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Subject: *Canada Gazette* notice on Regulatory Modernization

J. Prescott,

Transport Canada would like to thank you for your submission dated September 15, 2018, in response to the Treasury Board of Canada Secretariat's stakeholder consultation notice on Regulatory Modernization published in *Canada Gazette*, Part I, on July 28, 2018. Your comments helped inform the development of the *Transportation Sector Regulatory Review Roadmap*, which is the Department's plan to address regulatory barriers to innovation and investment. Specifically it informed the need for more coordination among jurisdictions and collaboration with industry as well as the need for greater digitization of services, which is found in Section 4 of the Roadmap that is posted on Transport Canada's website at: <http://www.tc.gc.ca/eng/acts-regulations/transport-canada-targeted-regulatory-review.html>.

You raised seven important issues in your submission regarding the *Transportation of Dangerous Goods Regulations*. The first one being the adoption of electronic data processing and electronic data interchange as alternatives to paper documentation.

In order to better assess the costs and benefits, as well as the risks, of using electronic shipping documents, Transport Canada will be launching a regulatory sandbox to evaluate the feasibility of permitting electronic shipping documents for dangerous goods shipments. More information on this initiative can be found here on our let's talk page - <https://letstalktransportation.ca/electronic-shipping-documents>.

The issue of dangerous goods safety marks and the harmonization of the terminology used internationally and by other jurisdictions was also raised.

Transport Canada has included the alignment of safety marks with the latest edition of the United Nations *Model Regulations on the Transport of Dangerous Goods* in its proposed *Regulations Amending the Transportation of Dangerous Goods Regulations* (International harmonization update and Part 12, Air), which has been included in the Department's Forward Regulatory Plan for 2019-2021 and can be accessed at the following internet address: <https://www.tc.gc.ca/eng/acts-regulations/transportation-dangerous-goods-initiatives-planned.html>. Preliminary consultation on the proposal has already taken place.

There were also a couple of concerns raised regarding training and the requirement for employees to carry their written training certificate with them at all times and Transport Canada's development of a standard for competency-based training and assessment.

Regarding the issue of the written training certificate, Transport Canada is looking into possible avenues for the digitization of the training certificate enforcement. Regarding the standard for competency-based training and assessment, you cautioned the Department against being too prescriptive in the development of requirements for the standard or adopting requirements that are not harmonized with other regulatory schemes. Transport Canada is developing the standard in partnership with the Canadian General Standards Board and its counterparts in the United States are aware of the upcoming modernization of the training requirements. The Canadian General Standards Board is planning the first public review of the standard in summer 2019. The proposal has been included in the Department's Forward Regulatory Plan for 2019-2021.

In addition, in your submission you recommended that Transport Canada consider including the "medium" lithium battery exception that exists in the United States' Code of Federal Regulations in the TDGR.

The Department is in the process of developing regulations to align the exceptions for lithium batteries with the United States' regulations. Your comments will be considered as part of the Department's ongoing engagement process for its proposed amendment *Regulations Amending the Transportation of Dangerous Goods Regulations* (Canadian update). The proposal has been included in the Department's Forward Regulatory Plan for 2019-2021.

Transport Canada will also consider your comments on including the exception of display packs within the *Transportation of Dangerous Goods Regulations* to align with the United States' Code of Federal Regulations as part of its ongoing engagement process for the proposed amendment *Regulations Amending the Transportation of Dangerous Goods Regulations* (Canadian update). The Department will consider the suggested alignment with United States' regulations during the development of the new standard, *Small Containers for Transportation of Dangerous Goods, Classes 3, 4, 5, 6.1, 8, and 9*, which, through this proposal, will be incorporated by reference into the *Transportation of Dangerous Goods Regulations*. The proposal has also been included in the Department's Forward Regulatory Plan for 2019-2021.

In your submission you raised the issue of the interpretation of cross-docking provided on Transport Canada's website and also recommended that "autonomous vehicles" be included in a future review of the *Transportation of Dangerous Goods Regulations*. The Department will review/clarify the interpretation of cross-docking and will reach out to COSTHA shortly to further explain its position. On the subject of autonomous vehicles, the Department is actively working on the review of the *Transportation of Dangerous Goods Act* and nine other Safety and Security Acts to adapt a legislative scheme to manage new technologies.

The Department would like to invite you to read the Transport Canada [What We Heard Report](#). The report outlines issues and recommendations identified by stakeholders through the consultation notice on Regulatory Modernization and their proposed solutions to promote innovation and investment in Canada.

For further inquiries, do not hesitate to contact the Office of Regulatory Innovation at Transport Canada at the following email address: RegulatoryInnovation-Innovationreglementaire@tc.gc.ca.

Sincerely,



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cc: Benoit Turcotte
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