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Transportation of Dangerous Goods



What We Heard

Consultations on the Transportation of Dangerous Goods Client Identification Database

TRANSPORTATION OF DANGEROUS GOODS DIRECTORATE

TRANSPORT CANADA

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BACKGROUND

Part of Transport Canada's (TC) mission is to serve the public's interest through the promotion of a safe transportation system in Canada. Currently, TC does not have sufficient or up-to-date information on the transportation of dangerous goods (TDG) domestically. This knowledge gap was raised by the Office of the Auditor General in 2011 and reiterated by the Transportation Safety Board of Canada. To address this gap and strengthen oversight, the Government of Canada's Budget 2016 provided funding to develop the TDG Client Identification Database (CID). TDG CID will provide an accurate and reliable inventory of TDG sites and activities as the information collected will strengthen how TDG oversight is conducted, ensuring that it is consistent, risk-based and able to keep pace with evolving and emerging safety risks. In addition, information collected via TDG CID is expected to produce benefits for Canadians, as well as TDG CID clients, which include: more effective and efficient communication with clients, targeted and timelier outreach and awareness for clients, strengthened risk-based oversight and improved data-gathering capabilities for TC.

Between February and April 2018, TC's TDG Directorate engaged a total of 134 stakeholders on the proposed scope of TDG CID through online consultations via the 'Let's Talk Transportation' webpage and through face-to-face consultations in Vancouver, Calgary, Winnipeg (webinar), Toronto, Ottawa, Montreal and Halifax.¹ The main purpose of these consultations was to discuss the creation of a new, mandatory TDG CID for persons involved in activities governed by the [Transportation of Dangerous Goods Act](#) (TDGA) and the [Transportation of Dangerous Goods Regulations](#) (TDGR).²

Consultations focused mainly on:

- (1) Sharing TC's proposed scope for TDG CID on who would need to register; what information clients would need to provide; implementation and planned timelines; how the information collected will be used; and next steps following policy consultations.
- (2) Receiving feedback, questions and concerns from stakeholders on the anticipated impacts of TDG CID on their business activities.

This document contains a summary of what we heard from stakeholders through consultations, as well as TC's next steps.

PROPOSED SCOPE FOR TDG CID

Through extensive research, analysis, and discussion with program subject matter experts, TC developed the following proposed scope and sought feedback during consultations:

- (a) Any person who imports, offers for transport, handles, or transports dangerous goods (DGs) in Canada is required to register with TC via TDG CID;
- (b) Persons transporting quantities of dangerous goods or engaging in activities as outlined in Part I – Exemptions (Section 1.15-1.50) and exemptions in Schedule 2 of the TDGR are not required to register;
- (c) Registrants are required to provide their basic identifying information (e.g., legal business name, DG site addresses, etc.) and risk-relevant information on specific DG activities (e.g., UN numbers, types and frequency of DG activities, type and volumes of DGs involved, etc.); and,
- (d) Stakeholders are required to renew their registration at regular intervals to ensure TDG CID remains up to date and accurate.

¹ Please see Annex A for an overview of consultation participation by engagement type and region.

² All terms within this document refer to them as defined within the TDGA and TDGR.

WHAT WE HEARD DURING CONSULTATIONS

TC received general support for the proposed scope of TDG CID, however, some concerns were raised. The top three concerns, and additional considerations, highlighted by stakeholders during consultation are found below.

1. How effectively the TDG CID will support TC to minimize risk to public safety?

What We Heard:

Some stakeholders questioned how TDG CID would support minimizing risk to public safety and questioned the rationale for the TDG CID initiative. Specifically, it was felt that to clarify the rationale, TC needs to better communicate how the information gathered in TDG CID will, in practice, support TC to conduct risk-based DG site assessments in such a way as to contribute to its objective of minimizing risk to public safety. To bridge this gap, stakeholders advised that the types of information required by TDG CID should directly reflect the criteria used by TC to assess risk, and that TC should provide evidence that shows how any new requirements developed based on TDG CID information meet the ultimate desired outcome of safe communities.

2. The administrative burden that registration would place on clients, and particularly on small businesses and clients who do not already collect data TC might require.

What We Heard:

Some stakeholders across a variety of industries communicated concern about the feasibility of implementing the TDG CID without causing administrative burden on clients, and particularly that small businesses may be challenged to collect and report on new data requirements related to registration. Issues on administrative burden were rooted in the perceived resource intensity for clients collecting and reporting on the required data. While all stakeholders would be affected, some expressed challenges with registration where some required information for TDG CID may not be readily available in the process of regular business operations, or where they do not have the resources to provide the amount, type or level of detail of information required. Stakeholders also mentioned that some businesses may need to hire additional staff to report on specific DG activities due to their limited ability to provide the required information, which could unduly decrease their profit margins. Stakeholders also pointed out that, should the administrative burden associated with registration be too great, some may choose to stop their DG activities entirely, which would have wider implications for Canada's economy (e.g., small carriers who stop accepting DGs and as a result reduce the total number of businesses competing in the market.).

3. That TDG CID will cause registration duplication because stakeholders are already required to provide similar information to other federal and provincial departments, as well as to foreign entities in some cases.

What We Heard:

Some stakeholders called attention to the issue of registration duplication, which may be possible for some clients to absorb more easily than others (e.g., a large company versus a self-incorporated individual). In part, stakeholders were concerned that information demands of TDG CID would be excessive given that some businesses already need to provide similar information to other federal departments, provinces and territories, and even in some cases to foreign entities. The duplication of some requirements for TDG CID could also be problematic for businesses should discrepancies exist between what different entities requiring this information consider a DG site or activity. To avoid causing clients to duplicate their efforts, stakeholders emphasized a

desire to see TC explore information sharing agreements within the Government of Canada and to consult across government on lessons learned from similar initiatives.

4. Additional considerations

Clients also offered the following additional considerations:

- Clients are interested to learn more about implementation timelines for TDG CID, how it will be enforced, how it will be applied to TC's risk-based oversight regime, and how clients will be made aware of new requirements for compliance.
- An online platform is the preferred mechanism by clients for registration, and the safeguarding of commercially sensitive information is important.
- Clients would like to continue to be regularly engaged during the development of TDG CID.

TC'S WAY FORWARD

The insights and information gathered from these consultations will inform the final scope of the TDG CID. TC's next steps are to explore the legislative, regulatory and policy amendments that will be required to fully implement the TDG CID, to engage internal partners to develop the database for the TDG CID operational platform, and to re-engage the stakeholder community to discuss the department's final decisions on the TDG CID scope. Publication in *Canada Gazette*, Part I is targeted for fall 2020.

CONTACT OFFICE

This report was prepared by the Safety Policy and International Engagement Division of Regulatory Affairs Branch (Regulatory Frameworks and International Engagement). For more information, please contact us at: TC.TDGPolicyProposal-PropositionpolitiquesTMD.TC@tc.gc.ca

APPENDIX A – CONSULTATIONS OVERVIEW

Policy consultations on the scope of TDG CID occurred between February 19 and April 16, 2018 (60 days).

Six face-to-face engagement sessions were held across Canada:

- Halifax (12 registered, 8 attended – of those who attended: 4 industry, 4 regulators);
- Montréal (25 registered, 23 attended – of those who attended: 16 industry, 2 regulators, 5 other);
- Ottawa (10 registered, 7 attended – of those who attended: 6 industry, 1 regulator);
- Toronto (40 registered, 27 attended – of those who attended: 23 industry, 1 regulator, 3 other);
- Calgary (23 registered, 17 attended – of those who attended: 15 industry; 2 other);
- Vancouver (20 registered, 16 attended – of those who attended: 12 industry, 4 other).

A webinar was held in Winnipeg and the surrounding region (9 participants – 3 industry, 2 academics, and 4 provincial non-regulators).

26 stakeholders completed an in-person, anonymous survey:

- Halifax (no known respondents);
- Montréal (8 respondents);
- Ottawa (no respondents);
- Toronto (11 respondents);
- Calgary (3 respondents);
- Vancouver (4 respondents).

22 stakeholders provided feedback anonymously through TC's website.

16 stakeholders provided feedback directly to TDG by letter.

Note: *The total stakeholder count of 134 in the background section is not directly equal to those listed in this Appendix, as some stakeholders participated via more than one engagement channel.*