



ASSOCIATION OF AMERICANRAILROADS

Safety and Operations

Jeffrey J. Usher

Assistant Vice President-Business Services
and Regional and Short Line Railroad Liaison

April 21, 2014

To the Members:

Reference: Cancellation of Operating – Transportation Circular Letter, OT-54 – Shipments of Hazardous Materials/Dangerous Goods to or through Canada

Please be advised that the AAR's Committee Bureau of Explosives has reviewed this Circular and has determined that the provisions of said circular are not applicable and recommended that the Circular Letter OT-54 be canceled.

Effective immediately, Circular Letter OT-54 – Shipments of Hazardous Materials/Dangerous Goods to or through Canada is canceled.

Sincerely,



Association of American Railroads
Safety and Operations • Business Services
425 Third Street, SW • Washington, D.C. 20024

CIRCULAR No. OT-54

IN EFFECT AS OF NOVEMBER 21, 1985

SHIPMENTS OF HAZARDOUS MATERIALS/DANGEROUS GOODS TO OR THROUGH CANADA

To The Members:

Changes to the Canadian Transportation of Dangerous Goods Regulations (TDG Regulations) and The United States Department of Transportation Hazardous Materials Regulations Title 49 (49 C.F.R.) have been made that, if not fully complied with, could disrupt the free flow of traffic at the U.S./Canadian border. These differences in regulatory requirements are items for which reciprocity has not been allowed by recent Canadian amendments and U.S. Department of Transportation rulemaking under Docket HM 188B. The primary differences deal with additions of descriptive information that must be noted on shipping papers and with changes in placarding requirements. If these requirements are not strictly observed, there is the possibility of traffic disruption and civil penalties to railroads.

Therefore, in order to comply with applicable U.S. and Canadian Hazardous Materials and Dangerous Goods regulations, it is imperative that rail carriers implement the following procedure:

Shipment of hazardous materials/dangerous goods entering Canada must be in compliance with applicable Canadian TDG Regulations on documentation and safety marks (placards) covering such shipments.

It is essential that rail carriers establish a procedure similar to that outlined above, and it is urged that involved rail departments cooperate in this effort.

On behalf of the General Committee.

Respectfully,

J. J. Robinson

Attachment

CANADIAN REQUIREMENTS OF THE TRANSPORTATION OF DANGEROUS GOODS ACT
AND REGULATIONS FOR RAIL TRANSPORT OF DANGEROUS GOODS FROM THE U.S. INTO CANADA

THE TRANSPORTATION OF DANGEROUS GOODS ACT AND REGULATIONS

(TDG regulations) are designed to promote public safety when moving dangerous goods in, to and from Canada. This information sheet provides general information of the requirements under the TDG regulations for movements of dangerous goods from the United States of Canada BY RAIL.

APPOINTMENT OF AN AGENT

The TDG regulations required that anyone who is not a resident of Canada and whose chief place of business or headquarters is outside of Canada must appoint an agent if they wish to handle, offer for transport or transport certain dangerous goods within Canada. The agent appointed must have his or her chief place of business or head office in Canada. Notice of the appointment of an agent must be filed with the Director General of the Transport Dangerous Goods Directorate, Transport Canada. The notice must include the name and address of the agent and proof of his or her willingness to act as such.

The appointment of an agent applies only to dangerous goods which are:

- fissile materials of Class 7 (Radioactive materials);
- waste goods of Class 7; and
- set out in Schedule XII of the TDG regulations in any quantity if they are infectious substances or in quantities in excess of 5,000 kg or litres net per consignment of the other listed dangerous goods.

EMERGENCY RESPONSE ASSISTANCE PLANNING

Under the TDG regulations, the handling, offering for transport or transporting, in Canada, of dangerous goods in quantities as set out in Schedule XII, requires that a summary of an emergency response assistance plan (ERP) be filed with the Director General Transport Dangerous Goods Directorate, Transport Canada. The summary of the plan must include the following information, as applicable:

- a. the name and address of the agent, if any;
- b. a brief description of the emergency response capability;
- c. certification that an emergency response capability exists;
- d. a brief description of the means by which the plan can be activated;
- e. the name, address, telephone number, function and signature of the person submitting the summary of the plan; and
- f. the name of the person on whose behalf the summary of a plan is filed.

For goods destined for Canada, it is the Canadian consignee's responsibility to file or cause to be filed a summary of this plan as required by the regulations.

The only time a carrier would be required to file a summary of an ERP would be if the consignor and consignee were both outside of Canada but the goods would be transported through Canada for a distance greater than 70 km.

Upon receipt of the summary of a plan, the Director General will assign to the filer of the summary, a Transport Canada reference number for the plan.

DOCUMENTATION

For dangerous goods (other than Class 1 – Explosives; Class 2.3 – Poisonous gases; or Class 2.4 – Corrosive gases) coming into Canada from the United States, the documentation may be in accordance with EITHER the Transportation of Dangerous Goods Regulations, Part IV – Documentation or in accordance with Title 49 of the U.S. Code of Federal Regulations (49CFR). If the dangerous goods are documented in accordance with 49 CFR, there are only two additional stipulations that the TDG regulations make for rail consignments.

1. A copy of the emergency Response Form (formerly the HIER form), as set out in the Regulations for the Transportation of Dangerous Commodities by Rail, must be attached to the documentation for any dangerous goods in carload, trailerload, truckload or containerload quantities. This, however, DOES NOT apply to Class 3.3 (Flammable liquids with a closed-up flash point not less than 23°C but less than 37.8°C) and Class 9 (Miscellaneous products or substances).

2. For any dangerous goods, in quantities as set out in Schedule XII of the TDG regulations, the documentation information must include the words “summary of emergency response plan” or “resume de plan d’urgence”, the reference number provided by Transport Canada and the 24-hour emergency telephone number to call to activate the plan.

SAFETY MARKS

The safety marks for dangerous goods, other than dangerous goods in Class 1 – Explosives; Class 2.3 – Poisonous gases; and Class 2.4 – Corrosive gases, may be in compliance with either Part V – Safety Marks of the Transport of Dangerous Goods Regulations or in compliance with 49 CFR. If the dangerous goods are marked in accordance with 49 CFR, there are two additional requirements that must be met under the TDG regulations:

1. the placards must be a plasticized or an otherwise water repellent surface; and
2. the placards and orange panels must meet the retro-reflectivity requirements outlined in Section 5.27 of the regulations.

RETRO-REFLECTIVITY REQUIREMENTS

The retro-reflectivity requirements apply only to the following classes and conditions.

A retro-reflectivity rating of Level 2 as established in the Canadian General Standards Board Specification 62-GP-11M dated May 1978 must be met for placards and, when required, orange panels that indicate a product identification number for:

- All Class 1 – Explosives, except Class 1.4;
- All Class 2 dangerous goods that are in bulk*;
- All Class 3, 4, 5, 6 and 8, if the dangerous goods are in bulk* and are included in Packing Group I and II, and
- Class 7, if the dangerous goods require a category III yellow label pursuant to the Transport Packaging of Radioactive Materials Regulations.
- Note: “In Bulk” means dangerous goods that are “confined only by the permanent structures of a large container, or a transport unit, without intermediate containment or intermediate packaging”. A large container is a container with a water capacity greater than 454L. This, therefore, does not apply to any consignments that are in cylinders or packages which are then loaded into railway cars as that is not the meaning, within the regulations, of “in bulk”. Nor, does it apply to a multi-unit tank car tank as these, for the purposes of Part V, are defined as “small containers”.

TRAINING

The Transportation of Dangerous Goods Regulations require that no person shall handle, offer for transport or transport dangerous goods unless he is a trained person or is working under the direct supervision of a trained person. The regulations, however, accept a certificate, licence or authorization under the Regulation No. 0-8, Uniform Code of Operating Rules, providing it relates, at least in part, to the aspects of handling, offering for transport, or transporting of dangerous goods that are applicable to the person’s assigned duties.

THIS INFORMATION SHEET PROVIDES GENERAL INFORMATION ONLY. FOR SPECIFIC INFORMATION, THE ACT AND REGULATIONS MUST BE CONSULTED.

The Transportation of Dangerous Goods Act and Regulations and any amendments, may be obtained through:

Canadian Government Publishing Centre
Supply and Services Canada
Ottawa, Ontario K1A 0S9
Telephone: (819) 997-2560 or Telex: 053-4296

Further information may be obtained through:

Transport Dangerous Goods Directorate
Transport Canada
Ottawa, Ontario K1A 0N5
Telephone: (613) 992-4624