

Consultation Document - Proposed Amendments for the Transportation of Dangerous Goods by Air under the *Transportation of Dangerous Goods Regulations, 2020*

Background

The *Transportation of Dangerous Goods Regulations* (TDGR), prescribed under the authority of the *Transportation of Dangerous Goods Act, 1992*, set out requirements for the safe transportation of dangerous goods in Canada. Part 12 (Air) of the TDGR, sets out the requirements for the transportation of dangerous goods by air.

Internationally, the transportation of dangerous goods by air is strictly regulated under the International Civil Aviation Organisation Technical Instructions (ICAO TI). Through the TDGR, Canada requires compliance with the ICAO TI as well. However, Canada's vast geography and particular domestic circumstances necessitate alternate regulatory provisions for certain activities related to scientific, medical and industrial needs and aerial work such as fire suppression, avalanche control and agriculture. They also necessitate allowances and exemptions for the transportation of dangerous goods such as fuels, gases and explosives, to remote locations where access by other modes of transportation is limited or impossible. While provisions and exemptions are included in the TDGR to facilitate Canada's domestic circumstances, they have not been updated since 2008.

Stakeholders have asked for the air provisions of the TDGR to be updated as they are outdated and difficult to understand. The requirements to comply with both the ICAO TI and certain parts of the TDGR can be confusing and misleading, as the requirements in the ICAO TI and the TDGR are not always aligned. As a result of misalignments, it is difficult, and in some cases impossible, for regulatees to comply with the requirements of both the TDGR and the ICAO TI.

Proposal

This regulatory amendment would replace the current requirements in Part 12 (Air) to provide clarity, revise provisions to meet current domestic needs and remove provisions and exemptions that are no longer required.

This document provides an overview of the proposed provisions for the new Part 12, along with a brief rationale. An example of how the regulatory text could appear is provided to aid in visualizing the proposed provisions. It is not intended to be the final regulatory text.

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Section 1.4 Definitions	Remove definitions that apply only to air transport: - cargo aircraft - passenger carrying aircraft	The definitions outlined in the ICAO TI would apply. Therefore, the definitions in the current TDGR would not be required for air transport and the definitions that apply strictly to the current TDGR air requirements would no longer be needed.	The definitions “cargo aircraft” and “passenger carrying aircraft” in section 1.4 of the Regulations are repealed.	
Section 1.4 Definitions	Modify the TDGR definition of “passenger” to remove the reference to aircraft	The ICAO TI terminology would apply for air transport. Given that the TDGR definitions would not apply under Part 12, the definition for “passenger” would no longer need to apply to aircraft.	Passenger means [...] (b) for a road vehicle, or a railway vehicle or an aircraft, a person carried on board the means of transport but does not include [...]	
Section 1.5 Applicability of the Regulations	Amend section 1.5 and any other relevant provisions in the TDGR to allow the transportation of dangerous goods by air to be regulated in accordance with Part 12 of the TDGR. Part 12 would provide exemption from the rest of the TDGR as the requirements in the ICAO TI would apply instead.	The proposal for the transportation of dangerous goods by air would require regulatees to comply with Part 12 and the ICAO TI only. The other provisions of the TDGR would not apply (except for a few provisions).	Applicability of the Regulations 1.5 Unless otherwise stated in sections 1.15 to 1.48 1.52 of this Part, Part 12 or in Schedule 1 or 2, dangerous goods must be handled, offered for transport or transported in accordance with these Regulations.	
Section 1.26 Emergency Response Exemption	Modify section 1.26, Emergency Response Exemption, to remove the reference to transport by air.	The exemption in section 1.26 would no longer be needed for air transport, as it would be captured in the new emergency response exemption in Part 12.	Emergency Response Exemption 1.26 These Regulations do not apply to dangerous goods that are in quantities necessary to respond to an emergency that endangers public safety and that are in transport in a means of transport that is dedicated to emergency response, unless the dangerous goods are forbidden for transport in Schedule 1, Schedule 3. or, for transport by aircraft, the ICAO Technical Instructions	

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Section 1.48 Air Ambulance Exemption	Remove section 1.48, Air Ambulance Exemption	The ICAO TI provide a general exemption in section 1;1.1.5a) for dangerous goods used to provide medical aid to a patient during flight. The air ambulance exemption in section 1.48 would be redundant.	Section 1.48 of these Regulations is repealed.							
Section 8.9 Dangerous Goods Accident or Incident Report - Air	The criteria that specify when to make a dangerous goods accident or incident report – air, would be removed, as they are addressed in the ICAO TI.	<p>The ICAO TI require reporting but do not specify what information is to be reported or who to provide it to. The TDGR reporting requirements in Part 8 would supplement the ICAO reporting provisions by listing the information that must be reported and specifying who to provide it to. This information is required so that TC can gather pertinent data for analysis. The TDGR information to be reported (section 8.10) aligns with that which is required under the US 49 CFR so that the data collected can be compared and combined. Analysis of this data will help Canada and the US improve safety.</p> <p>The current TDGR provisions that list the conditions under which air reports are required were written to reflect those in the ICAO TI so they would no longer need to be included in Part 8.</p>	<p>Dangerous Goods Accident or Incident Report – Air</p> <p>8.9 (1) Subject to subsection (3), a person who is required by subsection 18(1) of the Act to report a release or anticipated release of dangerous goods that are being offered for transport, handled or transported at an aerodrome, at an air cargo facility or by aircraft must as soon as possible after a release or anticipated release, make a report if the dangerous goods are, or could be, in excess of the quantity set out in the following table:</p> <table border="1" data-bbox="1234 911 1629 1349"> <thead> <tr> <th data-bbox="1234 911 1367 967">Class</th> <th data-bbox="1367 911 1629 967">Quantity</th> </tr> </thead> <tbody> <tr> <td data-bbox="1234 967 1367 1057">1, 2, 3, 4, 5, 6, 8 or 9</td> <td data-bbox="1367 967 1629 1057">Any quantity</td> </tr> <tr> <td data-bbox="1234 1057 1367 1349">7</td> <td data-bbox="1367 1057 1629 1349">A level of ionizing radiation greater than the level established in section 39 of the "Packaging and Transport of Nuclear Substances Regulations, 2015"</td> </tr> </tbody> </table> <p>The report referred to in subsection (1) Part 7;4.4, Reporting of Dangerous Goods Accidents and Incidents, of the ICAO</p>	Class	Quantity	1, 2, 3, 4, 5, 6, 8 or 9	Any quantity	7	A level of ionizing radiation greater than the level established in section 39 of the "Packaging and Transport of Nuclear Substances Regulations, 2015"	
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			<p>Technical Instructions must, as soon as possible after the accident or incident occurs, be made to CANUTEC, at 1-888-CANUTEC (1-888-226-8832) or 613-996-6666, and, in the case of dangerous goods included in Class 7, Radioactive Materials, to the Canadian Nuclear Safety Commission.</p> <p>(3) The person is not required to make the report referred to in subsection (1) if the release or anticipated release does not result in any of the following:</p> <p>(a) the death or injury of a person;</p> <p>(b) damage to property or to the environment;</p> <p>(c) signs that the integrity of a means of containment has been compromised, including signs of fire, of breakage or of fluid or radiation leakage;</p> <p>(d) serious jeopardy to persons on an aircraft or to the aircraft itself;</p> <p>(e) an evacuation of people or their shelter in place; or</p> <p>(f) the closure of an aerodrome, air cargo facility or runway.</p>	
<p>Section 8.14 Undeclared or Misdeclared Dangerous Goods Report</p>	<p>The criteria that specify the conditions under which an undeclared or misdeclared dangerous goods report must be made would be removed, as they are addressed in the ICAO TI. The timeline for reporting undeclared or misdeclared dangerous goods discovered in passenger baggage would be</p>	<p>The current TDGR provisions that list the conditions under which air reports are required were written to reflect those in the ICAO TI, and therefore, no longer need to be included in Part 8.</p> <p>Dangerous goods discovered in passenger baggage do not need to be reported immediately. The information is gathered to help identify where more passenger awareness is needed. Historically, larger</p>	<p>Undeclared or Misdeclared Dangerous Goods Report</p> <p>8.14 A person required to report under Part 7;4.5, Reporting of Undeclared or Misdeclared Dangerous Goods, of the ICAO Technical Instructions must make a report to CANUTEC, at 1-888-CANUTEC (1-888-226-8832) or 613-996-6666, as soon as possible after discovering the dangerous goods, if they are discovered in cargo, and</p>	

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	extended from “as soon as possible” to “within 30 days”. Dangerous goods discovered in cargo would still need to be reported as soon as possible.	airlines would submit reports to TC on a monthly basis.	within 30 days if they are discovered in passenger baggage. at an aerodrome or air cargo facility or on board an aircraft, dangerous goods that are not accompanied by the documentation or dangerous goods marks set out for the dangerous goods in Parts 1 to 6 and 8 of the ICAO Technical Instructions.	
Section 8.15.1 Dangerous Goods Occurrence Report (ICAO)	The criteria that specify the conditions under which a Dangerous goods occurrence report (ICAO) must be made would be removed, as they are addressed in the ICAO TI.	The current TDGR provisions that list the conditions under which air reports are required were written to reflect those in the ICAO TI, so they would no longer need to be included in Part 8.	Dangerous Goods Occurrence Report (ICAO) 8.15.1 (1) A person that must make a dangerous goods occurrence report (ICAO) under Part 7;4.6, Reporting of Dangerous Goods Occurrences, of the ICAO Technical Instructions, must report to the Minister within seven days after the discovery referred to in Part 7;4.6 of the ICAO Technical Instructions. discovering at an aerodrome or air cargo facility or on board an aircraft, dangerous goods that have been transported on board an aircraft without (a) being loaded, segregated or secured in accordance with Chapter 2 of Part 7 of the ICAO Technical Instructions; or (b) the pilot in command having been informed in accordance with section 7;4.1 of the ICAO Technical Instructions.	
Section 9.2 Transporting Dangerous Goods to or from an Aircraft, an Aerodrome or an Air Cargo	Allow dangerous goods to be transported by road to or from an aircraft, aerodrome, or air cargo facility in accordance with the classification, documentation, marking or packing requirements in the general provisions for air transport in Part 12.	The TDGR currently allow dangerous goods to be transported by road to or from an aircraft, aerodrome, or air cargo facility in accordance with ICAO TI classification, marking, labelling, and documentation requirements, but do not allow them to be transported in compliance with the packing requirements in the ICAO TI. This creates	Transporting Dangerous Goods to or from an Aircraft, an Aerodrome or an Air Cargo Facility 9.2 (1) Despite the requirements in Part 2 (Classification), Part 3 (Documentation), and Part 4 (Dangerous Goods Safety Marks), and Part 5 (Means of Containment) if transport has been or is to be by aircraft, a person	

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Facility		<p>compliance issues. For example, TP 14850 requires vented closures for Packing Instruction 501 and UN1378, UN1791 – PG II and UN2014. The ICAO TI, except in a few cases (e.g. dry ice), do not permit vented closures. Without a provision to allow them, non-vented means of containment that meet the air requirements are not in compliance with the TDGR when transported to and from the airport by road.</p> <p>Most of the conditions currently listed in 9.2(1) would be removed, as they would be required under Part 12. Only the requirements with respect to the location of a shipping document would remain.</p>	<p>may handle or transport dangerous goods by road vehicle to or from an aircraft, an aerodrome or an air cargo facility in accordance with the classification, marking, labelling, and documentation and packing requirements in sections [insert section numbers for general air transport requirements and documentation] of the ICAO Technical Instructions, if</p> <p>(a) — the information required on the shipping document is easy to identify, legible, in indelible print, in English or French and includes, if applicable, the information relating to the approved ERAP referred to in subsection 3.6(1); and</p> <p>(b) the person complies with the following provisions in Part 3 (Documentation):</p> <p>section 3.2, Carrier responsibilities, paragraph 3.5(1)(f) and subsection 3.5(2), concerning a 24-hour number on a shipping document,</p> <p>section 3.7, Location of a shipping document: road, and</p> <p>section 3.10, Location of a shipping document: storage in the course of transportation.</p> <p>(2) Subsection (1) does not apply if these Regulations forbid the transport of the dangerous goods or if the dangerous goods are not regulated by the ICAO Technical Instructions but are regulated by these Regulations.</p> <p>(3) When dangerous goods are transported</p>	

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			to or from an aircraft, an aerodrome or an air cargo facility, by a road vehicle, the road vehicle, or any means of containment visible from outside the road vehicle, must have placards displayed on it in accordance with Part 4 (Dangerous Goods Safety Marks).	
<p>Section 10.2 Transporting Dangerous Goods to or from an Aircraft, an Aerodrome or an Air Cargo Facility</p>	<p>Allow dangerous goods to be transported by rail to or from an aircraft, aerodrome, or air cargo facility, in accordance with the classification, documentation, marking or packing requirements in the general provisions for air transport in Part 12.</p>	<p>The TDGR currently allow dangerous goods to be transported by rail to or from an aircraft, aerodrome, or air cargo facility, in accordance with ICAO TI classification, marking, labelling, and documentation requirements, but do not allow them to be transported in compliance with the packing requirements in the ICAO TI. This creates compliance issues. See explanation for section 9.2 above.</p> <p>Most of the conditions currently listed in 10.2(1) would be removed, as they would be required under Part 12. Only the requirements with respect to the location of a shipping document would remain.</p>	<p>Transporting Dangerous Goods to or from an Aircraft, an Aerodrome or an Air Cargo Facility</p> <p>10.2 (1) Despite the requirements in Part 2 (Classification), Part 3 (Documentation), and Part 4 (Dangerous Goods Safety Marks), and Part 5 (Means of Containment) if transport has been or is to be by aircraft, a person may handle or transport dangerous goods by railway vehicle to or from an aircraft, an aerodrome or an air cargo facility in accordance with the classification, marking, labelling, and documentation and packing requirements <i>sections [insert section numbers for general air transport requirements and documentation] of the ICAO Technical Instructions</i>, if</p> <p>(a) the information required on the shipping document is easy to identify, legible, in indelible print, in English or French and includes, if applicable, the information relating to the approved ERAP referred to in subsection 3.6(1); and</p> <p>(b) the person complies with the following provisions in Part 3 (Documentation):</p> <p>(i) section 3.2, Carrier responsibilities,</p> <p>(ii) paragraph 3.5(1)(f) and subsection</p>	

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			<p>3.5(2), concerning a 24 hour number on a shipping document,</p> <p>(iii) section 3.8, Location of a shipping document and consist: rail, and</p> <p>(iv) section 3.10, Location of a shipping document: storage in the course of transportation.</p> <p>(2) Subsection (1) does not apply if these Regulations forbid the transport of the dangerous goods or if the dangerous goods are not regulated by the ICAO Technical Instructions but are regulated by these Regulations.</p> <p>(3) When dangerous goods are transported to or from an aircraft, an aerodrome or an air cargo facility, by railway vehicle, the railway vehicle, or any means of containment visible from outside the railway vehicle must have placards displayed on it in accordance with Part 4 (Dangerous Goods Safety Marks).</p>											
<p>Part 12 Interpretation</p>	<p>Clarify that certain ICAO TI terms would be used interchangeably with certain TDGR terms.</p> <table border="1" data-bbox="275 1122 659 1382"> <thead> <tr> <th data-bbox="275 1122 468 1162">TDGR</th> <th data-bbox="468 1122 659 1162">ICAO</th> </tr> </thead> <tbody> <tr> <td data-bbox="275 1162 468 1203">consignor</td> <td data-bbox="468 1162 659 1203">shipper</td> </tr> <tr> <td data-bbox="275 1203 468 1243">carrier</td> <td data-bbox="468 1203 659 1243">operator</td> </tr> <tr> <td data-bbox="275 1243 468 1308">means of containment</td> <td data-bbox="468 1243 659 1308">packaging</td> </tr> <tr> <td data-bbox="275 1308 468 1382">shipping document</td> <td data-bbox="468 1308 659 1382">transport document</td> </tr> </tbody> </table>	TDGR	ICAO	consignor	shipper	carrier	operator	means of containment	packaging	shipping document	transport document	<p>Compliance with both the ICAO TI and certain provisions of the TDGR would be required. In some instances, the ICAO TI and the TDGR use different terms to represent the same thing.</p>	<p>Interpretation</p> <p>For the purposes of Part 12 (Air)</p> <p>(a) the word <i>shipper</i> in the ICAO Technical Instructions means <i>consignor</i>;</p> <p>(b) the word <i>operator</i> in the ICAO Technical Instructions means <i>carrier</i>;</p> <p>(c) the words <i>transport document</i> in the ICAO Technical Instructions mean <i>shipping document</i>;</p> <p>(d) the word <i>packaging</i> in the ICAO Technical Instructions means <i>means of containment</i>.</p>	
TDGR	ICAO													
consignor	shipper													
carrier	operator													
means of containment	packaging													
shipping document	transport document													

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<p>Part 12</p> <p>General Requirements</p> <p><i>Would replace current section 12.1</i></p>	<p>For air transport, a person would be required to import, offer for transport, handle or transport dangerous goods in accordance with the ICAO TI instead of the TDGR (with the exception of a few provisions as explained below). Despite the requirement to comply with the ICAO TI, the following provisions in the TDGR would apply <u>instead of the “equivalent”</u> provisions in the ICAO TI, effectively replacing the ICAO TI provisions:</p> <ul style="list-style-type: none"> - Classification of explosives and radioactive material - Means of containment for gases, aerosols, and radioactive material <p>The following provisions in the TDGR would need to be met <u>in addition to</u> the ICAO TI.</p> <ul style="list-style-type: none"> - ERAP information on a shipping document - Part 6 (Training) - Part 7 (Emergency response assistance plan) - Part 8 (Reporting) 	<p>The ICAO TI contain requirements that align with the UN Recommendations and the TDGR, but also include requirements specific to the transport of dangerous goods by air. The ICAO TI are developed by an international body of dangerous goods and aviation experts and represent the ideal safety standards for the transportation of dangerous goods by air. To simplify things for regulatees, Transport Canada requires compliance with the ICAO TI instead of the TDGR (except for a few provisions) so that individuals need not consult the full content of both sets of regulations.</p> <p>Certain TDGR provisions must take precedence over those in the ICAO TI. The TDGR provisions would replace the equivalent ICAO TI provisions.</p> <p>In Canada, classification of explosives and radioactive material is done under the Explosives Regulations, 2013 and the Packaging and Nuclear Substances Regulations, 2015 (PTNSR), respectively.</p> <p>Canada only accepts cylinders or aerosol containers that are made to Canadian or American approvals. ICAO allows other international standards to be met.</p> <p>The PTNSR packaging requirements for radioactive material differ from those in the ICAO TI with respect to selection and certification.</p> <p>The ICAO TI do not include requirements for training certificates, emergency response assistance plans (ERAP), security reports, or</p>	<p>Application</p> <p>These Regulations, except for the following provisions, do not apply to the import, offer for transport, handling or transport of dangerous goods by aircraft:</p> <ul style="list-style-type: none"> (a) section 1.3.1, Table of safety standards and safety requirement documents and section 1.3.2, Transitional period; (b) Section 1.5, Applicability of the Regulations; (c) Subsection 3.6(1), regarding ERAP number on a transport document; (d) Part 6 (Training); (e) Part 7 (Emergency response assistance plan); (f) Part 8 (Reporting); (g) Part 12 (Air). <p>Air Transport - General</p> <p>(1) A person who imports, offers for transport, handles or transports dangerous goods by aircraft must do so in accordance with the ICAO Technical Instructions, except 1;5 Dangerous goods security;</p> <p>(2) Despite subsection (1), for the purpose of this Part, a person must import, offer for transport, handle and transport dangerous goods by air in accordance with the following provisions of these Regulations instead of the “equivalent” provisions of the ICAO TI:</p> <ul style="list-style-type: none"> (a) section 2.9, Class 1, Explosives – General; (b) section 2.37, Class 7, Radioactive 	

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		<p>information that must be provided when reporting is required under the ICAO TI.</p> <p>There are some general provisions of the TDGR, such as the table of safety standards, which would need to apply to interpret the TDGR provisions required under Part 12.</p>	<p>Material;</p> <p>(c) section 5.10, Means of Containment for Class 2, Gases;</p> <p>(d) section 5.11, UN1950, AEROSOLS, and UN2037, GAS CARTIDGES;</p> <p>(e) section 5.17, Means of containment for Class 7, Radioactive materials;</p>	
<p>Part 12 Documentation <i>Would replace current paragraph 12.1 (1)(c) documentation</i></p>	<p>Require English or French on the transport document, notice to officer in command (NOTOC), ERAP application, reports submitted under Part 8 (Reporting Requirements), and any other document required for the transport of dangerous goods by air so that they can be read by inspectors, TC officials, first responders etc.</p> <p>Allow another language to be on the document in addition to the English or French text.</p> <p>Require the consignor and the carrier to keep a shipping document for at least 12 months.</p> <p>For other documents (for example, a test report for cylinders) the ICAO TI 3-month retention requirement would apply unless otherwise specified (see instructions for limited access exemptions below).</p>	<p>To comply with Canadian language laws, documents must be written in English or French.</p> <p>ICAO TI requirements are not sufficient as ICAO only recommends the use of English.</p> <p>Allowing another language in addition to the TDGR languages aligns with the ICAO TI and the US Hazardous Materials Regulations, 49 CFR 171.22(f)(3).</p> <p>Instead of requiring compliance with TDGR subsection 3.4(1), Legibility and language, a new provision would be added in Part 12 to address all documents, not just shipping documents. There is no need to refer to legibility as it is required in the ICAO TI.</p> <p>The current TDGR Part 12 requires that a shipping document be kept for two years (section 3.11) and limited access records be kept for 12 months (12.9(14)). This amendment would reduce administrative burden for the carrier and consignor by reducing the retention time for the shipping document to 12 months. The NOTOC and other ICAO documents would need to be kept for three months in accordance with the ICAO TI. These requirements align with the US requirements [US 49 CFR 175.33(c)(ii)]</p>	<p>Documentation</p> <p>(1) Any document or report required under this Part must be, in addition to any languages that are required by the state of the Operator, written in English or French.</p> <p>(2) Despite 5;4.4, Retention of Dangerous Goods Transport Information, and 7;4.11, Retention of Documents or Information, of the ICAO Technical Instructions, a shipper or an operator must be able to produce a copy of any transport document required by this Part, for 12 months after the date the transport document, or an electronic copy of it, was prepared or given to an operator by a shipper.</p>	

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		and 175.33(c)(2)].		
<p>Part 12 Special Cases - Air <i>Would replace section 12.1 General requirements</i></p>	<p>Allow the use of some TDGR exemptions and provisions that are not found in the ICAO TI:</p> <ul style="list-style-type: none"> - Section 1.19, Samples for inspection or investigation exemption; - Section 1.20, National Defence; - Section 1.32.1, Class 2, Gases, that may be identified as UN1075, LIQUEFIED PETROLEUM GAS; - Section 1.43, Radioactive Materials exemption; - Section 1.47, UN1044, FIRE EXTINGUISHERS, exemption; - Section 4.10(1)(b) oxidizing gas label. 	<p>The TDGR include certain exemptions and provisions that are not provided in the ICAO TI.</p> <p>The sample exemption in section 1.19 is used by the RCMP and others.</p> <p>Propane and other gases are commonly shipped by air under the UN number UN1075, but the ICAO TI do not include a provision allowing it.</p> <p>The ICAO TI exemption for radioactive material is more stringent. The current TDGR exemption would be maintained to avoid increasing burden for regulatees.</p> <p>Section 1.47 allows the use of fire extinguishers that meet ULC standards.</p> <p>Canada allows use of the oxidizer label instead of the primary and subsidiary class labels for oxidizing gases. It would be allowed for air transport, as dangerous goods coming from another mode of transport may display these labels when they arrive.</p>	<p>Special Cases - Air</p> <p>Despite the requirement to comply with the ICAO Technical Instructions, a person who handles, offers for transport or transports dangerous goods by air may do so in accordance with the following provisions of these Regulations:</p> <ul style="list-style-type: none"> (a) Section 1.19, Samples for inspection or investigation exemption; (b) Section 1.20, National Defence; (c) Section 1.32.1, Class 2, Gases, that may be identified as UN1075, LIQUEFIED PETROLEUM GAS; (d) Section 1.43, Radioactive Materials exemption; (e) Section 1.47, UN1044, FIRE EXTINGUISHERS, exemption; (f) Section 4.10(1)(b) oxidizing gas label. 	
<p>Part 12 Forbidden Explosives <i>Would modify current section 12.5 Forbidden Explosives</i></p>	<p>Allow the transport of certain forbidden explosives.</p> <p>The current list of explosives would be removed and the allowance would instead apply to all forbidden explosives for which the ICAO Supplement provides packing instructions.</p> <p>The following conditions would have to be met (in addition to the</p>	<p>Many explosives are forbidden for air transport but are required for industrial activities such as mining, exploration, construction, and seismic work.</p> <p>The ICAO TI acknowledge that there can be a need to transport these explosives by air and they provide recommendations on how to transport them if required.</p> <p>The risks would be minimized by narrowing the scope of application so that forbidden</p>	<p>Forbidden Explosives</p> <p>A person may offer for transport, handle or transport by aircraft, dangerous goods in Class 1, Explosives, that are forbidden for transport in Table 3-1, Dangerous Goods List in 3;2 of the ICAO Technical Instructions if</p> <ul style="list-style-type: none"> (a) the dangerous goods are transported between two points in Canada, directly to or from a location that is a <i>limited access</i> 	

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	<p>requirements in Part 12):</p> <ul style="list-style-type: none"> - The explosives would have to be transported directly to or from a <i>limited access location</i>; - Only flight crew members or people required to accompany the dangerous goods would be allowed on the aircraft; - There would be a limit of 75 kg net quantity per means of containment. - The explosives would have to be packed in accordance with the packing instruction indicated in column 12 of the Supplementary Dangerous Goods List, of the ICAO Supplement. If no packing instruction is provided (the table says FORBIDDEN) then the explosive could not be transported by air. <p>Explosives would have to be packed and segregated in accordance with the ICAO Supplement.</p>	<p>explosives could only be transported directly to or from remote locations where other means of transport are not practical or possible and only when there are no passengers.</p> <p>The current provision says that a person must comply with the quantity limits in the ICAO Supplement, however, the Supplement does not include quantity limits for most of the explosives. This amendment would correct this oversight.</p> <p>For UN0059 and UN0065 (which are in the current provision), the ICAO Supplement recommends a max limit of 75 kg net quantity per means of containment on cargo planes. The same limit is recommended for most other explosives for which the ICAO Supplement includes a quantity.</p> <p>ICAO provides recommended packing instructions in the ICAO Supplement for States to use when authorizing transport of these explosives. These are the recommendations of ICAO international aviation experts.</p> <p>Although the ICAO TI and the packing instructions in the Supplement do not specifically reference the segregation table for explosives and some general packing requirements for explosives that are found in other sections of the Supplement, they would also need to be followed.</p>	<p><i>location</i>;</p> <p>(b) the aircraft is not carrying any person other than a flight crew member or a person required to accompany the dangerous goods;</p> <p>(c) the dangerous goods are in quantities that do not exceed 75 kg net quantity per means of containment;</p> <p>(d) the dangerous goods are packed in accordance with the packing instruction indicated in column 12 of the Supplementary Dangerous Goods List, Table S-3-1, of the Supplement to the ICAO Technical Instructions, for the dangerous good; and</p> <p>(e) the dangerous goods are transported in accordance with S-7;2.3, Separation of Explosive Substances and Articles, of the Supplement to the ICAO Technical Instructions.</p>	
<p>Part 12 Explosives, Class 1.4S</p>	<p>Maintain the exemption from ICAO TI packing instructions and shippers responsibilities for certain Class</p>	<p>These low-hazard explosives are primarily ammunition used for hunting.</p> <p>UN0044 would be added, as these primers</p>	<p>Class 1.4S Explosives Exemption</p> <p>Part 4, Packing Instructions, and Part 5, Shippers Responsibilities, of the ICAO</p>	

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<p>Exemption</p> <p><i>Would modify current section 12.4 Explosives, Class 1.4S</i></p>	<p>1.4S explosives.</p> <p>The exemption would apply to the current list of 1.4S explosives in section 12.4, with the addition of UN0044 and UN0373.</p> <p>Most of the conditions in the current exemption would need to be met but the units of measurement for the means of containment would be changed to <i>maximum net quantity</i> instead of <i>gross mass</i>.</p> <p>The following would not be included in the exemption (they are in the current exemption):</p> <ul style="list-style-type: none"> - Requirement to notify the carrier of the explosives - Requirement to protect primers from accidental initiation - Exemption for peace keepers. 	<p>are commonly used for reloading shells for hunting.</p> <p>UN0373 would be added, as these signal flares are used by natural resources ministries.</p> <p>The units of measurement for the means of containment are changed to <i>maximum net quantity</i> instead of <i>gross mass</i> to align with the ICAO TI.</p> <p>The requirements to notify the carrier and to protect primers are not needed, as they are required under the ICAO TI.</p> <p>Exemption for peace keepers would be addressed in a separate peace officer exemption (see below).</p>	<p>Technical Instructions do not apply to the handling, offer for transport or transport by aircraft of explosives in Class 1.4S if</p> <p>(a) the explosives are:</p> <ul style="list-style-type: none"> (i) UN0012, CARTRIDGES FOR WEAPONS, INERT PROJECTILE, or CARTRIDGES, SMALL ARMS, (ii) UN0014, CARTRIDGES FOR WEAPONS, BLANK, or CARTRIDGES, SMALL ARMS, BLANK, or CARTRIDGES FOR TOOLS, BLANK, (iii) UN0044, PRIMERS, CPA TYPE, (iv) UN0055, CASES, CARTRIDGE, EMPTY, WITH PRIMER, (v) UN0323, CARTRIDGES, POWER DEVICE, (vi) UN0373, SIGNAL DEVICES, HAND, (vii) UN0405, CARTRIDGES, SIGNAL; <p>(b) the calibre of cartridges with the UN number UN0012 or UN0014 is</p> <ul style="list-style-type: none"> (i) less than 50 calibres, in the case of cartridges for rifles or pistols, or (ii) greater than or equal to 8 gauge, in the case of cartridges for shotguns; <p>(c) the net mass quantity of each means of containment is less than or equal to 25 kg;</p> <p>(d) the explosives are placed in an inner means of containment that is a box, in metal or plastic clips or in partitions that fit snugly in an outer means of containment that is designed, constructed, filled, closed, secured and</p>	

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			<p>maintained so that under normal conditions of transport, including handling, there will be no release of the dangerous goods that could endanger public safety;</p> <p>(e) the outer means of containment is marked with the net mass quantity in kilograms and the words "Explosives — Excepted" or "Explosifs — Exceptés", in letters at least 25 mm high and in a colour that contrasts with the background colour of the means of containment.</p>	
<p>Part 12 Flight deck loading on passenger aircraft <i>Would modify current section 12.17 Flight Deck Loading Restrictions</i></p>	<p>Allow dangerous goods to be transported in a main deck cargo compartment on a passenger aircraft if the aircraft does not have a Class B or Class C cargo compartment. If an aircraft has a Class B or a Class C cargo compartment, it must be used and dangerous goods could not be put in other main deck cargo compartments on that aircraft.</p> <p>The provision would apply to the dangerous goods listed in 7;2.2.2 of the ICAO Supplement.</p> <p>All the other requirements of Part 12 (including prohibition of forbidden dangerous goods in accordance with Table 3-1 of ICAO TI) would apply.</p>	<p>Sometimes it is necessary to transport dangerous goods on a passenger aircraft that does not have a Class B or Class C cargo compartment.</p> <p>To simplify the exemption, the following current provisions would not be included:</p> <ul style="list-style-type: none"> - a reference to a Class D cargo compartment, as Class D compartments are no longer used, - limitations on the type of aircraft that can be used, and - some other requirements that are already addressed in the ICAO TI. 	<p>Flight deck loading on passenger aircraft</p> <p>Despite 7;2.1.1 of the ICAO TI, dangerous goods may be transported between two points in Canada in a main deck cargo compartment of a passenger aircraft that does not have a Class B or Class C cargo compartment if the dangerous goods are included in the list of permitted dangerous goods in S-7;2.2, Loading on Passenger Aircraft, of the Supplement to the ICAO Technical Instructions.</p>	

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<p>Part 12 Limited Access</p>	<p>Provide exemptions and relaxed requirements for the transport of certain dangerous goods by air, to or from remote locations for which access by other modes of transport is very difficult or impossible.</p> <p>Some general provisions (exemptions and requirements) would apply to all dangerous goods transported under the limited access exemptions.</p> <p>In addition, for some dangerous goods, the limited access provisions would specify different packing instructions and quantity limits than those in the ICAO TI. For some dangerous goods, other requirements would also need to be met.</p> <p>The current limited access provisions would be rewritten to provide clarity and reflect current domestic needs by making the following changes:</p> <ul style="list-style-type: none"> Clarify what is meant by a “limited access location”. Clarify that the requirements in Part 12 (compliance with ICAO TI and required provisions of TDGR) apply except for the requirements from which exemption is explicitly provided. Revise the lists of dangerous goods that can be transported under the 	<p>Due to Canada’s vast geography and seasonal changes, transport by air is the only reasonable mode of transport for some remote locations. However, many dangerous goods are forbidden for transport by air under the ICAO TI, either in general or on flights with passengers.</p> <p>The limited access provisions provide exemption from certain requirements in the ICAO TI for specific dangerous goods under specified conditions to facilitate transport to communities in remote locations.</p> <p>The current limited access provisions are outdated and confusing.</p> <p>For years stakeholders have been asking for clarification of what is meant by “limited access”.</p> <p>Some dangerous goods that are currently required in remote locations are not included in the current limited access section of the TDGR. Updating the provisions would remove the need for the many equivalency certificates that are currently issued.</p> <p>The exemption for sodium chlorite and hypochlorite solution would be removed, as it is rarely used, if at all, and is no longer required.</p>	<p><i>See below for proposed limited access provisions</i></p>	

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	<p>limited access provisions, including removal of the exemption for sodium chlorite and hypochlorite solution.</p>			
<p>Part 12 Limited Access Location</p> <p><i>Modifies current section 12.9 Limited Access</i></p>	<p>For the purpose of Part 12, a <i>limited access location</i> would be a location that cannot be accessed year-round by any mode of transport other than air. If it can be accessed year-round by any one of the following, it would not be a limited access location: a permanent road, railway, or vessel. Limited access is meant to address normal transport conditions, not one-time situations where access by other modes of transport is not possible due to a natural disaster, for example.</p> <p>The limited access provisions would be used year-round for a given location if it is a limited access location, even if the transport occurs at a time of year when the location is accessible by a mode other than air.</p> <p>For clarity, the following would meet the criteria for a limited access location:</p> <ul style="list-style-type: none"> • A location that is accessible only by air and ice-road, as an ice road is not considered a permanent road. <p>The limited access provisions could be used to transport dangerous</p>	<p>For years stakeholders have been asking for clarification of what is meant by “limited access”.</p> <p>The proposed interpretation of <i>limited access location</i> is based on an interpretation that was agreed to by the TDG Enforcement and Guidance Committee to address requests for clarification regarding 12.9(1)(c)(ii) in the current limited access provisions.</p> <p>For enforceability, these provisions would only apply to locations that always meet the criteria of limited access. Temporary certificates would be required for one-off situations, such as loss of road access due to flooding or a landslide.</p> <p>For simplicity and enforceability, use of limited access provisions would be allowed at any time of year if the location meets the definition.</p>	<p>Limited access location</p> <p>For the purpose of these Regulations, <i>limited access location</i> means a location that cannot be accessed year-round by any mode of transport other than air.</p>	

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	<p>goods by air during the winter, even if the ice road is accessible at the time of transport.</p> <p>A location that is only accessible by air and vessel, but cannot be accessed by vessel at certain times of the year due to seasonal ice as it wouldn't meet the criteria of "year-round access".</p> <p>The following would not meet the criteria for a limited access location:</p> <p>A location that is accessible by air, ice-road, and year-round by rail. Despite the presence of an ice-road, if year-round access is possible by rail, it would not meet the criteria.</p>			
<p>Part 12 Limited Access General Provisions <i>Modifies</i> <i>current</i> <i>section</i> <i>12.9(1)</i> <i>General</i></p>	<p>The following general provisions would apply to all dangerous goods transported under the limited access exemptions:</p> <ul style="list-style-type: none"> - The dangerous goods must be transported directly to or from a <i>limited access location</i>. Dangerous goods may not be transported on a connecting flight or a portion of a flight that travels between two non-limited access locations. - The conditions listed in the section for each type of dangerous goods must be met. - The responsibilities set out in Part 5 of the ICAO TI for the shipper must 	<p>The ICAO TI (and additional TDGR requirements in Part 12) represent the ideal safety standards and deviation from these requirements should only be allowed where there is sufficient justification. Thus, the limited access provisions cannot be used to transport dangerous goods between two non-limited access locations (which are typically much more populated) even if the starting point or final destination is a limited access location. In major centers, it should be possible to prepare dangerous good for transport in accordance with the requirements in Part 12.</p> <p>Given the hazards and uses of different dangerous goods, additional relaxations (for</p>	<p>Limited Access - General</p> <p>Dangerous goods may be transported by air directly to or from a limited access location if they are offered for transport, handled and transported in accordance with this section and sections <i>[insert section numbers for individual limited access provisions for the different dangerous goods below]</i>.</p> <p>The responsibilities set out in Part 5, Shipper's Responsibilities, of the ICAO Technical Instructions must be fulfilled by the carrier.</p> <p>5;2.4.2, Shipper and consignee identification, 5;3.2.12a) and c) to g) respecting handling labels, and 5;4, Documentation, of the ICAO TI do not apply when the limited access</p>	

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	<p>be fulfilled by the operator.</p> <p>- Exemption is provided from the requirement to mark the outer means of containment with the shipper and consignor information and handling labels, except the orientation label.</p> <p>- Exemption is provided from the requirement to have a shipping document.</p> <p>- Despite the requirement in the ICAO TI to keep the NOTOC for 3 months, the carrier would be required to keep it for 12 months</p> <p>- Some of the acceptance check criteria in 7;1.3 of the ICAO TI would be replaced to require verification that the quantity limits, marks, and labels comply with the limited access requirements, instead of the regular ICAO TI requirements and the information on the shipping document.</p> <p>The requirements in Part 12 (compliance with the ICAO TI and specific requirements in the TDGR) would apply under the limited access provisions except for the exemptions and modifications listed above.</p>	<p>example, to accommodate typical retail packaging) or conditions are needed to transport them to limited access locations.</p> <p>Dangerous goods are often transported to remote locations by individuals who do not have training or access to an expeditor. Many of the dangerous goods are easily identified by the operator (e.g. propane, engines, bear bangers etc.).</p> <p>The current exemptions from certain marking requirements would be maintained to ease the burden on operators but orientation labels would be required to reduce spills and leaks. Orientation labels are also needed due to relaxations on some means of containment requirements under the new limited access provisions.</p> <p>Provide exemption from the shipping document requirements to reduce the burden on the operator. It may not be possible to prepare a full shipping document in a remote location. The modified NOTOC will provide the information.</p> <p>Because the general limited access provisions grant exemption from the shipping document, the carrier would be required to keep the NOTOC for 12 months for enforcement purposes.</p> <p>The acceptance check requirements in 7;1.3 of the ICAO TI require confirmation that quantity limits, means of containment, and marking requirements in the ICAO TI are met and align with the information on the shipping document. However, under the</p>	<p>provisions are being used.</p> <p>Despite 7;4.11, Retention of Documents or Information in the ICAO TI, the carrier must be able to produce a copy of the document required in 7;4.1, Information to Pilot in Command, for 12 months after the date the document, or an electronic copy of it, was prepared or given to the pilot by the carrier.</p> <p>For the purpose of 7;1.3 The Acceptance Check, the quantity of the dangerous goods, the marks and the labels referred to in 7;1.3.1 b), c) and f), must comply with the requirements in Part 12.</p>	

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		limited access provisions, there would be no shipping document to consult and, for some dangerous goods, the limited access provisions set different packing, marking and quantity requirements, which would need to be confirmed instead.		
<p>Part 12</p> <p>Limited Access – Class 3, Flammable Liquids</p> <p><i>Modifies current subsection 12.9(2) to (6) Flammable liquids</i></p>	<p>Add UN1170, ETHANOL, UN1230, METHANOL, and UN1987, ALCOHOL, N.O.S, to the list of Class 3, Flammable Liquids, that are currently allowed for transport under the general limited access provisions in subsection 12.9(2).</p> <p>The requirements in Part 12 (including compliance with 4;1, General packing instructions in the ICAO TI) would apply, but certain relaxations would be provided regarding the means of containment requirements for these dangerous goods.</p> <p>For quantities less than or equal to 25 L, these dangerous goods could be transported in a non-specification means of containment that is designed, constructed, filled, closed, secured and maintained so that under normal conditions of transport, including handling, there will be no release of the dangerous goods that could endanger public safety if the means of containment can withstand a pressure differential of at least 95 kPa.</p>	<p>These fuels are needed in remote locations where it is difficult to transport them by other means.</p> <p>UN1230, METHANOL would be added, as equivalency certificates are currently issued to allow it under the limited access provisions. It is used as a cooling agent for engines during the summer.</p> <p>UN1170, ETHANOL, and UN1987, ALCOHOL, N.O.S, are used for hand sanitizer and, due to the Covid-19 pandemic, temporary certificates have been issued for the transport these dangerous goods by air. It is anticipated that there will be a continued need for these products in remote locations in the future.</p> <p>The requirements in the current exemption are complicated and hard to understand. The ICAO TI packing instructions for passenger aircraft do not allow the use of single packagings like jerricans and drums, which are allowed on cargo aircraft and are needed to transport larger quantities of these dangerous goods. Types of means of containment that are no longer used would be removed from the current list of means of containment.</p> <p>For safety, non-specification means of</p>	<p>Limited Access – Class 3, Flammable Liquids</p> <p>Dangerous goods that are included in Class 3, Flammable Liquids, may be offered for transport, handled or transported in accordance with <i>[insert reference to the general limited access section]</i> if the dangerous goods are:</p> <p>a) UN1170, ETHANOL or ETHANOL SOLUTION or ETHYL ALCOHOL or ETHYL ALCOHOL SOLUTION, with more than 24% ethanol, by volume;</p> <p>b) UN1202, GAS OIL or DIESEL FUEL or HEATING OIL, LIGHT;</p> <p>c) UN1203, GASOLINE or MOTOR SPIRIT or PETROL;</p> <p>d) UN1219, ISOPROPANOL or ISOPROPYL ALCOHOL;</p> <p>e) UN1223, KEROSENE;</p> <p>f) UN1230, METHANOL;</p> <p>g) UN1268, PETROLEUM DISTILLATES, N.O.S., or PETROLEUM PRODUCTS, N.O.S., Packing Groups II and III only;</p> <p>h) UN1863, FUEL, AVIATION, TURBINE ENGINE, Packing Groups II and III only; or</p> <p>i) UN1987, ALCOHOL, N.O.S.</p> <p>Despite the packing instructions and quantity limits set out in columns 10 to 13 of Table</p>	

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	<p>For quantities greater than 25 L, these flammable liquids would be allowed to be transported on both passenger aircraft and cargo aircraft in plastic and metal UN specification jerricans and drums that do not have removable heads. Flammable liquids could be transported in a quantity greater than is authorized in the ICAO TI. The quantity limit for jerricans would be 60 L and the limit for drums would be 220 L, which is slightly less than the current limit of 230 L.</p> <p>For transport on passenger aircraft, drums with a capacity greater than 25 L would need to meet Packing Group I or II performance level.</p> <p>The total quantity of these dangerous goods that could be transported in small means of containment on a passenger aircraft would remain limited to a maximum of 230 L. There would no longer be a limit for cargo aircraft.</p> <p>Flammable liquids could be transported in a greater quantity per large means of containment than is authorized in the ICAO TI if they are in a tank, a container, or an apparatus that is an integral part of the aircraft or that is attached to the aircraft. This is a current</p>	<p>containment would need to withstand pressure differentials created during air transport.</p> <p>For larger quantities, only UN specification plastic and metal jerricans and drums without removable heads would be permitted for increased safety.</p> <p>These fuels are needed in large quantities and the ICAO quantity limits are not sufficient. These fuels are typically transported in jerricans and drums, so the limits in the ICAO TI are not practical.</p> <p>The current limit would be reduced from 230 L to 220 L to align with the limits in the ICAO TI. The typical volume of most large drums is 205 to 208 L. A limit of 60 L would be set for jerricans, as that is the maximum capacity of a UN specification jerrican.</p> <p>To increase safety, Packing Group I or II would be required for drums if transported on passenger flights. The US has very stringent requirements for drums on passenger aircraft 49 CFR 175.310(b). This would result in several PG III dangerous goods being transported as PG II on passenger flights because this provision would allow larger quantities than are normally authorized under the ICAO TI (220 L per means of containment instead of 60 L).</p> <p>The current limit of 230 L would be maintained for these dangerous goods if transported on a passenger aircraft in small means of containment. TC has not received requests to increase it. These dangerous</p>	<p>3-1 of the ICAO TI, the dangerous goods referred to in subsection (1) may be offered for transport, handled or transported</p> <p>(a) for quantities less than or equal to 25 L, in a small means of containment that is designed, constructed, filled, closed, secured and maintained so that under normal conditions of transport, including handling, there will be no release of the dangerous goods that could endanger public safety, and</p> <p>is capable of withstanding, without leakage, a pressure differential of not less than 95 kPa;</p> <p>for quantities greater than 25 L, in a UN standardized means of containment that is</p> <p>a jerrican with packaging code UN 3A1, UN 3B1 or UN 3H1 and a capacity less than or equal to 60 L; or</p> <p>a drum with packaging code UN 1A1, UN 1B1, UN 1N1 or UN 1H1 and a capacity less than or equal to 220 L;</p> <p>a large means of containment that is a tank, a container or an apparatus that is an integral part of the aircraft or that is attached to the aircraft.</p> <p>When the dangerous goods referred to in subsection (1) are transported on a passenger aircraft,</p> <p>a means of containment in paragraph (2)(b) must display “X” or “Y” to represent Packing Group II performance level or higher;</p> <p>the total capacity of all of the means of containment containing the dangerous</p>	

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	provision.	<p>goods are rarely transported on board passenger aircraft.</p> <p>No limit would be added for transport on cargo aircraft. The current exemption does not include one and ICAO does not set limits for maximum quantities that can be transported on an aircraft.</p> <p>The allowance for transport of these dangerous goods in tanks or containers attached to, or integral to the aircraft would be maintained, but references to the military standards would be removed, as these standards are no longer used and are being removed from the TDGR.</p>	goods on the aircraft must be less than or equal to 230 L.	
<p>Part 12 Limited Access – Division 2.1, Flammable Gas</p> <p><i>Modifies current subsections 12.9(9) and (10) Gases</i></p>	<p>Allow Division 2.1 gases to be transported in cylinders under the general limited access provisions, if they are permitted for transport under the ICAO TI.</p> <p>The rest of Part 12 would still need to be met. Therefore, the ICAO TI quantity limits in Table 3-1 of the ICAO TI for Division 2.1 gases would apply, as would the requirements to meet TDGR section 5.10. Any Division 2.1 gases that are forbidden for transport in the ICAO TI would continue to be forbidden.</p> <p>Allow commonly used Division 2.1 gases that are forbidden on passenger aircraft to be transported in cylinders on passenger aircraft under the general limited access exemptions,</p>	<p>The Division 2.1 gases pose a similar hazard based on their classification.</p> <p>Most Division 2.1 gases are forbidden for transport on passenger aircraft under the ICAO TI, but are allowed on cargo aircraft.</p> <p>The TDGR would no longer prescribe a quantity limit per means of containment for these gases where the ICAO TI already include a limit. Instead, the ICAO TI limits (which are typically larger) would apply. ICAO does not set a limit for the total quantity on an aircraft.</p> <p>Aerosols would be excluded from this provision, as they are addressed in another section (see instruction below).</p> <p>For passenger aircraft, five additional forbidden Division 2.1 gases, for which equivalency certificates are currently issued, would be added to the list.</p> <p>The maximum capacity per means of</p>	<p>Limited Access – Division 2.1, Flammable Gas</p> <p>Dangerous goods that are included in Division 2.1, Flammable Gas, except UN1950, AEROSOLS, may be offered for transport, handled or transported in accordance with <i>[insert reference to the general limited access section]</i> if transport of the dangerous goods are not forbidden by the ICAO TI.</p> <p>Despite the word “FORBIDDEN” in columns 10 and 11 of Table 3-1, Dangerous Goods List, of the ICAO TI, dangerous goods that are included in Division 2.1, Flammable Gas, may be offered for transport, handled or transported on a passenger aircraft in accordance with <i>[insert reference to the general limited access section]</i> if the dangerous goods are:</p> <p>(i) UN1001, ACETYLENE, DISSOLVED;</p> <p>(ii) UN1011, BUTANE;</p>	

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	<p>if they are in a cylinder with a capacity of less than or equal to 110 L and the total capacity of all cylinders containing these dangerous goods on board the aircraft is less than or equal to 132 L.</p> <p>The following gases would be added to the list currently in 12.9(9):</p> <ul style="list-style-type: none"> · UN1001, ACETYLENE, DISSOLVED · UN1049, HYDROGEN, COMPRESSED · UN1060, METHYLACETYLENE AND PROPADIENE MIXTURE, STABILIZED · UN1954, COMPRESSED GAS, FLAMMABLE, N.O.S. · UN1971, METHANE, COMPRESSED; or NATURAL GAS, COMPRESSED with high methane content <p>The rest of Part 12 would still need to be met, including the requirement to comply with TDGR section 5.10.</p>	<p>containment for these otherwise forbidden gases would be increased from 100 L to 110 L cylinders, as this represents the typical capacity required to hold 100 lb. of gas. Increasing the limit would accommodate these cylinders.</p> <p>The total capacity of all cylinders on a passenger plane would be increased from 120 L to 132 L, as this represents the capacity of one 100 lb. cylinder plus one 20 lb. cylinder (which has a capacity of 21.5 L). This would address the intent of the current limits.</p>	<p>(iii) UN1012, BUTYLENE;</p> <p>(iv) UN1049, HYDROGEN, COMPRESSED;</p> <p>(v) UN1055, ISOBUTYLENE;</p> <p>(vi) UN1060, METHYLACETYLENE AND PROPADIENE MIXTURE, STABILIZED;</p> <p>(vii) UN1075, LIQUEFIED PETROLEUM GASES;</p> <p>(viii) UN1077, PROPYLENE;</p> <p>(ix) UN1954, COMPRESSED GAS, FLAMMABLE, N.O.S. ;</p> <p>(x) UN1969, ISOBUTANE;</p> <p>(xi) UN1971, METHANE, COMPRESSED; or NATURAL GAS, COMPRESSED with high methane content; or</p> <p>(xii) UN1978, PROPANE.</p> <p>(b) the dangerous goods are contained in a cylinder with a water capacity of less than or equal to 110 L; and</p> <p>(c) the total water capacity of all cylinders containing these dangerous goods, transported on board the aircraft, is less than or equal to 132 L.</p>	
<p>Part 12</p> <p>Limited Access – Division 2.2, Non-flammable Non toxic Gases</p> <p><i>New provision</i></p>	<p>Add a new provision to allow Division 2.2, Non-flammable and Non-Toxic Gas, to be transported in cylinders under the general limited access provisions.</p> <p>The requirements in Part 12 would still apply. Therefore, cylinders would have to comply with section 5.10 and the quantity limits in the ICAO TI. Any Class 2.2 gases that</p>	<p>Equivalency certificates are currently issued to authorize the transport of a number of Division 2.2 gases under the limited access provision in section 12.9. This new provision would remove the need to apply for equivalency certificates to transport these dangerous goods under 12.9.</p> <p>This provision would not apply to aerosols as they are addressed in another section (see</p>	<p>Limited Access – Division 2.2, Non-Flammable and Non-Toxic Gas</p> <p>Dangerous goods that are included in Division 2.2, Non-flammable and Non-Toxic Gas, except UN1950, AEROSOLS, may be offered for transport, handled or transported in accordance with <i>[insert reference to the general limited access section]</i> if transport of the dangerous goods</p>	

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PROVISION	PURPOSE OF AMENDMENT	TC RATIONALE	EXAMPLE OF DRAFT TEXT	COSTHA COMMENTS
	are forbidden for transport by air would continue to be forbidden.	instruction below).	is not forbidden by the ICAO TI.	
<p>Part 12</p> <p>Limited Access - UN1950, AEROSOLS and Bear Spray</p> <p><i>New provision</i></p>	<p>Add a new exemption to allow aerosols to be transported under the general limited access provisions if they are not forbidden for transport in Table 3-1 of the ICAO TI.</p> <p>In addition, for bear spray, provide an exemption from the labelling requirements, but require the means of containment to be marked with words “Bear spray” or “Répulsif à ours” either in addition to or instead of the shipping name. For bear spray, include a requirement that it be transported outside the passenger cabin if possible.</p> <p>The requirements in Part 12 would still apply. Therefore, aerosol containers would have to comply with section 5.11, including the requirement that they be packed in an outer means of containment. The quantity limits in the ICAO TI would not apply, as the limits for inner means of containment and outer means of containment (30 kg) are set in CGSB-43.123, which is required under section 5.11. Any Class 2.2 gases that are forbidden for transport by air would continue</p>	<p>Equivalency certificates are currently issued to authorize the transport of bear spray (UN1950, AEROSOL) under the limited access provision in section 12.9. This new exemption would remove the need to apply for equivalency certificates to transport these dangerous goods under the limited access provisions.</p> <p>Stakeholders have also asked to be allowed to transport other aerosols under the limited access provisions. Many Division 2.2 aerosols (without subsidiary classes and in specified quantities) can be transported under the passenger and crew exemption in Part 8 of the ICAO TI, but bear spray cannot, as it contains a severe irritant (pepper spray). Although bear spray is allowed for transport (fully regulated) under the ICAO TI, it contains a severe irritant and should therefore be clearly marked to identify it, especially since it would often need to be transported on the main deck of an aircraft travelling to a limited access location. This is a requirement in the current equivalency certificates.</p> <p>The current equivalency certificates for bear spray require it to be transported in a baggage compartment that is separate from the passenger cabin, or an area of the aircraft approved by Transport Canada for transporting cargo, outside the aircraft cabin</p>	<p>Limited Access – UN1950, AEROSOLS and Bear Spray</p> <p>Dangerous goods that are UN1950, AEROSOLS, may be offered for transport, handled or transported in accordance with <i>[insert reference to the general limited access section]</i> if the dangerous goods are not forbidden for transport by aircraft under the ICAO TI.</p> <p>If the dangerous goods in subsection (1) are animal repellent, the words “Bear spray” or “Répulsif à ours” must be displayed on the outer means of containment, either in addition to, or instead of, the shipping name, and if the aircraft has a baggage compartment or cargo compartment that is separate from the passenger cabin, the outer means of containment containing the dangerous goods must be transported in that baggage or cargo compartment;</p> <p>Despite <i>[insert reference to Air Transport General - requirement to comply with the ICAO TI]</i>, chapter 5;3, Labelling, does not apply when dangerous goods that are animal repellent are transported in accordance with <i>[insert reference to the general limited access section]</i> and this exemption.</p>	

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	<p>to be forbidden.</p> <p>Many Division 2.2 aerosols can be transported under the passenger and crew exemption in ICAO TI Part 8, which is much less stringent. Therefore, this exemption would not be needed for them.</p>	<p>if possible, to prevent the contents of the aerosol container from entering the air supply of the passenger cabin.</p> <p>The equivalency certificates provide exemption from labelling. Labelling is not necessary if the means of containment is clearly marked with the words “bear spray”.i</p>		
<p>Part 12 Limited Access – UN0312, CARTRIDGES, SIGNAL (Animal deterrent) <i>New provision</i></p>	<p>Allow signal cartridges that are UN0312 to be transported under the general limited access provisions under certain conditions.</p> <p>The dangerous goods would have to be transported inside a means of containment to ensure no release of the dangerous goods that could endanger public safety.</p> <p>Exemption would be provided from the labelling requirements, but the means of containment would need to be marked with “UN0312 – Bear Bangers” or “UN0312 – Artifices d’effarouchement à ours”.</p> <p>The means of containment containing the bear bangers would need to be transported outside the passenger cabin if possible.</p>	<p>Many airlines that service remote locations have been applying for equivalency certificates to transport bear bangers for passengers under the limited access provisions. This new exemption would remove the need to apply for these equivalency certificates. Bear bangers are used for protection in remote areas.</p> <p>For safety, the current equivalency certificates include a requirement that they be inside a means of containment that will prevent a release that could endanger public safety</p> <p>To minimize burden on operators, current equivalency certificates provide exemption from labelling, but require the means of containment to be marked with the UN number and name for clear communication of the risk.</p> <p>The current equivalency certificates for bear bangers require them to be transported in a baggage compartment that is separate from the passenger cabin, or an area of the aircraft, approved by TC for transporting cargo, outside the aircraft cabin, if possible.</p>	<p>Limited Access – UN0312, CARTRIDGES, SIGNAL (Animal deterrent)</p> <p>(1) Despite the word “FORBIDDEN” in columns 10 and 11 of Table 3-1, Dangerous Goods List, of the ICAO TI, dangerous goods that are UN0312, CARTRIDGES, SIGNAL, and that are animal deterrents, may be offered for transport, handled or transported on a passenger aircraft in accordance with <i>[insert reference to the general limited access section]</i> if</p> <p>(a) the dangerous goods are in an outer means of containment that is designed, constructed, filled, closed, secured, and maintained so that under normal condition of transport, including handling, there will be no release of dangerous goods that could endanger public safety,</p> <p>(b) the means of containment is clearly marked with “UN0312 – Bear Bangers” or “UN0312 - Artifices d’effarouchement à ours”, and</p> <p>(c) if the aircraft has a baggage compartment or a cargo compartment that is separate from the passenger cabin, the outer means of containment containing the dangerous goods must be transported in</p>	

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			<p>that baggage or cargo compartment.</p> <p>(2) Despite <i>[insert reference to Air Transport General - requirement to comply with the ICAO TI]</i>, chapter 5;3, Labelling, does not apply when the dangerous goods in subsection (1) are transported in accordance with <i>[insert reference to the general limited access section]</i> and this exemption.</p>	
<p>Part 12 Limited Access – UN1263, Paint</p>	<p>Allow paint and paint related material, such as paint thinning compound, to be transported under the general limited access provisions.</p> <p>The ICAO packing instructions and quantity limits would apply but an exception would be provided to allow paint in Packing Group II to be transported in quantities up to 5 L per inner means of containment under the limited quantities packing instructions, instead of the 0.5 L limit in ICAO. This aligns with the limit in the current exemption.</p>	<p>The current Part 12 provisions for limited quantities of consumer commodities are confusing and rarely used. They would be removed, as the ICAO TI requirements (Y963) are considered sufficient. The exception is paint transported to remote locations, for which a greater quantity per means of containment is required for practical purposes.</p> <p>This provision would allow the increased quantity limit for transport to limited access locations only.</p> <p>The proposed provision references instruction Y341, which is the limited quantity instruction for flammable liquids. However, it allows greater quantities in both the inner and outer means of containment, as the quantities in Y341 are not practical.</p>	<p>Limited Access – UN1263, Paint</p> <p>Dangerous goods that are UN1263, PAINT or PAINT RELATED MATERIAL, may be offered for transport, handled or transported in accordance with <i>[insert reference to the general limited access section]</i>.</p> <p>Despite the quantity limits in packing instruction Y341 in 4;5.1 of the ICAO Technical Instructions, dangerous goods that are UN1263, PAINT or PAINT RELATED MATERIAL, in Packing Group II, may be transported as limited quantities in a metal inner packaging with a capacity of 5 L or less and with a total quantity per package of 5 L or less.</p>	
<p>Part 12 Limited Access – Engines, machinery and vehicles</p>	<p>Allow engines, machinery, and vehicles, including those that are forbidden for transport on passenger aircraft under the ICAO TI, to be transported under the general limited access provisions.</p> <p>The requirements in Part 12 would</p>	<p>These dangerous goods are needed in remote locations.</p> <p>An exemption is needed to enable gas-powered engines, machinery, and vehicles to be transported to these locations on passenger aircraft because they are otherwise forbidden. The packing</p>	<p>Limited Access – Engines, machinery and vehicles</p> <p>(1) Dangerous goods that are engines, machinery or vehicles with the following UN numbers and shipping names may be offered for transport, handled or transported in accordance with <i>[insert</i></p>	

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<p><i>Modifies current subsection 12.9(7) Internal Combustion Engines, Vehicles and Machinery</i></p>	<p>apply and therefore, the special provisions and packing instructions in the ICAO TI. However, gas-powered engines, machinery and vehicles, which are forbidden for transport on passenger aircraft under the ICAO TI, would be allowed on passenger aircraft in accordance with the packing instructions and quantity limits in the ICAO TI for cargo aircraft.</p>	<p>instructions and limits in the ICAO TI for cargo transport are chosen, as they meet ICAO TI safety requirements.</p>	<p><i>reference to the general limited access section].</i></p> <p>(a) UN3166, VEHICLE, FLAMMABLE GAS POWERED, (b) UN3166, VEHICLE, FUEL CELL, FLAMMABLE GAS POWERED, (c) UN3166, VEHICLE, FLAMMABLE LIQUID POWERED, (d) UN3166, VEHICLE, FUEL CELL, FLAMMABLE LIQUID POWERED, (e) UN3528, Engine, internal combustion, flammable liquid powered, (f) UN3528, Engine, fuel cell, flammable liquid powered, (g) UN3528, Machinery, fuel cell, flammable liquid powered, (h) UN3528, Machinery, internal combustion, flammable liquid powered, (i) UN3529, Engine, internal combustion, flammable gas powered, (j) UN3529, Engine, fuel cell, flammable gas powered, (k) UN3529, Machinery, fuel cell, flammable gas powered, (l) UN3529, Machinery, internal combustion, flammable gas powered, (m) UN3530, Engine, internal combustion, or (n) UN3530, Machinery, internal combustion. (2) Despite the word “FORBIDDEN” in columns 10 and 11 of Table 3-1, Dangerous Goods List, of the ICAO TI, dangerous goods</p>	

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			with the UN number UN3529 may be transported in accordance with the packing instructions and quantity limits set out in columns 12 and 13 of the ICAO TI for those dangerous goods.	
<p>Part 12 Limited Access – Wet Batteries</p> <p><i>Modifies current Subsection 12.9(11) Batteries</i></p>	<p>Allow wet batteries filled with acid to be transported under the general limited access provisions. Provide a relaxation from the requirements to use specification packaging and packaging that meets Packing Group II standards. The rest of the requirements in packing instruction 870 would apply.</p> <p>Allow a limit of 120 kg gross mass per package for UN2794 and UN2795 on a passenger aircraft instead of the 30 kg limit in packing instruction 870. There would be no limit on cargo aircraft. 120 kg is the limit in the current provision. The 120 kg limit would no longer apply to UN2800.</p>	<p>These batteries need to be shipped by air to and from remote locations. Despite the current limited access battery provisions, equivalency certificates have been issued to provide relaxation from the requirement to use specification packaging, as it is not always available in remote locations. Specification packaging is not required for transport by road and operators in remote locations may receive batteries for shipment by air that are not in specification packaging.</p> <p>The current limit of 120 kg per package for UN2794 and UN2794 would be maintained, as stakeholders have not asked for it to be increased.</p> <p>The limit would no longer apply to UN2800, as packing instruction 872 in the ICAO TI does not set a limit for UN2800.</p>	<p>Limited Access – Wet Batteries</p> <p>(1) Dangerous goods that are UN2794, BATTERIES, WET, FILLED WITH ACID, electric storage, UN2795, BATTERIES, WET, FILLED WITH ALKALI, electric storage, or UN2800, BATTERIES, WET, NON-SPILLABLE, electric storage, may be offered for transport, handled or transported in accordance with <i>[insert reference to the general limited access section]</i>.</p> <p>(2) The specification outer packagings and Packing Group II performance requirements required in packing instruction 870 in Part 4 of the ICAO Technical Instructions do not apply if the outer means of containment is a rigid container, wooden slatted crate or on a pallet, which is designed, constructed, filled, closed, secured, and maintained so that under normal conditions of transport, including handling, there will be no release of the dangerous goods that could endanger public safety.</p> <p>(3) Despite packing instruction 870, the total quantity, per package of dangerous goods that are UN2794, WET BATTERIES, WET, FILLED WITH ACID, or UN2795, BATTERIES, WET, FILLED WITH ALKALI, must not exceed 120 kg gross mass if transported on board a passenger aircraft.</p>	

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<p>Part 12</p> <p>Peace Officer Exemption</p> <p><i>New exemption to replace and expand upon current subsection 12.4(2)</i></p>	<p>Provide an exemption from the regulations for the transportation of dangerous goods needed by peace officers, wildlife officers, and provincial officials that carry out similar duties.</p> <p>The scope would be limited to the following persons:</p> <p>Peace officers, as defined in the Canadian Aviation Security Regulations, 2012</p> <p>Wildlife officers, designated under section 11 of the Canada Wildlife Act</p> <p>Fishery guardians, as defined in the Fisheries Act</p> <p>Provincial officials carrying out the same duties as the federal officers listed above.</p>	<p>The current exemption for certain ammunition is not sufficient. Other dangerous goods are required to carry out their duties (such as pepper spray, detonators, and pressurized containers). Many equivalency certificates have been issued to provide exemption for the transport of dangerous goods by peace officers and wildlife officers. The exemption would be expanded to include other dangerous goods.</p> <p>Provincial officials have similar requirements to federal officials with respect to transporting dangerous goods to carry out their duties.</p>	<p>Peace Officer Exemption</p> <p>These Regulations do not apply to the offer for transport, handling or transport by aircraft, between two points in Canada, of dangerous goods that are in quantities necessary for the following persons to carry out their duties:</p> <p>(a) peace officer, as defined in the <i>Canadian Aviation Security Regulations, 2012</i>;</p> <p>(b) wildlife officer designated under section 11 of the <i>Canada Wildlife Act</i>;</p> <p>(c) fishery guardian, as defined in the <i>Fisheries Act</i>;</p> <p>(d) provincial official that is carrying out the same duties as a person in paragraphs (a) to (c).</p>	
<p>Part 12 –</p> <p>Emergency Response Exemption</p> <p><i>New provision</i></p>	<p>Provide an exemption from the Regulations for the transportation of dangerous goods needed to respond to an emergency that threatens public safety.</p> <p>This exemption would be similar to the exemption in section 1.26 of the TDGR, but would not limit the exemption to a means of transport dedicated to emergency response and would exempt dangerous goods that are forbidden for transport under the ICAO TI.</p>	<p>Given that some emergency response aircraft are not used exclusively for emergency response, they would not meet the condition of being dedicated to emergency response. Also, since a dedicated emergency aircraft may not always be available in a given location during an emergency, an aircraft that is not dedicated solely to emergency response would be allowed to operate under this exemption.</p> <p>Some of the dangerous goods required to respond to an emergency are normally forbidden for transport under the ICAO TI. Equivalency certificates currently provide exemptions for forbidden dangerous goods</p>	<p>Emergency Response Exemption</p> <p>These Regulations do not apply to the offer for transport, handling or transport, by aircraft, between two points in Canada, of dangerous goods that are in quantities necessary to respond to an emergency that endangers public safety.</p>	

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		needed by police and other officials to ensure public safety.		
<p>Part 12</p> <p>Modifications to ICAO TI General Exceptions (Medical Aid Exemption)</p> <p><i>Replaces current 12.14 Medical aid and 1.48 Air ambulance exemption</i></p>	<p>Add provisions that would include variations to some of the ICAO TI exemptions in section 1;1.1.5, General exceptions.</p> <p>Gases would have to be contained in cylinders that comply with TDGR section 5.10 or aerosol containers that comply with section 5.11 (since they would otherwise be exempt from the requirement through the ICAO TI exemptions).</p> <p>Allow dangerous goods transported under the ICAO TI exemptions for medical aid, veterinary aid, dropping activities, or rescue operations to be carried by a different aircraft before or after the flight on which the dangerous goods are to be used or have been used. The ICAO TI provision only allows them to be transported on the same aircraft.</p>	<p>The ICAO TI provide several general exemptions in 1;1.1.5. This exemption would replace the current TDGR sections 12.14 (Medical Aid) and 1.48 (Air Ambulance Exemption). To meet Canadian requirements and needs, some variations are needed.</p> <p>The ICAO TI provide an exemption for the transport of dangerous goods required to provide medical aid to a patient during flight [1;1.1.5.1a)]. The exemption requires that cylinders be manufactured specifically for the purpose of containing and transporting the gas. Gas cylinders and aerosol containers transported under any of the exemptions in 1;1.1.5 would have to meet the standards in TDGR sections 5.10 and 5.11, as Canada only accepts cylinders or aerosol containers that are made to Canadian or American approvals.</p> <p>Section 1;1.1.5.4 allows the dangerous goods to be transported before, or returned on, the same aircraft. For practical purposes TC would allow them to be transported on a different aircraft. For example, where the aircraft on which the dangerous goods were used is continuing on to another destination, a different aircraft could return them to the place of origin.</p>	<p>General Exceptions</p> <p>(1) Despite the exemptions provided in 1;1.1.5.1 of the ICAO Technical Instructions, dangerous goods that are Class 2, Gases, must be contained in a means of containment that meets the requirements in section 5.10 or section 5.11 of these Regulations.</p> <p>(2) Despite 1;1.1.5.4 of the ICAO Technical Instructions, dangerous goods that are transported under 1.1.5.1 a), b), c), d) and e) may be transported on a flight made by either the same aircraft or a different aircraft, before or after a flight, when it is impracticable to load or unload the dangerous goods immediately before or after the flight, if the conditions in 1;1.1.5.4 are met.</p>	
<p>Part 12</p> <p>Aerial Work</p>	<p>Provide an exemption from the Regulations for the transportation of dangerous goods needed for</p>	<p>Some dangerous goods needed for activities such as fire suppression, agriculture, forestry etc. do not meet the requirement for</p>	<p>Aerial work and preparation for fire suppression activities exemption</p> <p>Subject to subsection (2), these Regulations</p>	

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<p>and Preparation for fire suppression activities <i>Modifies current section 12.12 Aerial Work and adds new exemption for prepositioning</i></p>	<p>aerial work activities.</p> <p>The ICAO TI provide an exemption for dropping in relation to some aerial work activities. This Part 12 provision would provide exemption for aerial work activities that are not already captured under the ICAO TI exemption.</p> <p>The scope of aerial work would align with the scope of application in the <i>Canadian Aviation Regulations (CARs)</i>.</p> <p>Provide an exemption from the Regulations for the transportation of dangerous goods as cargo to a location where they can be used for fire suppression (prepositioning) and returned after use.</p> <p>This exemption would be similar to the exemption in current section 12.12, with the following differences:</p> <p style="padding-left: 40px;">The list of activities would be replaced with a reference to the aerial work activities regulated under the CARs.</p> <p style="padding-left: 40px;">References to the military standards for means of containment would be removed.</p> <p style="padding-left: 40px;">Gases would need to be contained in cylinders or aerosol containers that meet the requirements in sections 5.10 and</p>	<p>exemption under 1;1.1.5.1c) of the ICAO TI.</p> <p>The current exemption lists the activities for which the exemption applies. It does not align with the aerial work activities that are regulated under the CARs, which is the authority that issues certificates to operators to carry out these activities. This has created confusion. Revising the provision to align with the definition in CARs section 702.01 in Division I of Subpart 2, Aerial Work, in Part VII would provide consistency between the two TC regulations.</p> <p>The aerial work exemption cannot be used for prepositioning, as aerial work excludes the transportation of cargo. As such, a separate exemption is needed. Some dangerous goods (e.g. equipment) also need to be returned from a location where they were used. This is similar to the provision in 1;1.1.5.4 of the ICAO TI.</p> <p>The references to military standards for means of containment would be removed, as these standards are no longer used and are being removed from the TDGR.</p> <p>Requirements to mark the means of containment with the shipping name and UN number would be added to better communicate the hazard. Inner means of containment would need to be packed upright and orientation labels would be required to reduce the risk of spills.</p> <p>Some dangerous goods, such as engines and machinery, are normally exempt from means of containment requirements and are</p>	<p>do not apply to the transport by aircraft of the following:</p> <p>(a) dangerous goods that are in quantities necessary to carry out aerial work operations specified in section 702.01 in Division I of Subpart 2, Aerial Work, in Part VII of the <i>Canadian Aviation Regulations</i>, and that are not subject to the exemption in 1;1.1.5.1c) of the ICAO TI; or</p> <p>(b) dangerous goods that are transported to a location to be used for the purpose of fire suppression or from a location after being used for fire suppression.</p> <p>(1) The following conditions must be met:</p> <p>(a) dangerous goods that are included in Class 2, Gases, are contained in a means of containment that meets the requirements of section 5.10 or 5.11;</p> <p>(b) dangerous goods that are not included in Class 2, Gases, except those for which “A87” appears in column 7 of Table 3-1, Dangerous Goods List, of the ICAO TI, are contained in</p> <p>(i) a tank, a container or an apparatus that is an integral part of the aircraft or that is attached to the aircraft,</p> <p>(ii) a small means of containment that is designed, secured, and maintained so that under normal condition of transport, including handling, there will be no release of dangerous goods that could endanger public safety.</p> <p>(c) the means of containment is marked with the UN number and shipping name of</p>	

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	<p>5.11.</p> <p>The list of specific requirements to be met would be simplified.</p> <p>A requirement to mark the means of containment with UN number and shipping name and orientation arrows would be added.</p> <p>A requirement that liquid dangerous goods in combination packaging be packed upright as required in 4;1.1.13 of the ICAO TI would be added.</p> <p>Engines, machinery, vehicles, and life-saving appliances would not need to be in a means of containment and would not need to be marked.</p> <p>Information provided to the pilot in situations where the pilot does not load the dangerous goods could be made by verbal notification.</p>	<p>subject to SP A87 in the ICAO TI, which exempts them from marking requirements.</p> <p>The current requirement to provide the pilot with written information on the dangerous goods when the pilot does not load the aircraft would be modified to allow for verbal notification to address situations where the provision of written information is not practical, such as when a running helicopter is loaded or when a sling is attached externally.</p>	<p>the dangerous goods;</p> <p>(d) the requirements in 4;1.1.13 of the ICAO TI to pack inner packagings containing liquid dangerous goods with closures upright inside combination packagings and to mark the package with the orientation label;</p> <p>(e) if the pilot-in-command of the aircraft does not load or directly supervise the loading of the dangerous goods, the person who loads and secures the dangerous goods gives the pilot-in-command the following information for each dangerous good:</p> <p>(i) the shipping name, UN number and class;</p> <p>(ii) the gross mass of the dangerous goods and, for explosives, the net explosive quantity; and</p> <p>(iii) the location of the dangerous goods on board the aircraft.</p>	
<p>Part 12</p> <p>Operation and Safety of an Aircraft Exemption</p>	<p>Provide an exemption for dangerous goods that are required for the safety and operation of the aircraft and that are not already exempt under the ICAO TI. The intent of the exemption would be to capture dangerous goods, such as portable fuel pumps and spares kits.</p> <p>If these dangerous goods are not</p>	<p>This exemption would address concerns from stakeholders who have asked for exemptions to transport portable fuel pumps and spares kits.</p> <p>Portable fuel pumps are used to refuel an aircraft from drums or jerricans to extend its range of flight in remote locations where there are no refueling services. These fuel pumps may contain residual fuel in the hose or nozzle, but they are normally carried in</p>	<p>Operation and Safety of an Aircraft Exemption</p> <p>With respect to 1;2.2 of the ICAO TI, these Regulations do not apply to the transport by aircraft, between two points in Canada, of dangerous goods that are required for the safety of individuals on board the aircraft or for the operation or safety of the aircraft.</p> <p>Despite subsection (1), dangerous goods that are included in Class 2, Gases, must be</p>	

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PROVISION	PURPOSE OF AMENDMENT	TC RATIONALE	EXAMPLE OF DRAFT TEXT	COSTHA COMMENTS
	<p>installed in the aircraft, they would need to be kept in a means of containment so that there is no release of the dangerous goods that could endanger public safety. The means of containment would have to be marked with the shipping name or common name of the dangerous goods. If the dangerous goods are gases, the means of containment would have to comply with section 5.10 or 5.11.</p> <p>The means of containment would have to be marked with orientation labels.</p>	<p>the baggage compartment and have lock fittings to prevent the release of any fuel. The risk is low, as aircraft fuel poses a very low fire hazard.</p> <p>Spares kits are required for daily maintenance, and include dangerous goods such as brake cleaner, contact cement, epoxy glue (used to repair tires etc.). Stakeholders believe that portable fuel pumps are necessary for the safety of individuals on board the aircraft, as well as the operation and safety of the aircraft, and that spares kits are required for efficient operation of the aircraft.</p> <p>Currently, portable fuel pumps are transported under TDGR section 1.27 with additional requirements recommended in Notice #20, issued by TC Civil Aviation in March 2006.</p> <p>Under this amendment, section 1.27 would no longer apply for air transport. The intent of this new exemption is to capture the criteria in 1.27 that are not captured by ICAO TI exemptions.</p> <p>For increased safety, Transport Canada would require gas cylinders and aerosol containers to meet the standards in TDGR sections 5.10 and 5.11.</p> <p>Orientation labels increase safety.</p>	<p>contained in a means of containment that meets the requirements of section 5.10 or 5.11;</p> <p>If the dangerous goods are not installed in the aircraft, except those for which “A87” appears in column 7 of Table 3-1, Dangerous Goods List, of the ICAO TI, they must be contained in a means of containment that is</p> <p>(a) designed, constructed, filled, closed, and maintained so that under normal conditions of transport, including handling, there will be no release of dangerous goods that could endanger public safety; and</p> <p>(b) marked with the shipping or common name of the dangerous goods and,</p> <p>(c) if the dangerous goods meet the criteria in 4;1.1.13 of the ICAO TI, the package orientation label described under 5;3.2.12b).</p>	
<p>Part 12 Remotely Piloted Aircraft Systems</p>	<p><i>The TDG Regulations would be modified to allow the transportation of specific dangerous goods under specific conditions.</i></p>	<p><i>TC is currently developing a policy that would add the authority to transport dangerous goods by drone (RPAS) to the TDGR. We are interested in research and analysis undertaken by industry with respect to</i></p>		

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PROVISION	PURPOSE OF AMENDMENT	TC RATIONALE	EXAMPLE OF DRAFT TEXT	COSTHA COMMENTS
(RPAS)		<i>drones and invite you to share your views with us.</i>		

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The following provisions that currently apply to the transport of dangerous goods by air would not be included in the revised Part 12. Instead, the ICAO TI would apply.

Provision	TC Rationale	COSTHA Comments
<p>Section 12.2 Shipping Document Requirement for a shipping document for shipments by air of dangerous goods to show red hatchings on the left and right margins</p>	<p>The ICAO TI do not require a shipping document to have red hatchings. They state in 5;4.1.2.1 that “A dangerous goods transport document may be in any form, provided it contains all of the information required by these Instructions”.</p> <p>The requirement for a shipping document to show red hatchings predates the clear language TDGR which were published in 2001, and was included to require that the document be completed in accordance with the International Air transport Association (IATA) <i>Dangerous Goods Regulations</i>. However, the IATA <i>Dangerous Goods Regulations</i> are an industry standard and have no regulatory standing in Canada.</p> <p>This change would not prohibit the use of “red hatchings” should the air industry wish to do so.</p>	
<p>Section 12.3 Information to Pilot-in-command Requirement that the information provided to the pilot-in-command (NOTOC) be presented on a dedicated form</p>	<p>The ICAO TI recommend that the NOTOC be presented on a dedicated form and that it not be by means of air waybills, dangerous goods transport documents, invoices, etc. Removing the requirement for a dedicated form would in no way change the fact that a NOTOC must contain accurate information which is legibly written or printed and must be readily available to the pilot-in-command during flight.</p> <p>This change would not prohibit the use of a dedicated form, should the air industry wish to do so.</p>	

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Provision	TC Rationale	COSTHA Comments
<p>Section 12.8 Packing Instruction Y963 Exemption for certain consumer commodities</p>	<p>While the provisions allow for a greater quantity of select consumer commodities to be shipped, it is not clear that these greater volumes are frequently needed. In fact, TC inspectors have indicated that this exemption is rarely used.</p> <p>The packing instructions for consumer commodities (ID 8000, PI Y963) in the ICAO TI are quite flexible, as they do not require UN standardized means of containment. As such, requirements for means of containment or marking/labelling are not a reason for necessitating Section 12.8.</p> <p>Stakeholders indicated that the use of the limited quantity “Y” mark in the consumer commodities provisions of the TDGR causes confusion and ensuring compliance with these provisions may represent a burden for some operators.</p> <p>The one exception is paint, for which stakeholders have indicated a need to transport larger quantities per means of containment to remote locations for practical purposes. In response, an exemption for paint would be added to the limited access provisions to address this. (Refer to proposal for Limited Access – Paint above).</p>	
<p>Subsection 12.9(8) Fire Extinguishers Provisions specific to fire extinguishers transported to limited access locations</p>	<p>Provisions specific to the transport of fire extinguishers to limited access locations would not be needed as they would be included in the limited access provisions for Class 2.2 gases. (Refer to proposal for Limited Access – Class 2.2, Non-flammable and Non-Toxic Gas, above). Use of the ULC standards listed in section 1.47 for fire extinguishers would also be permitted under the proposed Part 12 amendment.</p>	

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Provision	TC Rationale	COSTHA Comments
<p>Subsection 12.9(12) Sodium Chlorite and Hypochlorite Solution Relaxed requirements for sodium chlorite and hypochlorite solution transported to limited access locations</p>	<p>As currently written, the section does not make sense, as it only applies to UN1496 and UN1791 with 7% or less free chlorine. Because Section 12.9 does not refer to the ICAO TI, classification must be done using the TDGR. However, at this concentration, these two products are not regulated dangerous goods under the TDGR.</p> <p>Due to the hazards of transporting hypochlorite solution, which is corrosive and can release chlorine vapour, and sodium hypochlorite, which is a PG II oxidizer, TC does not want to allow the transport of these dangerous goods in greater quantities per outer MOC than is permitted in the ICAO TI.</p>	
<p>Section 12.11 Geological Core Samples Exemption for the transportation by air of geological core samples</p>	<p>TC inspectors have indicated that this exemption is not used.</p> <p>The requirements of the <i>Packaging and Transport of Nuclear Substances Regulations</i> (PTNSR) apply to the transport of radioactive core samples. The PTNSR, like the ICAO TI, are based on the recommendations of the International Atomic Energy Agency. Therefore, requirements for packaging and labeling under the PTNSR are aligned with those of the ICAO TI.</p>	
<p>Section 12.13 Measuring Instruments Exemption for the transportation by air of measuring instruments that are dangerous goods</p>	<p>Measuring instruments containing mercury are classified as UN 3506 MERCURY IN MANUFACTURED ARTICLES, and the packing instructions for these dangerous goods are already very minimal – they are not onerous enough to require exemptions.</p> <p>Measuring instruments that are dangerous goods because they are radioactive would be subject to the PTNSR. The requirements of the PTNSR, like the ICAO TI, are based on the recommendations of the International Atomic Energy Agency. Therefore, requirements for packaging and labeling under the PTNSR are aligned with those of the ICAO TI.</p>	