

IVODGA

INTERNATIONAL VESSEL OPERATORS
DANGEROUS GOODS ASSOCIATION

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Regulatory Affairs Branch
Transportation Dangerous Goods
Transport Canada
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Ottawa, ON K1A 1J2
Email: TDGRegulatoryProposal-TMDPropositionReglementaire@tc.gc.ca

RE: REGULATIONS AMENDING THE *TRANSPORTATION OF DANGEROUS GOODS REGULATIONS (TDGR) (PART 6 – TRAINING)*

International Vessel Operators Dangerous Goods Associations, IVODGA, appreciates the opportunity to comment on the proposed CGSB standard CAN/CGSB-192.3 – Transportation of Dangerous Goods Training, Assessment and Competency.

The International Vessel Operators Dangerous Goods Association (IVODGA), founded in 1990, is an international organisation comprised of representatives of the ocean common carriers of the world, operating under the flags of several nations, dedicated to improving the understanding and uniform application of rules and regulations governing maritime transportation of dangerous goods. Collectively, IVODGA members are responsible for the safe transportation of over 75% of the world's ocean borne container traffic. IVODGA's primary focus is to foster the safe handling of dangerous goods, as well as to offer the expertise of the ocean carriers in the development of international and national multimodal regulations. IVODGA holds consultative status and actively participates at the International Maritime Organization (IMO) and the United Nations (UN) Sub-Committee of Experts on the Transport of Dangerous Goods. IVODGA members include ocean carriers with facilities and terminals in Canada.

As previously discussed with Transport Canada, international vessel operators are excluded from the Canadian training requirements (Part 6.4 (3)) since Chapter 1.3 of the IMDG Code specifies the general awareness and function-specific training requirements. The container carrier industry trains to the IMDG Code in the worldwide trade, while the air carrier industry similarly trains to the International Civil Aviation Organization.

The TDG Regulations currently define "Adequate Training" in Section 6.2, which is not proposed to be amended in the proposed amendments to Part 6 – Training. Paragraphs 6.2(l) and (m) reference the International Civil Aviation Organization (ICAO) Technical Instructions (TIs)

"Committed to the promotion of the safe handling and transportation of dangerous goods."

~~Alianca Navegacao~~ E Logistica Ltda ♦ APL, Ltd. ♦ ~~Bahri~~ General Cargo ♦ Bermuda Container Line ♦
COSCO Container Lines Americas, Inc. ♦ Crowley Maritime Corporation ♦ Evergreen America Corporation ♦
Hamburg-Sud Hapag-Lloyd AG ♦ Hyundai America Shipping Agency ♦ Independent Container Line, Ltd. ♦
~~Klinge~~ Corporation ♦ Maersk Line ♦ Matson Navigation Company ♦ NSCSA (America), Inc. ♦
Ocean Network Express, Inc. ♦ OOCL (USA) Inc. ♦ Seaboard Marine, Ltd. ♦
Tampa Bay International Terminals ♦ Tropical Shipping USA, LLC. ♦ ~~Wallenius~~ Wilhelmsen Logistics ♦
Wan Hai Lines Ltd. ♦ Yang Ming Marine Transportation Corp.

and the International Maritime Dangerous Goods (IMDG) Code. These paragraphs allow for training to be completed in compliance with the provisions of the ICAO TIs and the IMDG Code respectively if the appropriate Part of the TDG Regulations is also included in the training. Thus, for transportation by vessel, training must comply with the requirements of the IMDG Code and to those country specific differences that impact our operations. IVODGA considers it duplicative to repeat the information contained in the IMDG Code and/or the ICAO TIs in the new CGSB training standard. Yet, while the ICAO TIs are referenced in the standard, the IMDG Code is not. This becomes a clear problem when the information found in Schedule 1 of the TDG Regulations and the Dangerous Goods List found in Chapter 3.2 of the IMDG Code do not contain the same information (i.e., missing UN numbers, etc.).

While our concerns are primarily for the international container carrier viewpoint, we would also like to express concerns about the following.

First, IVODGA believes that employers should have the option to combine general awareness and function-specific training and ensure that assessments are focused to their business activities. Employers should be responsible for ensuring that the training and assessments are adequate for their employees.

Second, IVODGA members operate on a global basis, including facilities and terminals in Canada. As such, IVODGA supports regulations that require training of TDG employees. However, due to the multi-national nature of our industry, it is not practical to be able to comply with prescriptive, country-specific regulations regarding training. Impractical or overly burdensome training regulations may also encourage some employers to “off-shore” TDG functions to other countries with less stringent training requirements, possibly resulting in a decreased level of safety and compliance as well as potential loss of jobs. IVODGA support global harmonization to the extent possible but these proposed amendments to Part 6 – Training do not seem to be moving quite in that direction.

Given that many IVODGA members operate in both Canada and the U.S., IVODGA suggests closer harmonization with the TDG training and testing requirements with those in U.S. 49 CFR, under the Canada - U.S. Regulatory Cooperation Council (RCC) initiatives. Please note that the U.S. DOT requires employers to determine training and testing based on job function, as stated in U.S. 49 CFR § 172.702(a) and (d).

IVODGA would like to encourage Transport Canada to accommodate the function-specific training requirements and recommendations for shore-side personnel, in Chapter 1.3 of the International Maritime Organization (IMO) *International Maritime Dangerous Goods (IMDG) Code*. IVODGA would also like to remind Transport Canada that moving to a CBTA approach in the TDG Regulations should not unnecessarily burden or penalize employers who are already implementing successful training programs.

IVODGA would also like to point out that some tasks or terms used in the TDG Regulations are not used in the IMDG Code (i.e., means of containment, emergency response assistance plans, dangerous goods safety marks). Additionally, there are some concept in the IMDG Code that are non-existent in the TDG Regulations, such as segregation of dangerous goods when talking about loading large means of containment.

IVODGA also believes that the use of preset codes to identify which functions the employees has been trained on will not be of great benefit to either the employee or the employer but will only be used for enforcement purposes. Further, some of the functions listed are too vague (or too precise) and may not apply to all modes such as marine.

In conclusion, IVODGA believes that the responsibility and burden for effective training and assessment should be on employers and not on Transport Canada. Due to the variability in TDG activities and responsibilities for different job functions, the employer is best suited to determine what training is reasonable and appropriate for their employees. A standard that dictates for employers is unnecessarily burdensome. As such, IVODGA strongly recommends that the publication of the proposed amendments in Part II of the Canada Gazette Part be delayed so that further amendments to the proposed text can be made based on stakeholder comments to address some of the issues found on both the CGSB training standard and the TDG Regulations.

IVODGA appreciates the opportunity to provide comments and thanks Transport Canada for taking its comments into consideration.

Sincerely,

A handwritten signature in cursive script that reads "Adria Mead".

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