN1978 in highway tanks on board with passengers. Some stakeholders have expressed concerns regarding negative impacts on local businesses and long wait times for passengers during peak seasons resulting from having to schedule designated dangerous goods runs in order to comply with the TDGR when transporting these UN1075, UN1203 or

UN1978 in highway tanks. To address these concerns a new special case is being proposed which would allow the transport of highway tanks carrying UN1075, UN1203 and UN1978 on board ferries with passengers under certain conditions. See section 1.30.1 Marine: Propane and Gasoline in Highway Tanks on Board Ferries below for more details.

Under this proposal, ferries would not be exempt from the requirements in section 3.9, location of a shipping document. The master of the vessel would be required to have a copy of the shipping document to identify which dangerous goods are being transported on board and also for a copy of the shipping document to be easily accessible to the master of the vessel so that they may consult it in case of an emergency. This requirement would potentially increase safety on board the vessel.

The current exemptions from the requirements to report a release or anticipated release under Part 8 of the TDGR (paragraphs 8.1(5)(f) and 8.2(f)) were an unintentional result of the wording in section 1.30. Transport Canada requires the reporting of this information. The immediate report, including information regarding the ship's location, made to CANUTEC a Vessel Traffic Services Centre or a Canadian Coast Guard radio station is needed to provide officials with immediate information to allow them to assess the severity of an incident and to assist first responders during their intervention. Thus the proposal would not provide exemption from these requirements.

Section 1.30 also currently provides exemption from section 4.13 – Flash point indication on a small means of containment. It is proposed that this requirement be removed from the TDGR to align with the International Maritime Dangerous Goods (IMDG) Code and 49 CFR which do not require the flash point to be indicated on a small means of containment. If it is removed, an exemption specific to ferries would no longer be required.

Current Text in TDGR	Proposed Text
<p><b>1.30 Marine: Short-run Ferry Exemption</b></p> <p>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.</p>	<p><b>1.30 Marine: <del>Short-run</del> Ferry Exemption</b></p> <p><del>The requirements of these Regulations that relate solely to the handling, offering for transport or transporting of dangerous goods by ship</del> 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 <del>short-run ferry vessel that is operating over the most direct water route between two points not more than 5 km apart.</del></p>

The following table provides a summary of the exemptions that are currently granted for ferries that operate over a distance less than or equal to 3 km and the changes being proposed that would apply for ferries that operate over a distance less than or equal to 5 km.

Current exemption for ≤ 3km	Proposed exemption for ≤ 5km
<p><b>1.6 Schedule 1: Quantity Limits in Columns 8 and 9</b></p> <p><b>(1)</b> 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. <b>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.</b> Dangerous goods exceed the quantity limit if</p> <p><b>(a)</b> in the case of a solid, they have a mass that is greater than the number when that number is expressed in kilograms;</p> <p><b>(b)</b> in the case of a liquid, they have a volume that is greater than the number when that number is expressed in litres;</p> <p><b>(c)</b> 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</p> <p><b>(d)</b> in the case of an explosive</p> <p><b>(i)</b> 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</p> <p><b>(ii)</b> subject to special provision 85 or 86, they exceed 100 articles.</p> <p><b>Schedule 1 Legend</b></p> <p><b>Col. 8 Passenger Carrying Ship Index.</b> 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.</p> <p>The word "Forbidden" in this column means that the dangerous goods must not be transported in any quantity on board a passenger carrying ship.</p> <p>If no index number is shown, there is no quantity limit.</p>	<p>NO</p> <p>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).</p>

Current exemption for ≤ 3km	Proposed exemption for ≤ 5km
<p><b>3.6 Additional Information on a Shipping Document</b></p> <p>(3) In addition to the information required by subsection 3.5(1), the following information must be included on a shipping document:</p> <p>(a) for dangerous goods in <b>transport by ship</b>,</p> <p>(i) the <b>flash point for dangerous goods included in Class 3, Flammable Liquids</b>, and</p> <p>(ii) for dangerous goods that are marine pollutants under section 2.7 of Part 2, Classification, the words “<b>marine pollutant</b>” or “<b>polluant marin</b>” and, for a pesticide that is a marine pollutant, the name and concentration of the most active substance in the pesticide;</p>	<p>YES</p> <p>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.</p>
<p><b>3.9 Location of a Shipping Document: Marine</b></p> <p>(1) The master of a ship containing dangerous goods or the master in control of a ship containing dangerous goods <b>must have readily available on or near the bridge of the ship a paper copy or electronic copy of</b></p> <p>(a) <b>the shipping document</b>; or</p> <p>(b) a list that includes the classification of the dangerous goods.</p> <p>(2) If dangerous goods are <b>transported by ship</b> 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.</p>	<p>NO</p> <p>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.</p>
<p><b>4.13 Flash Point for Class 3, Flammable Liquids, on a Small Means of Containment for Transport by Ship</b></p> <p>When dangerous goods included in Class 3, Flammable Liquids, are to be <b>transported by a ship</b> 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.</p>	<p>N/A</p> <p>This section would be repealed under this proposal to harmonize with the IMDG Code and 49 CFR.</p>
<p><b>4.16 DANGER Placard</b></p> <p>(3) If a <b>road vehicle or railway vehicle to be transported by ship</b> 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.</p>	<p>YES</p> <p>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.</p>



Current exemption for ≤ 3km	Proposed exemption for ≤ 5km
<p><b>4.16.1 Placarding Exemption for Dangerous Goods Having a Gross Mass of 500 kg or Less</b></p> <p>(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.</p> <p>(2) The exemption set out in subsection (1) does not apply to dangerous goods</p> <p>(d) included in Class 2.1, Flammable Gases, if the <b>road vehicle or railway vehicle is to be transported by ship;</b></p>	<p>YES</p> <p>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.</p>
<p><b>8.1 Immediate Reporting</b></p> <p>(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 ...</p> <p>(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 ...</p> <p>(5) A person referred to in subsection (1), (2) or (3) must make an immediate report to</p> <p>(f) <b>for a ship</b>, CANUTEC at (613) 996-6666, a Vessel Traffic Services Centre or a Canadian Coast Guard radio station;</p>	<p>NO</p> <p>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.</p>
<p><b>8.2 Immediate Reporting Information</b></p> <p>The immediate report must include as much of the following information as is known at the time of the report:</p> <p>(f) <b>for a ship</b>, the position of the ship and the next location at which the ship will be at anchor or alongside a fixed facility;</p>	<p>NO</p> <p>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.</p>

### 3. 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)

To address concerns raised by some ferry operators, a new special case (section 1.30.1) is proposed that would allow the transport of UN1075, UN1203 and UN1978 in highway tanks on passenger-carrying ferries that travel distances of up to 5 km if certain conditions are met. These conditions of transport would be included in section 1.30.1 to reduce the potential risks related to the transport of these large volumes of dangerous goods on ferries with passengers.

In order to be able to transport UN1075, UN1203 or UN1978 in a highway tank on board a ferry with more than 25 passengers (or more than 1 passenger for each 3 m) the operator of the vessel would have to ensure that the dangerous goods were contained in a means of containment that meets the

requirements of Part 5 of the TDGR. This would require that the operator be familiar with the requirements for highway tanks specific to the transport of these three UN numbers.

A maximum of two highway tanks containing UN1203, UN1978 or UN1075 would be allowed to be transported on board a passenger-carrying ferry in order to minimize the risks to public safety.

Before a highway tank containing UN1075, UN1203 or UN1978 could be placed on the ferry, the means of containment would need to be visually inspected for evidence of leaks or other signs of damage that might render the means of containment unsafe for transportation. A highway tank found to have leaks or damage would not be allowed to be transported on the ferry with passengers. This condition would be included as the most probable scenarios for incidents involving these dangerous goods on ferries involve leaking or spilling of the dangerous goods. Minimizing the chance of a leak from a highway tank on board a ferry would greatly improve safety.

Several conditions would be imposed to decrease the risk of ignition during transport should there be a leak from a means of containment. A condition of the exemption would require that the highway tank be parked at least 3 m from other motorized vehicles that have fuel in their tanks or ignition sources. This is a requirement in the IMDG Code for the transport on roll-on roll-off ships of cargo transport units of flammable gases or liquids that have a flash point of less than 23 °C. The flash points of UN1075, UN1203 and UN1978 are all well below 23 °C. Motor and vehicle lights of the highway tank would be required to be shut off for the duration of the ferry voyage and smoking, using an open flame or using a spark-producing equipment would be prohibited at all times. Notices to inform passengers of the smoking ban would be required. These requirements would reduce the chance of accidental ignition and align with requirements in the 49 CFR regarding the transport of vehicles containing hazardous materials on board ferry vessels. A flammable gas detector would also be required on board the ferry for early detection of leaks.

As evacuation is not a viable option in most cases when there is an incident on a ferry and emergency responders are not easily able to reach the site, emergency equipment on board the ferry is necessary to react quickly should an emergency arise. The regulations would therefore require that firefighting equipment, including absorbing material and foam cannon units capable of providing coverage for the highway tank, be installed on board the vessel if UN1075, UN1203 and UN1978 were to be transported in highway tanks on board with passengers. Another condition would be that the crew be trained in the proper use of the emergency equipment on board to ensure appropriate action is taken to ensure safety of passengers.

Other conditions would be included to ensure that the vehicle remains stationary and monitored during transport. Parking breaks of the highway tank would have to be set securely and the operator of the highway tank would be required to remain with the vehicle while it is on the vessel. These conditions are also requirements in the 49 CFR regarding the transport of vehicles containing hazardous materials on board ferry vessels. The vessel's master would also be required to ensure that the highway tank was constantly monitored by a crew member while it is on board.

To protect passengers and reduce the risk of potential damage to a highway tank while being transported on a passenger-carrying ferry, a safety perimeter of at least 1 m would be required to be established around the highway tank to prevent any contact between passengers and the tank.

While there would be costs to ferry operators associated with the implementation of some of these conditions, public safety is a priority. Results of the survey conducted by Transport Canada indicate that many ferry operators already offer designated dangerous goods runs. Special case 1.30.1 would only be used by those ferry operators wishing to transport UN1075, UN1203 and UN1978 in highway tanks on board with more than 25 passengers or one passenger for each 3 m of the length of the vessel. Some ferry operators have indicated that they already have emergency equipment in place on board when transporting dangerous goods.

Current Text in TDGR	Proposed Text
	<p><b>1.30.1 Marine: Propane and Gasoline in Highway Tanks on Board Ferries</b></p> <p>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:</p> <ul style="list-style-type: none"> <li>a) 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;</li> <li>b) a maximum of 2 highway tanks containing UN1203, UN1978 or UN1075 are transported on the passenger vessel;</li> <li>c) 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;</li> <li>d) a safety perimeter of at least 1 m must be established around the highway tank to prevent any contact between passengers and the tank must be parked at least 3 m from other road vehicles that have fuel in their tanks or ignition sources;</li> <li>e) parking breaks of the highway tank must be set securely to prevent movement;</li> <li>f) 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.</li> <li>g) the driver must remain with the vehicle while it is on the vessel;</li> <li>h) 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;</li> <li>i) firefighting equipment, including absorbing material and foam cannon units providing coverage for the highway tank, must be installed on board the passenger vessel;</li> <li>j) a flammable gas detector must be available on board the passenger vessel;</li> </ul>

	<p>k) 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;</p> <p>l) the operator must ensure that the crew members of the passenger vessel are trained in the proper use of the emergency equipment on board.</p>
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#### 4. 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)

Section 4.13 would be repealed to align the TDGR with the IMDG Code and 49 CFR which do not require the flash point to be indicated on a small means of containment for transport by ship.

Current Text in TDGR	Proposed Text/Change
<p><b>4.13 Flash Point for Class 3, Flammable Liquids, on a Small Means of Containment for Transport by Ship</b></p> <p>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.</p>	Repeal

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

Section 11.1 would be revised to reflect updated terminology used in the CSA 2001 and regulations such as the VCR and CFTR, made under the CSA 2001. The term “ship” would be replaced by “vessel” throughout the provision. The term “home-trade voyage, Class I” would be removed since it was repealed in the CSA 2001. It would be replaced in section 11.1 with “not on a domestic voyage” in order to maintain the same coverage as is intended by the current TDGR. The intent of the provision would not change as a result of these updates.

Current Text in TDGR	Proposed Text/Change
<b>11.1 International Transport and Home-Trade</b>	<b>11.1 International Transport <del>and Home-Trade Voyage,</del></b>

**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

**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,

Accidental Release Report Requirements. <b>(3)</b> 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.	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.
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## 6. Sections 11.2 Domestic Transport and 11.3 Transporting Dangerous Goods from One Country through Canada to another Country (Under Part 11 – Marine)

It is proposed to amend the provisions in sections 11.2 and 11.3 of the TDGR to replace outdated terminology with terminology currently used in the CSA 2001 and in the VCR and CFTR which are made under the CSA 2001. The term “ship” would be replaced with “vessel” and “a home-trade voyage, Class 1” would be replaced with “on a sheltered waters voyage, a near coastal voyage, Class 2 or an inland voyage”. The change in terminology would not change the original intent of the provision but would provide clarity by using terms for which definitions can be found in current legislation and regulations.

Current Text in TDGR	Proposed Text/Change
<b>11.2 Domestic Transport</b> A 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 1, must comply with these Regulations.	<b>11.2 Domestic Transport</b> A person who handles, offers for transport or transports dangerous goods by <del>ship</del> vessel between two points in Canada, <del>other than on a home-trade voyage, Class 1, on a</del> sheltered waters voyage, a near coastal voyage, Class 2 or an inland voyage must comply with these Regulations.
<b>11.3 Transporting Dangerous Goods from One Country through Canada to Another Country</b> 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.	<b>11.3 Transporting Dangerous Goods from One Country through Canada to Another Country</b> A person who transports dangerous goods by <del>ship</del> 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.

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

Section 11.4 would be repealed as notification of the loading or unloading of explosives or ammonium nitrate is required under the CFTR. Repealing it in the TDGR would eliminate duplication.

Current Text in TDGR	Proposed Text/Change
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**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

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

The TDGR currently forbid the transport of UN3156, compressed gas, oxidizing, N.O.S. on passenger-carrying ships under column 8 of Schedule 1. This has been identified as problematic by some stakeholders as it inadvertently forbids the transport of enriched oxygen tanks required by underwater divers on board ships with the divers. To address this, it is proposed that the passenger-carrying ship index in column 8 of Schedule 1 be revised to include a new limit of 18 L. This quantity would allow for the transport of these diving tanks as they typically have an internal volume of between 3 and 18 L.

Current Text in TDGR	Proposed Text/Change
<b>Schedule 1, column 8</b> UN3156, COMPRESSED GAS, OXIDIZING, N.O.S. Forbidden	<b>Schedule 1, column 8</b> UN3156, COMPRESSED GAS, OXIDIZING, N.O.S. <del>Forbidden</del> 18 L

**Opportunity to Provide Feedback**

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

Transport Canada also welcomes any voluntary information related to the transport of dangerous goods by ferry that could be taken into consideration in the development of the regulatory amendment for

publication in the *Canada Gazette*, Part I.

In particular, Transport Canada would welcome information that would help identify which specific dangerous goods are transported on board ferries, including UN numbers or shipping names and the quantities transported, information on local communities and businesses, such as what types of businesses and industries rely on the transport of dangerous goods by ferry, which dangerous goods are needed by these businesses and by local residents, whether the ferry is the only means by which dangerous goods can be transported to the location (i.e. no roads or rail access) and any other information that may be important for Transport Canada to be aware of related to the transport of dangerous goods by ferry.

Results of the previous survey conducted by Transport Canada indicated that very few ferry operators were able to identify the main carriers and consignors that transport dangerous goods on board the ferries. This information would be beneficial as some of the proposed changes would impact the consignors. For example, the requirement to provide a shipping document is the responsibility of the consignor under the TDGR. Under this proposal the consignor would no longer be exempt from this requirement thus consignors who transport dangerous goods on board ferries with routes 3 km and under would be impacted. Identification of the carriers and consignors would enable Transport Canada to conduct a more thorough consultation when publishing the proposed amendment in the *Canada Gazette*, Part I.

Voluntary information may be provided using the attached form named “FEEDBACK QUESTIONNAIRE”, by email or mail to the contact below.

**Contact**

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