Consultation Document

Envisioned modifications

Regulations Amending Certain Regulations Made Under the *Transportation of Dangerous Goods Act, 1992* (Part 12 and International Harmonization Update)

This consultation document presents the changes made to the proposed [*Regulations Amending Certain Regulations Made Under the Transportation of Dangerous Goods Act, 1992 (Part 12 and International Harmonization Update)*](https://www.gazette.gc.ca/rp-pr/p1/2022/2022-11-26/html/reg3-eng.html#:~:text=Description%3A%20The%20Regulations%20Amending%20Certain,Nations%20Model%20Regulations%20on%20the) based on the comments received after pre-publication in the *Canada Gazette*, Part I (CGI).

The revised approach presented below was developed in response to the concerns raised during the consultation period, particularly regarding the following:

* repealed information that would create a regulatory gap;
* use of previous consignor’s classification;
* dynamic referencing of the UN Classification Scheme;
* classification of dangerous goods included in Class 1, Explosives;
* information on a shipping document;
* safety issues related to the use of special permits issued in the United States;
* renumbering of special provisions; and
* duration of the transitional period.

Description and Rationale

The main objective of these changes is to align, to the extent possible the *Transportation of Dangerous Goods Regulations* (TDGR) with the twenty-second edition of the *United Nations Model Regulations on the Transport of Dangerous Goods* (UN Recommendations), as well as with the latest amendments that are incorporated into the *International Civil Aviation Organization Technical Instructions for the Safe Transport of Dangerous Goods by Air* (ICAO TI), the *International Maritime Dangerous Goods Code* (IMDG Code) and the Title 49 of the United States (U.S.) *Code of Federal Regulations* (49 CFR). Through this harmonization, the proposed Regulations would:

* facilitate the transport of dangerous goods between Canada and the United States;
* promote competitiveness by introducing a technical standard for the manufacture of large packaging, which would allow Canadian stakeholders to enter the international manufacturing market for these packaging;
* enhance safety for Canadian businesses by adopting cost saving amendments and safe alternative provisions in the TDGR;
* improve clarity, consistency, and certainty for stakeholders by ensuring that the same requirements apply to both domestic and international transport of dangerous goods; and
* facilitate the transport of dangerous goods by air within Canada, particularly for remote locations, by clarifying and updating the air provisions of the TDGR to better reflect current domestic needs.

Transport Canada (TC) is seeking your input on the envisioned modifications to the draft provisions presented below. All interested parties are cordially invited to provide their comments on this proposed regulatory amendment in this document and submit it to TC.TDGRegulatoryProposal-TMDPropositionReglementaire.TC@tc.gc.ca by February 28, 2024.

**Text in** **red** = Proposed changes (text to be added)

**~~Strikethrough text in red~~** = text to be repealed (deletions)

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **No** | **Relevant provisions** | **Proposal published in *Canada Gazette*, Part I** | **Proposed modifications for publication in *Canada Gazette*, Part II** | **Rationale** | **Questions or comments** |
|  | Amend section 1.3.1 of the proposed regulatory text in the *Canada Gazette*, Part I.  | **The definitions *ASTM D 4359*, *ASTM F 852*, *CGA P-20*, *CGSB-32.301*, *CGSB-43.126*, *ISO 2592*, *ISO 10156*, *ISO 10298*, *MIL-D-23119G*, *MIL-T-52983G*, *OECD Guideline 404*, *OECD Guideline 430*, *OECD Guideline 431*, *OECD Guideline 435* and *TP 14850* in section 1.3.1 of the Regulations are repealed.** | Not repeal the definition of CGSB-43.126 and MIL-T-52983G.**The definitions *ASTM D 4359*, *ASTM F 852*, *CGA P-20*, *CGSB-32.301*, *~~CGSB-43.126~~*~~,~~ *ISO 2592*, *ISO 10156*, *ISO 10298*, *MIL-D-23119G*, *~~MIL-T-52983G~~*~~,~~ *OECD Guideline 404*, *OECD Guideline 430*, *OECD Guideline 431*, *OECD Guideline 435* and *TP 14850* in section 1.3.1 of the Regulations are repealed.** | CGSB-43.126 is in the process of being merged into CGSB-43.150 but this process will take at least a couple of years. Therefore, CGSB-43.126 will still be valid until the process of merging is completed. TC will leave the reference in section 1.3.1 for now and remove it later when the new standard is ready.Also, as a national standard is currently being developed by the Canadian Standards Association (CSA-B627) to eventually replace the MIL-T-52983G standard, it was originally proposed to repeal the MIL-T-52983G standard from the regulations as part of this amendment. However, the new standard CSA-B627 is not yet finalized and may not be ready before the final publication in the *Canada Gazette*, part II. ​​During consultation it was noted that repealing the MIL-T-52983G standard before this new standard is ready, would create a significant regulatory gap related to the transport of flammable liquids by aircraft within Canada. This gap would lead to additional challenges and add administrative burden on affected stakeholders and on TC. For these reasons TC will keep the MIL-T-52983G standard in the TDGR until the new standard is in place. **​** |  |
|  | Amend paragraph 1.3.2(c) of the proposed regulatory text in the *Canada Gazette*, Part I.  | **Paragraph 1.3.2(c) of the Regulations is replaced by the following:****(c)** CGSB-43.145; | Not repeal the definition of CGSB-43.126.**(c)** CGSB-43.126**(c.1)** CGSB-43.145; | See modification No 1 of this document for rationale. |  |
|  | Amend the definition of ‘shipping name’ and ‘descriptive text’ in section 1.4 of the proposed regulatory text in the *Canada Gazette*, Part I.   | ***shipping name*** means an entry in upper case letters in column 2 of Schedule 1 and includes any qualifying word added in accordance with subsection 1.6.2(1) or (2) and any of the following elements if they form an integral part of the entry:**(a)** a number;**(b)** a Greek letter;**(c)** the letter “m”, “n”, “o” or “p”;**(d)** the prefix “sec” or “tert”. (*appellation réglementaire*)***descriptive text*** means an entry in lower case letters in column 2 of Schedule 1. (*texte descriptif*) | 1. Add a reference to section 1.6.1 in the definition of ‘shipping name’.
2. Replace “an entry” by “any text” in the definition of ‘descriptive text’ in the English version only.

***shipping name*** means an entry in upper case letters in column 2 of Schedule 1 and includes any requirement in accordance with section 1.6.1 and/or qualifying word added in accordance with section 1.6.2 and any of the following elements if they form an integral part of the entry:**(a)** a number;**(b)** a Greek letter;**(c)** the letter “m”, “n”, “o” or “p”;**(d)** the prefix “sec” or “tert”. (*appellation réglementaire*)***descriptive text*** means any text ~~an entry~~ in lower case letters in column 2 of Schedule 1. (*texte descriptif*) | 1. Section 1.6.1 outlines the general requirement for a shipping name; therefore, it should also be referenced under the definition of ‘shipping name’.
2. The use of the word “entry”, in the English version, can create confusion as it is usually reserved for a proper shipping name or an entire classification sequence in Schedule 1. Hence, during consultation it was noted that the words “an entry” should be changed by “any text”.
 |  |
|  | Amend subparagraph 1.16(1)(e)(i) of the proposed regulatory text in the *Canada Gazette*, Part I.   | **(i)** the class or division of the dangerous goods, following the word “Class”, “Classe” or “Division”, as the case may be, and | Remove the wording “, as the case may be”.**(i)** the class or division of the dangerous goods, following the word “Class”, “Classe” or “Division”~~, as the case may be~~, and | The proposed change was not harmonized with the IMDG code and is more restrictive than the UN Recommendations, the 49CFR and the IMDG code which freely allow the use of the word “class” or “division”. The administrative change would incur a significant cost for updating all documentation and training material without additional safety benefits. |  |
|  | Amend the French version of subsection 1.17(2) of the proposed regulatory text in the *Canada Gazette*, Part I.  | **(2)** Les parties 3 et 8 ne s’appliquent pas à la présentation au transport, à la manutention ou au transport de quantités limitées de marchandises dangereuses si chaque contenant porte de manière lisible et durable sur l’un des côtés, autre que celui sur lequel il est censé reposer ou être gerbé pendant le transport, la marque illustrée au paragraphe (5). | Replace “à” by “et” in the French version.**1.17(2)** Les parties 3 à ~~et~~ 8 ne s’appliquent pas à la présentation au transport, à la manutention ou au transport de quantités limitées de marchandises dangereuses si chaque contenant porte de manière lisible et durable sur l’un des côtés, autre que celui sur lequel il est censé reposer ou être gerbé pendant le transport, la marque illustrée au paragraphe (5). | This change will correct a typo introduced in the French version in CGI. |  |
|  | Repeal subsections 1.17(6) and 1.17(7) of the TDGR.  | This was not proposed in the *Canada Gazette*, Part I. | Repeal subsections 1.17(6) and 1.17(7) of the TDGR.**~~(6)~~** ~~Until December 31, 2020, instead of being marked with the mark illustrated in subsection (5), a means of containment may have displayed on it~~**~~(a)~~** ~~the words “Limited Quantity” or “quantité limitée”;~~**~~(b)~~** ~~the abbreviation “Ltd. Qty.” or “quant. ltée”;~~**~~(c)~~** ~~the words “Consumer Commodity” or “bien de consommation”; or~~**~~(d)~~** ~~the UN number of each limited quantity of dangerous goods placed within a square on point.~~**~~(7)~~** ~~For the purposes of paragraph (6)(d), the line forming the square on point must be black and be at least 2 mm wide. If the dangerous goods have different UN numbers, the square on point must be large enough to include each UN number, but in any case each side must be not less than 50 mm long. The UN numbers must be at least 6 mm high. The line and UN numbers must be on a contrasting background.~~ | These changes would lighten the regulatory text for added clarity. Subsection 1.17(6) would be repealed as it is a transitional provision that allowed regulated parties to comply with either the “new” regulations or the “old” regulations for a period of time, in this case until December 31, 2020, and is no longer needed. Subsection 1.17(7) would be repealed as it is now an obsolete provision since its application was limited by the transitional provision of subsection 1.17(6).  |  |
|  | Amend the French version of section 1.34 of the proposed regulatory text in the *Canada Gazette*, Part I.  | **1.34** Les matières dont le point d’éclair est supérieur à 60 °C, mais inférieur ou égal à 93 °C, peuvent être transportées comme si elles étaient incluses dans la classe 3 et le groupe d’emballage III. Dans ce cas, les exigences du présent règlement qui concernent les liquides inflammables dont le point d’éclair est inférieur ou égal à 60 °C doivent être respectées, à l’exception de celles prévues à l’alinéa 7.2(1)f) | Remove the letter “s” after the words “celles” and “prévues”.**1.34** Les matières dont le point d’éclair est supérieur à 60 °C, mais inférieur ou égal à 93 °C, peuvent être transportées comme si elles étaient incluses dans la classe 3 et le groupe d’emballage III. Dans ce cas, les exigences du présent règlement qui concernent les liquides inflammables dont le point d’éclair est inférieur ou égal à 60 °C doivent être respectées, à l’exception de celle~~s~~ prévue~~s~~ à l’alinéa 7.2(1)f). | This will correct a grammar mistake as there is only one requirement in paragraph 7.2(1)f), namely, to provide an emergency response plan, therefore this part of the sentence should have been singular not plural.  |  |
|  | Amend subsection 1.42(1) of the proposed regulatory text in the *Canada Gazette*, Part I.  | **1.42 (1)** Parts 3 to 8 do not apply to the import, offering for transport, handling or transport of human or animal specimens for which there is minimal likelihood that infectious substances are present. | Add a reference to NOTE 1 under paragraph 2.6.3.2.3.8 of the UN Recommendations or the content of that note into the regulatory text.**1.42 (1)** Parts 3 to 8 do not apply to the import, offering for transport, handling or transport of human or animal specimens for which there is minimal likelihood that infectious substances are present. [include NOTE 1 under 2.6.3.2.3.8] | According to subsection 2.1(4) of the proposed Regulations, the notes that appear with the provisions of the UN Recommendations that are incorporated by reference do not form part of the Regulations and are therefore not enforceable.Although the proposed Regulations are in line with the wording found in the UN Recommendations, NOTE 1 under paragraph 2.6.3.2.3.8 clearly states that professional judgment is required to use this exemption and it must be based on medical history, symptoms, etc. It is critical to include this concept to maintain the message that has been communicated in the past.  |  |
|  | Amend paragraph 1.43a) of the proposed regulatory text in the *Canada Gazette*, Part I.  | This was not proposed in the *Canada Gazette*, Part I. | Add “, 2015” after “Packaging and Transport of Nuclear Substances Regulations”.**(a)** satisfy the conditions in the Packaging and Transport of Nuclear Substances Regulations to be transported in an excepted package, 2015; | This will correct a mistake in the TDGR. |  |
|  | Amend section 1.45 of the proposed regulatory text in the *Canada Gazette*, Part I.  | Fumigation of Cargo Transport Unit**1.45** These Regulations, except for sections 3.1, 3.2 and 4.21, do not apply in respect of a cargo transport unit, or the contents of a cargo transport unit, that is being fumigated with dangerous goods if the fumigant is the only dangerous goods in the cargo transport unit and the following information is included on the shipping document for the dangerous goods:**(a)** the shipping name, that is, “FUMIGATED CARGO TRANSPORT UNIT” or “ENGIN DE TRANSPORT SOUS FUMIGATION”;**(b)** the class, that is, Class 9;**(c)** the UN number, that is, UN3359;**(d)** the technical name and quantity of the fumigant;**(e)** the date and time of fumigation; and**(f)** instructions for the disposal of residues of the fumigant and, if applicable, the disposal of any fumigation devices used. | Reorder paragraphs (a) to (d) as follow.**1.45** These Regulations, except for sections 3.1, 3.2 and 4.21, do not apply in respect of a cargo transport unit, or the contents of a cargo transport unit, that is being fumigated with dangerous goods if the fumigant is the only dangerous goods in the cargo transport unit and the following information is included on the shipping document for the dangerous goods: **~~(c)~~(a)** the UN number, that is, UN3359;**~~(a)(~~b)** the shipping name, that is, “FUMIGATED CARGO TRANSPORT UNIT” or “ENGIN DE TRANSPORT SOUS FUMIGATION”;**~~(d)~~**(**c)** the technical name and quantity of the fumigant;**~~(b)~~(d)** the class, that is, Class 9;**(e)** the date and time of fumigation; and**(f)** instructions for the disposal of residues of the fumigant and, if applicable, the disposal of any fumigation devices used. | The paragraphs in this section would be renumbered to align with the order in which the information is required on a shipping document; namely, the UN number, the shipping name, the technical name, the class and then paragraphs (e) and (f) as listed. |  |
|  | Amend section 1.51 of the proposed regulatory text in the *Canada Gazette*, Part I.  | Water Pump Systems Tank**1.51** Parts 3 to 6 and 8 do not apply to the import, offering for transport, handling or transport of dangerous goods that are UN1002, AIR, COMPRESSED, UN1046, HELIUM, COMPRESSED or UN1066, NITROGEN, COMPRESSED, if | Specify the type of equipment in the regulatory text.Water Pump Systems Tank**1.51** Parts 3 to 6 and 8 do not apply to the import, offering for transport, handling or transport of equipment or device equipped with a means of containment containing dangerous goods that are UN1002, AIR, COMPRESSED, UN1046, HELIUM, COMPRESSED or UN1066, NITROGEN, COMPRESSED, if | As per CGI comments, TC is proposing to add the type of equipment in the regulatory text rather than only in the title/header of this section to bring clarity.  |  |
|  | Amend paragraph 1.52(1)(b) of the proposed regulatory text in the *Canada Gazette*, Part I.  | **(b)** for dangerous goods that are transported under UN3528 or UN3530 and that have a fuel tank with a capacity greater than 450 L and for dangerous goods that are transported under UN3529, the placard or label for the class or division set out in column 3 of Schedule 1 for the dangerous goods is displayed in accordance with Part 4, except that the placard or label must be displayed on two opposite sides of the engine or machinery. | 1. Remove the words “or label”.
2. Modify the proposed regulatory text as follow:

**(b)** for dangerous goods that are transported under UN3528, UN3529 or UN3530 and that have a fuel tank with a capacity greater than 450 L ~~and for dangerous goods that are transported under UN3529,~~ the placard ~~or label~~ for the class or division set out in column 3 of Schedule 1 for the dangerous goods is displayed in accordance with Part 4, except that the placard ~~or label~~ must be displayed on two opposite sides of the engine or machinery; | 1. According to Part 4 of the TDGR, placards are displayed on a large means of containment and labels are displayed on small means of containment. Therefore, it should be specified that only placards can be used for large engines or machinery (i.e., on a fuel tank with a capacity greater than 450 L).
2. The intent of this proposed modification is to align with special provision 363 of the UN Recommendations.
 |  |
|  | Amend section 2.1 of the proposed regulatory text in the *Canada Gazette*, Part I.  | **2.1 (1)** For the purpose of interpreting the provisions of the UN Recommendations that are incorporated by reference in this Part, the following rules apply:**(a)** a reference to “the Dangerous Goods List in Chapter 3.2” or an equivalent reference to that list must be read as a reference to “Schedule 1”;**(b)** in French, a reference to “désignation officielle de transport” must be read as a reference to “appellation réglementaire”;**(c)** a reference to “hazard class” must be read as a reference to “class”;**(d)** in French, a reference to “division de risque” must be read as a reference to “division”; and**(e)** in French, a reference to “risque subsidiaire” must be read as a reference to “danger subsidiaire”.**(2)** For the purpose of interpreting the provisions of the UN Recommendations that are incorporated by reference in this Part, a reference to the UN Recommendations or any part of them must be read as a reference to these Regulations or an equivalent part of them.**(3)** Chapter 1.2 of the UN Recommendations applies to the interpretation of the provisions of the UN Recommendations that are incorporated by reference in this Part, except with respect to terms that are defined in these Regulations.**(4)** The notes that appear with the provisions of the UN Recommendations that are incorporated by reference in this Part do not form part of these Regulations. | 1. Reword paragraph 2.1(1)(a) to allow the use of the Dangerous Goods List in Chapter 3.2 of the UN Recommendations to permit the transport of new UN numbers.
2. Add “of these Regulations” at the end of paragraph (a).
3. Replace “a reference to” with “a requirement of” in subsection 2.1(2).
4. Review the wording of subsection 2.1 (4) to allow some notes of the UN Recommendations to for part of these regulations.
5. Add the requirements for the reference to the competent authority after subsection 2.1(4).

**2.1 (1)** For the purpose of interpreting the provisions of the UN Recommendations that are incorporated by reference in this Part, the following rules apply:**(a)** a reference to “the Dangerous Goods List in Chapter 3.2” or an equivalent reference to that list must be read as a reference to “Schedule 1” of these Regulations;**(b)** in French, a reference to “désignation officielle de transport” must be read as a reference to “appellation réglementaire”;**(c)** a reference to “hazard class” must be read as a reference to “class”;**(d)** in French, a reference to “division de risque” must be read as a reference to “division”; and**(e)** in French, a reference to “risque subsidiaire” must be read as a reference to “danger subsidiaire”.**(2)** For the purpose of interpreting the provisions of the UN Recommendations that are incorporated by reference in this Part, a reference to the UN Recommendations or any part of them must be read as ~~a reference to~~ a requirement of these Regulations or an equivalent part of them.**(3)** Chapter 1.2 of the UN Recommendations applies to the interpretation of the provisions of the UN Recommendations that are incorporated by reference in this Part, except with respect to terms that are defined in these Regulations.**(4)** The notes that appear with the provisions of the UN Recommendations that are incorporated by reference in this Part do not form part of these Regulations [References to the notes of the UN Recommendations to be included].(5) A reference to the competent authority of Canada must be read as a reference to the Minister or a designated person, under Part 14 of these Regulations.  | 1. The proposed regulatory text suggests that new entries in the UN Recommendations cannot be used until they are incorporated in the TDGR since the new 2.3(3) no longer references the UN Recommendations. TC would therefore work with the Department of Justice to propose new wording that would permit the transport of new UN numbers.
2. This change would add clarity to the proposed regulatory text.
3. The proposed modification to subsection 2.1(2) would alleviate confusion as the section numbers in the UN Recommendations differs from that in the TDGR.
4. According to subsection 2.1(4) of the proposed Regulations, the notes that appear with the provisions of the UN Recommendations that are incorporated by reference do not form part of the Regulations. However, some notes from the UN Recommendations are regulatory requirements that need to be referenced or incorporated in the TDGR. TC will work with the Department of Justice to propose a way to incorporate the relevant notes or the content of those notes into the TDGR.
5. The new subsection 2.1 (5) would permit the use of paragraphs referring to competent authority in the UN Recommendations.
 |  |
|  | Amend paragraph 2.2(a) of the proposed regulatory text in the *Canada Gazette*, Part I.  | **(a)** it is listed by name in Schedule 1; or | Add the following exception to paragraph 2.2(a).**(a)** it is listed by name in Schedule 1 except where it can be demonstrated that it is in any form, state or concentration that does not meet the criteria in this Part for inclusion in at least one of the nine classes of dangerous goods; or | Removing the wording: “*in any form, state or concentration that meets the criteria in this Part for inclusion in at least one of the 9 classes of dangerous goods*” from paragraph 2.1(a) of the TDGR for dangerous goods listed by name has an unreasonable impact on what is defined as dangerous goods in Canada and removes an important and reasonable exception for Canadians. TC is proposing to introduce an exception similar to UN 2.0.2.7 to exclude mixtures and solutions comprised of one or more dangerous goods, but that are not dangerous because the hazard characteristics of the mixture or solution are such that they do not meet the criteria for inclusion in any of the nine classes of dangerous goods. |  |
|  | Amend the French version of paragraph 2.2(b) of the proposed regulatory text in the *Canada Gazette*, Part I.  | **b)** satisfait aux critères de la présente partie visant l’inclusion dans au moins l’une des 9 classes de marchandises dangereuses. | Replace ”9” by “neuf” in the French version.**b)** satisfait aux critères de la présente partie visant l’inclusion dans au moins l’une des neuf ~~9~~ classes de marchandises dangereuses. | To align with the French version of the TDGR where the number 9 is spelled with letters when referring to all nine classes.  |  |
|  | Create a new subsection after subsection 2.3(4) of the proposed regulatory text in the *Canada Gazette*, Part I.  |  | Add the requirements for the use of a previous consignor’s classification after subsection 2.3(4). **(5)** A consignor may use the classification provided by the manufacturer, or the previous consignor, of the dangerous goods if:**(a)** The dangerous goods have not been modified or altered in any way, including changes due to storage or transport conditions;**(b)** The dangerous goods are in the means of containment required under these regulations, in which they were received from the previous consignor, or have been repackaged in appropriate quantity and in a suitable means of containment for that classification, as applicable;**(c)** The dangerous goods are not suspected to be damaged or defective; and**(d)** A consignor using the classification provided by the manufacturer, or the previous consignor, of the dangerous goods still maintains the responsibilities of the consignor under these regulations. | In 2014, there was a change to the TDG regulations which removed the ability for a consignor to rely on the classification that was determined by a previous consignor or the manufacturer. This is now inconsistent with the US hazardous materials regulations where there is an allowance to rely on information provided by previous offeror or prior carrier.While the TDGR do not prohibit the use of a previous consignor’s classification, they also do not explicitly permit it. The new proposed wording would provide a legal framework for the use of a previous consignor’s classification.  |  |
|  | Amend subsection 2.4(2) of the proposed regulatory text in the *Canada Gazette*, Part I.  | **(2)** A proof of classification is a document, including a test report or lab report, that must include the following information:**(a)** an explanation of how the dangerous goods were classified;**(b)** the date on which the dangerous goods were classified;**(c)** if applicable, the technical name of the dangerous goods;**(d)** the classification of the dangerous goods; and**(e)** if applicable, the classification method used under this Part, the ICAO Technical Instructions or the IMDG Code. | Reorder the paragraphs under subsection 2.4(2) as follow:**(2)** A proof of classification is a document, including a test report or lab report, that must include the following information:**(a)** an explanation of how the dangerous goods were classified;**(b)** the date on which the dangerous goods were classified;**(c)~~(d)~~**the classification of the dangerous goods; and**(d)~~(c)~~**if applicable, the technical name of the dangerous goods;**(e)** if applicable, the classification method used under this Part, the ICAO Technical Instructions or the IMDG Code. | Since the classification of the dangerous goods is always required, and should come before the technical name, which is optional, TC is proposing to reorder the paragraphs and place 2.4(2)(d) before 2.4(2)(c).  |  |
|  | Amend subsection 2.5(3) of the proposed regulatory text in the *Canada Gazette*, Part I.  | **(3)** However, if descriptive text is associated with the shipping name, a person may assign that shipping name to dangerous goods only if the descriptive text accurately describes the dangerous goods. | Simplify subsection 2.5(3) of the English version.**(3)** However, if descriptive text is associated with the shipping name, that shipping name can only be assigned ~~a person may assign that shipping name to dangerous goods only~~ if the descriptive text accurately describes the dangerous goods. | The proposed modifications would add clarity to the proposed regulatory text and would reflect the wording of the French version. |  |
|  | Amend subsection 2.5(5) of the proposed regulatory text in the *Canada Gazette*, Part I.  | **(5)** If more than one packing group appears in column 4 of Schedule 1, the person must determine the packing group in accordance with**(a)** for dangerous goods included in Class 3, section 2.13;**(b)** for dangerous goods included in Class 4 other than self-reactive substances included in Division 4.1, section 2.14;**(c)** for dangerous goods included in Division 5.1, section 2.15;**(d)** for dangerous goods included in Division 6.1, section 2.16; or**(e)** for dangerous goods included in Class 8, section 2.18. | Indicate the section number to de beginning of each paragraph of subsection 2.5(5).**(5)** If more than one packing group appears in column 4 of Schedule 1, the person must determine the packing group in accordance with**(a)** section 2.13 for dangerous goods included in Class 3~~, section 2.13~~;**(b)** section 2.14 for dangerous goods included in Class 4 other than self-reactive substances included in Division 4.1~~, section 2.14~~;**(c)** section 2.15 for dangerous goods included in Division 5.1~~, section 2.15~~;**(d)** section 2.16 for dangerous goods included in Division 6.1~~, section 2.16~~; or**(e)** section 2.18 for dangerous goods included in Class 8~~, section 2.18~~. | This change would clarify the proposed regulatory text. |  |
|  | Amend section 2.6 of the proposed regulatory text in the *Canada Gazette*, Part I.  | **2.6 (1)** This section does not apply to dangerous goods included in Class 1 or 7.**(2)** If the name of dangerous goods is not shown as a shipping name in column 2 of Schedule 1, a person must classify the dangerous goods in accordance with this section and sections 2.11 to 2.16 and 2.18 to 2.21.**(3)** If the dangerous goods meet the criteria for inclusion in one class and, if applicable, in one division, the person must include the dangerous goods in that class and that division.**(4)** If the dangerous goods meet the criteria for inclusion in more than one class or, if applicable, more than one division, the person must determine the class — and, if applicable, the division and the packing group — in which the dangerous goods are included in accordance with paragraphs 2.0.3.1 and 2.0.3.3 of the UN Recommendations. The person must assign all other classes or divisions for which the dangerous goods meet the criteria for inclusion as subsidiary hazards.**(5)** The person must determine the shipping name for the dangerous goods in accordance with paragraph 2.0.2.8 of the UN Recommendations and assign to the dangerous goods the UN number in column 1 of Schedule 1 that corresponds to the shipping name.**(6)** If the dangerous goods are in the form of a solution or a mixture, the person must determine the shipping name in accordance with paragraphs 2.0.2.5, 2.0.2.6 and 2.0.2.9 of the UN Recommendations and assign to the dangerous goods the UN number in column 1 of Schedule 1 that corresponds to the shipping name.**(7)** The person must not assign a UN number or a shipping name to the dangerous goods if the data corresponding to that UN number and shipping name in columns 3 and 4 of Schedule 1 do not match the class and, as applicable, division, subsidiary hazard and packing group that are assigned to the dangerous goods in accordance with sections 2.11 to 2.16, 2.18 and 2.19.**(8)** For the purposes of determining, under paragraph 2.0.2.6 or 2.0.2.8 of the UN Recommendations, the most appropriate generic or N.O.S. entry in Schedule 1, the person may refer to any descriptive text.**(9)** Despite subsection (4), any reference in paragraph 2.0.3.1 of the UN Recommendations to section 2.0.5 must be read as a reference to section 2.7 of these Regulations.**(10)** The person must not include an article that is dangerous goods in a packing group. | 1. Revise subsections (3), (4) and (7) as follow.
2. Merge the requirements of subsection (9) to those of subsection (4).
3. Move the requirements of section 2.21 of the proposed regulatory text after subsection (5).
4. Create a new section after section 2.6 with the requirements of paragraph (6.)
5. Replace the word “may” by the word “must” in subsection (8).
6. Repeal subsection (10).

**2.6 (1)** This section does not apply to dangerous goods included in Class 1 or 7.**(2)** If the name of dangerous goods is not shown as a shipping name in column 2 of Schedule 1, a person must classify the dangerous goods in accordance with this section and sections 2.11 to 2.16 and 2.18 to 2.21.**(3)** If the dangerous goods meet the criteria for inclusion in one class ~~and, if applicable, in one~~ or division, the person must include the dangerous goods in that class ~~and~~ or that division.**(4)** If the dangerous goods meet the criteria for inclusion in more than one class or~~, if applicable, more than one~~ division, the person must determine the class or ~~— and, if applicable, the~~ division and the packing group ~~— in which~~ of the dangerous goods ~~are included~~ in accordance with paragraphs 2.0.3.1 and 2.0.3.3 of the UN Recommendations. The person must assign all other classes or divisions for which the dangerous goods meet the criteria for inclusion as subsidiary hazards. A reference to 2.0.5 in paragraph 2.0.3.1 of the UN Recommendations must be read as a reference to section 2.7 of these Regulations.**(5)** The person must determine the shipping name for the dangerous goods in accordance with paragraph 2.0.2.8 of the UN Recommendations and assign to the dangerous goods the UN number in column 1 of Schedule 1 that corresponds to the shipping name.**(6)** If the substance or article is not dangerous goods whose name is shown as a shipping name in column 2 of Schedule 1, a person must include the dangerous goods in the packing group, if any, in column 4 of Schedule 1 that corresponds to the shipping name determined in accordance with section 2.6.**~~(6)~~** ~~If the dangerous goods are in the form of a solution or a mixture, the person must determine the shipping name in accordance with paragraphs 2.0.2.5, 2.0.2.6 and 2.0.2.9 of the UN Recommendations and assign to the dangerous goods the UN number in column 1 of Schedule 1 that corresponds to the shipping name.~~**(7)** The person must not assign a UN number or a shipping name to the dangerous goods if the data corresponding to that UN number and shipping name in columns 3 and 4 of Schedule 1 do not match the class ~~and, as applicable,~~ or division, subsidiary hazard and packing group that are assigned to the dangerous goods in accordance with sections 2.11 to 2.16, 2.18 and 2.19.**(8)** For the purposes of determining, under paragraph 2.0.2.6 or 2.0.2.8 of the UN Recommendations, the most appropriate generic or N.O.S. entry in Schedule 1, the person ~~may~~ must refer to any descriptive text.**~~(9)~~** ~~Despite subsection (4), any reference in paragraph 2.0.3.1 of the UN Recommendations to section 2.0.5 must be read as a reference to section 2.7 of these Regulations.~~**~~(10)~~** ~~The person must not include an article that is dangerous goods in a packing group.~~Dangerous goods in the form of a solution or a mixture**2.7** For dangerous goods in the form of a solution or a mixture, the person must determine the shipping name in accordance with paragraphs 2.0.2.5, 2.0.2.6 and 2.0.2.9 of the UN Recommendations and assign to the dangerous goods the UN number in column 1 of Schedule 1 that corresponds to the shipping name. | 1. The use of the words “and” and “or” is confusing and may insinuate that there could be dangerous goods with both a class and a division. It is impossible for a dangerous goods to have more than one “primary” classification at the same time as the other classifications are subsidiary hazards.
2. For ease of understanding and readability, TC is suggesting merging the requirements of subsection 2.6 (9) to those of subsection 2.6 (4).
3. Adding the requirements of section 2.21 in section 2.6 would add clarity to the proposed regulatory text.
4. Paragraphs 2.0.2.5 and 2.0.2.6 of the UN Recommendations are for substances listed by name however, section 2.6 of the proposed regulatory text is for dangerous goods not listed by name in Schedule 1. TC is proposing to create a new section with the requirements from 2.6(6) in order to include a reference to paragraphs 2.0.2.5 and 2.0.2.6.
5. The intent is for the text to be prescriptive rather than permissive, as noted in subsection 2.5(3).
6. If a dangerous goods is classified as an article, no packing group will be indicated in Schedule 1. If the article is classified under another entry with a packing group, subsection (10) could create confusion as to why a packing group was not included in the classification.
 |  |
|  | Amend subsections 2.7 (4) and 2.7 (6) of the proposed regulatory text in the *Canada Gazette*, Part I.  | **(4)** If the article contains dangerous goods to which more than one UN number would otherwise be assigned, the person must**(a)** identify the class and, if applicable, the division for each of the dangerous goods contained in the article in accordance with section 2.5 or 2.6;**(b)** determine, in accordance with section 2.0.3 of the UN Recommendations, in which of the classes and, if applicable, divisions identified under paragraph (a) the article must be included; and**(c)** assign to the article all other classes and divisions identified under paragraph (a) as subsidiary hazards.**(6)** The person must assign to the article the UN number — of UN numbers UN3537 to UN3548 — for which the corresponding data in column 3 of Schedule 1 match the class and, if applicable, the division in which the article is included in accordance with subsection (3) or (4). | Revise subsections 2.7(4) and 2.7(6) as follow.**(4)** If the article contains dangerous goods to which more than one UN number would otherwise be assigned, the person must**(a)** identify the class ~~and, if applicable, the~~ or division for each of the dangerous goods contained in the article in accordance with section 2.5 or 2.6;**(b)** determine, in accordance with section 2.0.3 of the UN Recommendations, in which ~~of the~~ classe~~s~~ ~~and, if applicable,~~ or division~~s~~ among those identified under paragraph (a) the article must be included; and**(c)** assign to the article all other classes and divisions identified under paragraph (a) as subsidiary hazards.**(6)** The person must assign to the article the UN number — of UN numbers UN3537 to UN3548 — for which the corresponding data in column 3 of Schedule 1 match the class ~~and, if applicable, the~~ or division in which the article is included in accordance with subsection (3) or (4). | The use of the words “and” and “or” is confusing and may insinuate that there could be dangerous goods with both a class and a division. It is impossible for a dangerous goods to have more than one “primary” classification at the same time as the other classifications are subsidiary hazards. Additionally, the proposed wording for paragraph 2.7 (4)(b) was creating confusion. TC is proposing new wording to better convey the intent of the provision.  |  |
|  | Amend section 2.9 of the proposed regulatory text in the *Canada Gazette*, Part I.  | **2.9** A substance or article that is an *explosive*, as defined in section 2 of the *Explosives Act*, meets the criteria for inclusion in Class 1, Explosives. | The proposed regulatory text should be amended with wording similar to the following:**2.9** A substance or article ~~that is an~~ *~~explosive~~*~~, as defined in section 2 of the~~ *~~Explosives Act~~*~~,~~ meets the criteria for inclusion in Class 1, Explosives if it is**(a)** an *explosive*, as defined in section 2 of the *Explosives Act*; and**(b)** assigned a UN number in Class 1, as set out in column 3 of Schedule 1 of these Regulations, in accordance with subsection 36 of the *Explosives Regulations, 2013.* | The proposed regulatory text does not encompass for dangerous goods included in Class 1 that are listed by name (i.e., assigned a UN number) as set out in Schedule 1 of TDGR. As discussed with Natural Resources Canada, the intent of this section would be to include dangerous goods included in Class1 that are listed by name. |  |
|  | Amend subsection 2.10(1) of the proposed regulatory text in the *Canada Gazette*, Part I.  | Classification**2.10 (1)** An explosive that is authorized under the *Explosives Regulations, 2013*,**(a)** if it is identified as being included in Class 1 in the list kept under subsection 41(1) of the *Explosives Regulations, 2013*, must be**(i)** included in Class 1,**(ii)** assigned the UN number, division and compatibility group that are associated with the description of the substance or article that appears in that list, and**(iii)** assigned the shipping name and any subsidiary hazards that are associated with that UN number in Schedule 1; or**(b)** if it is not identified as being included in Class 1 in the list, must not be included in Class 1. | Amend the proposed regulatory with wording similar to the following: **2.10 (1)** **(a)** An explosive that is authorized and assigned a UN number under subsection 36 (4) of ~~under~~ the *Explosives Regulations, 2013*, must be**~~(a)~~** ~~if it is identified as being included in Class 1 in the list kept under subsection 41(1) of the~~ *~~Explosives Regulations, 2013~~*~~, must be~~**(i)** included in Class 1,**(ii)** assigned the UN number, division and compatibility group that are associated with the description of the substance or article ~~that appears in that list~~, and**(iii)** assigned the shipping name and any subsidiary hazards that are associated with that UN number in Schedule 1; or**(b)** An explosive that is authorized but not assigned a UN number under subsection 36 (4) of the *Explosives Regulations*, 2013, ~~if it is not identified as being included in Class 1 in the list,~~ must not be included in Class 1. | As discussed with Natural Resources Canada, the wording specifying the list of explosives is not the best approach, as there are some explosives that are not listed, and some that are listed but are not permitted to be transported. TC is proposing new wording to better convey the intent of the provision.  |  |
|  | Amend section 2.13 of the proposed regulatory text in the *Canada Gazette*, Part I.  | **2.13** A substance referred to in paragraph 2.3.1.1 of the UN Recommendations meets the criteria for inclusion in Class 3, Flammable Liquids, and is classified in accordance with Chapter 2.3 of the UN Recommendations, except paragraphs 2.3.2.1.2 and 2.3.2.5.2 and section 2.3.5. | Remove paragraph 2.3.2.1.2 from the excepted paragraphs.**2.13** A substance referred to in paragraph 2.3.1.1 of the UN Recommendations meets the criteria for inclusion in Class 3, Flammable Liquids, and is classified in accordance with Chapter 2.3 of the UN Recommendations, except paragraph~~s 2.3.2.1.2 and~~ 2.3.2.5.2 and section 2.3.5. | Paragraph 2.3.2.1.2 of the UN Recommendations should not be included in the excepted paragraphs as it contains important information for the classification of dangerous goods. |  |
|  | Amend section 2.14 of the proposed regulatory text in the *Canada Gazette*, Part I.  | **2.14** A substance referred to in paragraph 2.4.1.1 of the UN Recommendations meets the criteria for inclusion in Class 4, Flammable Solids; Substances Liable to Spontaneous Combustion; Substances that on Contact with Water Emit Flammable Gases (Water-reactive Substances), and is classified in accordance with Chapter 2.4 of the UN Recommendations, except paragraph 2.4.2.3.2.4. | 1. Add a reference to NOTE 2 and NOTE 3 under paragraph 2.4.2.3.1.1 of the UN Recommendations or the content of those notes into the regulatory text.
2. Remove paragraph 2.4.2.3.2.4 from the excepted paragraphs.

**2.14** A substance referred to in paragraph 2.4.1.1 of the UN Recommendations meets the criteria for inclusion in Class 4, Flammable Solids; Substances Liable to Spontaneous Combustion; Substances that on Contact with Water Emit Flammable Gases (Water-reactive Substances), and is classified in accordance with Chapter 2.4 of the UN Recommendations, [include notes 2 and 3 under 2.4.2.3.1.1] ~~except paragraph 2.4.2.3.2.4~~. | 1. According to subsection 2.1 (4) of the proposed Regulations, the notes that appear with the provisions of the UN Recommendations that are incorporated by reference do not form part of these Regulations. However, NOTE 2 and NOTE 3 under section 2.4.2.3.1.1of the UN Recommendations contains essential information for appropriate classification.
2. Paragraph 2.4.2.3.2.4 of the UN Recommendations should not be included in the excepted paragraphs as it contains important information for the classification of dangerous goods not listed in paragraph 2.4.2.3.2.3 of the UN Recommendations.
 |  |
|  | Amend section 2.15 of the proposed regulatory text in the *Canada Gazette*, Part I.  | **2.15** A substance referred to in section 2.5.1 of the UN Recommendations meets the criteria for inclusion in Class 5, Oxidizing Substances and Organic Peroxides, and must be classified in accordance with Chapter 2.5 of the UN Recommendations, except paragraphs 2.5.2.1.3 and 2.5.3.2.5. | 1. Add a reference to NOTE 1 under paragraph 2.5.3.2.4 of the UN Recommendations or the content of that note into the regulatory text.
2. Remove paragraph 2.5.3.2.5 from the excepted paragraphs.

**2.15** A substance referred to in section 2.5.1 of the UN Recommendations meets the criteria for inclusion in Class 5, Oxidizing Substances and Organic Peroxides, and must be classified in accordance with Chapter 2.5 of the UN Recommendations [to include the notes under 2.5.3.2.4], except paragraphs 2.5.2.1.3 ~~and 2.5.3.2.5~~. | 1. According to subsection 2.1 (4) of the proposed Regulations, the notes that appear with the provisions of the UN Recommendations that are incorporated by reference do not form part of these Regulations. However, NOTE 1 under section 2.5.3.2.4 of the UN Recommendations contains essential information for appropriate classification.
2. Paragraph 2.5.3.2.5 of the UN Recommendations should not be included in the excepted paragraphs as it contains important information for the classification of organic peroxides.
 |  |
|  | Repeal section 2.21 of the proposed regulatory text in the *Canada Gazette*, Part I.  | **2.21** If the substance or article included in Class 9 is not dangerous goods whose name is shown as a shipping name in column 2 of Schedule 1, a person must include the dangerous goods in the packing group, if any, in column 4 of Schedule 1 that corresponds to the shipping name determined in accordance with section 2.6. | Move the requirements of section 2.21 of the proposed regulatory text to after subsection 2.6(5).**~~2.21~~** ~~If the substance or article included in Class 9 is not dangerous goods whose name is shown as a shipping name in column 2 of Schedule 1, a person must include the dangerous goods in the packing group, if any, in column 4 of Schedule 1 that corresponds to the shipping name determined in accordance with section 2.6.~~ | For ease of understanding and readability, TC is suggesting moving the requirements of section 2.21 after those of subsection 2.6 (5). |  |
|  | Amend section 3.5 of the proposed regulatory text in the *Canada Gazette*, Part I.  | **3.5 (1)** The following information must be included on a shipping document:**(a)** the name and address of the place of business in Canada of the consignor;**(b)** the date the shipping document or an electronic copy of it was prepared or was first given to a carrier;**(c)** the description of each of the dangerous goods to which the shipping document relates, which must include the following elements in the following order, without any additional information interspersed unless otherwise provided in these Regulations:**(i)** the UN number,**(ii)** the shipping name and, unless it is already part of the shipping name,**(A)** the word “WASTE” before the shipping name or the word “DÉCHET” before or after the shipping name if the dangerous goods are waste, and**(B)** the word “HOT” immediately before the shipping name or the words “À HAUTE TEMPÉRATURE” immediately before or immediately after the shipping name if the dangerous goods are transported in a liquid state at a temperature greater than or equal to 100°C or in a solid state at a temperature greater than or equal to 240°C, and if the shipping name does not include words that convey the elevated temperature of the dangerous goods, such as “MOLTEN”, “ELEVATED TEMPERATURE”, “FONDU” or “TEMPÉRATURE ÉLEVÉE”,**(iii)** the number of the class in which the dangerous goods are included, if the dangerous goods are not included in a division, which may be shown following the word “Class” or “Classe”, or the number of the division in which the dangerous goods are included, which may be shown following the word “Division”,**(iv)** the compatibility group letter if the dangerous goods are included in Class 1,**(v)** the number of any subsidiary hazard numbers, which must be shown between parentheses and may be shown following the words “subsidiary hazard” or “danger subsidiaire”, except that, for transport by vessel, any subsidiary hazard numbers may be written after the information required by this paragraph, and**(vi)** the packing group roman numeral, which may be shown following the letters “PG” or “GE” or following the words “Packing Group” or “Groupe d’emballage”;**(d)** for each shipping name, the quantity of dangerous goods and the unit of measure used to express the quantity which, on a shipping document prepared in Canada, must be a unit of measure included in the International System of Units or a unit of measure acceptable for use under that system, except that for dangerous goods included in Class 1 the quantity must be expressed in net explosives quantity or, for explosives with UN numbers subject to special provision 85 or 86, in number of articles or net explosives quantity;**(e)** for dangerous goods in one or more small means of containment that require a label to be displayed on them in accordance with Part 4, the number of small means of containment for each shipping name;**(f)** for a liquefied petroleum gas that has not been odourized, the words “Non-Odourized”, “Not Odourized” or “Sans odorisant”;**(g)** for dangerous goods in transport by vessel,**(i)** the flash point for dangerous goods included in Class 3, and**(ii)** the words “marine pollutant” or “polluant marin” for dangerous goods that are marine pollutants and, if the marine pollutant is a pesticide, the technical name and concentration of the most active substance in the pesticide written between parentheses;**(h)** the control and emergency temperature for any of the following dangerous goods if they are stabilized by temperature control:**(i)** self-reactive substances and polymerizing substances included in Division 4.1,**(ii)** organic peroxides included in Division 5.2,**(iii)** dangerous goods that include the word “STABILIZED” as part of the shipping name;**(i)** for dangerous goods included in Class 7, the information that a consignor must include in transport documents under section 29 of the *Packaging and Transport of Nuclear Substances Regulations, 2015*;**(j)** for dangerous goods for which an approved ERAP is required under subsection 7(1) of the Act,**(i)** the ERAP reference number issued by Transport Canada, preceded or followed by the letters “ERAP” or “PIU”, and**(ii)** the ERAP telephone number, including the area code, at which a person identified in the ERAP can be reached at any time while the dangerous goods are handled or transported, preceded or followed by the letters “ERAP” or “PIU”; and**(k)** the words “24-Hour Number” or “Numéro 24 heures”, an abbreviation of these words or words with an equivalent meaning, followed by a telephone number, including the area code, at which the consignor can be reached immediately for technical information about the dangerous goods that are being handled or transported, without breaking the telephone connection made by the caller.**(2)** The telephone number referred to in paragraph (1)(k) may, instead of being the telephone number of the consignor, be the telephone number of an organization or agency, such as CANUTEC, that is capable of providing the technical information, in English or in French, required by that paragraph if**(a)** in the case of CANUTEC, the consignor receives permission, in writing, from CANUTEC; and**(b)** in the case of an organization or agency other than CANUTEC, the consignor ensures that the organization or agency has current, accurate information on the dangerous goods the consignor offers for transport and, if the organization or agency is located outside Canada, the consignor includes the country code and, if required, the city code.**(3)** In the case of a means of containment containing only a residue of dangerous goods, other than dangerous goods included in Class 2 that are contained in a small means of containment and other than dangerous goods included in Class 7, paragraph (1)(d) does not apply and the words “Residue – Last Contained” or “Résidu – dernier contenu” may be added before or after the description of the dangerous goods.**(4)** If the quantity of dangerous goods included on a shipping document under paragraph (1)(d) or the number of small means of containment included on a shipping document under paragraph (1)(e) changes during transport, the carrier must write those changes on the shipping document or on a document attached to the shipping document. | 1. Remove the words “immediately before or” in clause 3.5(1)(c)(ii)(B).
2. Modify subparagraphs 3.5(1)(c)(iii) and (v) to allow the use of either “class” or “division” on a shipping document.
3. Reword subparagraph 3.5(1)(c)(v).
4. Remove the word “numbers,” in subparagraph 3.5(1)(c)(v).
5. Modify subparagraphs 3.5(1)(c)(iii), (v) and (vi) to allow the class or division number, subsidiary hazard and packing group under or following the heading.
6. Simplify the wording of subparagraph (v).
7. Allow the use of the words “Non-Odorized” and “Not Odorized”.
8. Add the words “despite paragraph c” at the beginning of paragraph 3.5(1)(f).
9. Replace the word “write” by the word “indicate” in subsection (4) of the English version.

**3.5 (1)** The following information must be included on a shipping document:**(a)** the name and address of the place of business in Canada of the consignor;**(b)** the date the shipping document or an electronic copy of it was prepared or was first given to a carrier;**(c)** the description of each of the dangerous goods to which the shipping document relates, which must include the following elements in the following order, without any additional information interspersed unless otherwise provided in these Regulations:**(i)** the UN number,**(ii)** the shipping name and, unless it is already part of the shipping name,**(A)** the word “WASTE” before the shipping name or the word “DÉCHET” before the shipping name if the dangerous goods are waste, and**(B)** the word “HOT” immediately before the shipping name or the words “À HAUTE TEMPÉRATURE” ~~immediately before or~~ immediately after the shipping name if the dangerous goods are transported in a liquid state at a temperature greater than or equal to 100°C or in a solid state at a temperature greater than or equal to 240°C, and if the shipping name does not include words that convey the elevated temperature of the dangerous goods, such as “MOLTEN”, “ELEVATED TEMPERATURE”, “FONDU” or “TEMPÉRATURE ÉLEVÉE”,**(iii)** the number of the class or division in which the dangerous goods are included, ~~if the dangerous goods are not included in a division, which~~ may be shown following the words “Class”, ~~or~~ “Classe” or “Division” or under the headings “Class”, “Classe” or “Division”. ~~the number of the division in which the dangerous goods are included, which may be shown following the word “Division~~”,**(iv)** the compatibility group letter if the dangerous goods are included in Class 1,**(v)** the number of any subsidiary hazard ~~numbers,~~ which must be shown between parentheses ~~and~~ may be shown following the words “class”, “division”, “subsidiary hazard” or “danger subsidiaire”, or under the heading “subsidiary hazard” or “danger subsidiaire”, except that, for transport by vessel, any subsidiary hazard numbers may be written after the information required by this paragraph, and**(vi)** the packing group roman numeral, which may be shown following the letters “PG” or “GE” or following the words “Packing Group” or “Groupe d’emballage” or under the heading “Packing Group” or “Groupe d’emballage”;**(d)** for each shipping name, the quantity of dangerous goods and the unit of measure used to express the quantity which, on a shipping document prepared in Canada, must be a unit of measure included in the International System of Units or a unit of measure acceptable for use under that system, except that for dangerous goods included in Class 1 the quantity must be expressed in net explosives quantity or, for explosives with UN numbers subject to special provision 85 or 86, in number of articles or net explosives quantity;**(e)** for dangerous goods in one or more small means of containment that require a label to be displayed on them in accordance with Part 4, the number of small means of containment for each shipping name;**(f)** despite paragraph c, for a liquefied petroleum gas that has not been odourized, the words “Non-Odourized”, “Non-Odorized”, “Not Odourized”, “Not Odorized”, or “Sans odorisant”;**(g)** for dangerous goods in transport by vessel,**(i)** the flash point for dangerous goods included in Class 3, and**(ii)** the words “marine pollutant” or “polluant marin” for dangerous goods that are marine pollutants and, if the marine pollutant is a pesticide, the technical name and concentration of the most active substance in the pesticide written between parentheses;**(h)** the control and emergency temperature for any of the following dangerous goods if they are stabilized by temperature control:**(i)** self-reactive substances and polymerizing substances included in Division 4.1,**(ii)** organic peroxides included in Division 5.2,**(iii)** dangerous goods that include the word “STABILIZED” as part of the shipping name;**(i)** for dangerous goods included in Class 7, the information that a consignor must include in transport documents under section 29 of the *Packaging and Transport of Nuclear Substances Regulations, 2015*;**(j)** for dangerous goods for which an approved ERAP is required under subsection 7(1) of the Act,**(i)** the ERAP reference number issued by Transport Canada, preceded or followed by the letters “ERAP” or “PIU”, and**(ii)** the ERAP telephone number, including the area code, at which a person identified in the ERAP can be reached at any time while the dangerous goods are handled or transported, preceded or followed by the letters “ERAP” or “PIU”; and**(k)** the words “24-Hour Number” or “Numéro 24 heures”, an abbreviation of these words or words with an equivalent meaning , followed by a telephone number, including the area code, at which the consignor can be reached immediately for technical information about the dangerous goods that are being handled or transported, without breaking the telephone connection made by the caller.**(2)** The telephone number referred to in paragraph (1)(k) may, instead of being the telephone number of the consignor, be the telephone number of an organization or agency, such as CANUTEC, that is capable of providing the technical information, in English or in French, required by that paragraph if**(a)** in the case of CANUTEC, the consignor receives permission, in writing, from CANUTEC; and**(b)** in the case of an organization or agency other than CANUTEC, the consignor ensures that the organization or agency has current, accurate information on the dangerous goods the consignor offers for transport and, if the organization or agency is located outside Canada, the consignor includes the country code and, if required, the city code.**(3)** In the case of a means of containment containing only a residue of dangerous goods, other than dangerous goods included in Class 2 that are contained in a small means of containment and other than dangerous goods included in Class 7, paragraph (1)(d) does not apply and the words “Residue – Last Contained” or “Résidu – dernier contenu” may be added before or after the description of the dangerous goods.**(4)** If the quantity of dangerous goods included on a shipping document under paragraph (1)(d) or the number of small means of containment included on a shipping document under paragraph (1)(e) changes during transport, the carrier must ~~write~~ indicate those changes on the shipping document or on a document attached to the shipping document. | 1. The intent is to align with the international codes, namely the UN Recommendations and the IMGD Code. Therefore, the words “À HAUTE TEMPÉRATURE” should be immediately after the shipping name.
2. The proposed change was not harmonized with the international codes and is more restrictive than the UN Recommendations, the 49CFR and the IMDG code which freely allow the use of the word “class” or “division”. The administrative change would incur a significant cost for updating all training material without additional safety benefits.
3. The intent is to align with paragraph 5.4.1.4.1(d) of the UN recommendations and to clarify the proposed regulatory text.
4. The use of the word ‘number’ is repetitive in subparagraph 3.5(1)(c)(v).
5. Not allowing the information to be under the heading would be burdensome and would lead to significant cost for updating all shipping document templates without additional safety benefits.
6. The intent is to simplify the proposed wording as the use of the words “must” and “may” close one from the other in confusing.
7. The intent is to align with paragraph 172.203(p) of the 49CFR. Therefore, the words “Non-Odorized” or “Not-Odorized” should be included in association with the proper shipping description on a shipping document when non-odorized liquefied petroleum gas is transported.
8. Since paragraph (c), states the requirements for the description of the dangerous goods “without any additional information” TC is proposing to add “despite paragraph c” at the beginning of paragraph (f).
9. In the English version, the use of the word “write” could be interpreted to negate the ability to use electronic manifests.
 |  |
|  | Amend paragraphs 4.1.1(a) and 4.1.1(b) of the proposed regulatory text in the *Canada Gazette*, Part I.  | **(a)** section 4.6;**(b)** section 4.7.1; | Not repeal paragraph 4.1.1(a) of the TDGR.**(a)** section 4.2**~~(a)~~(b)** section 4.6;**(b.1)** section 4.7.1; | In the proposed regulatory text, section 4.2 of the Regulations was repealed since the concept of misleading dangerous goods marks was already in section 6.1 of the *Transportation of Dangerous Goods Act*. ​However, provinces and territories have not adopted the Act and rely on the TDGR and not the Act for their enforcement.​ Repealing section 4.2 would create safety issues, as it would deprive provincial and territorial inspectors of the legal authority to enforce the requirement that prohibits displaying misleading dangerous goods marks. |  |
|  | Not repeal section 4.2 of the TDGR.  | Section 4.2 of the Regulations and the heading before it are repealed. | 1. Not repeal section 4.2.
2. Remove the reference to section 6.1 of the Act.

Misleading Dangerous Goods ~~Safety~~ Marks**4.2 (1)** ~~As provided for in section 6.1 of the Act,~~ a person must not display a dangerous goods ~~safety~~ mark on a means of containment or a means of transport if the mark is misleading as to the presence or nature of any danger. **(2)** ~~As provided for in section 6.1 of the Act,~~ a person must not display a mark other than a dangerous goods ~~safety~~ mark on a means of containment or a means of transport if the other mark is likely to be mistaken for a dangerous for a dangerous goods ~~safety~~ mark or is misleading as to the presence or nature of any danger. | 1. See modification No 29 of this document for rationale.
2. The Provinces and Territories have not adopted the Act and referencing the Act is not necessary as it would duplicate the information.
 |  |
|  | Amend subsection 4.5(2) of the proposed regulatory text in the *Canada Gazette*, Part I.  | **(2)** For the purposes of paragraphs (1)(c) and (d), a dangerous goods safety mark is considered to be covered if the means of containment on which it is displayed is inside a closed vehicle and the mark is not visible from outside of the vehicle. | The proposed regulatory text should be amended with wording similar to the following to provide the requirements regarding covered dangerous goods marks.**(2)** For the purposes of paragraphs (1)(c) and (d), a dangerous goods ~~safety~~ mark is considered to be covered or not misleading if ~~the means of containment on which it is displayed is inside a closed vehicle and the mark is not visible from outside of the vehicle.~~**(a)** the packagings are in a disassembled or broken-down state,**(b)** are accompanied by a document that states “Empty packaging – does not contain dangerous goods” or ”Emballage vide – ne contient pas de marchandises dangereuses”, or **(c)** all visible safety marks have been covered.  | Not removing the dangerous goods marks inside a closed vehicle could create confusion for emergency responders if the vehicle was involved in a transportation incident. For example, if IBCs were thrown out of a closed trailer, first responders would see the placards/labels and would want to respond accordingly. The dangerous goods marks would be misleading as to the presence of danger. To eliminate the confusion while keeping the intent of seeking alignment with 49 CFR, TC is proposing new wording for subsection 4.5 (2). |  |
|  | Amend paragraph 4.7(3)(b) and subsection 4.7 (5) of the proposed regulatory text in the *Canada Gazette*, Part I.  | **(b)** each side of a label that must be displayed on a non-refillable UN pressure receptacle may be reduced in length in accordance with ISO 7225, if the label would not be visible, because of the shape or size of the receptacle or the mechanisms for securing the receptacle during transport, from the same vantage point as all the other dangerous goods safety marks required to be displayed by this Part, even if the sides of the label were reduced to 30 mm.**(5)** A person may include, in any language, text on a label that describes the danger that the dangerous goods pose and that is illustrated on that label, if that text does not obscure any symbol or other text on the label. | 1. Reword paragraph 4.7(3)(b).
2. Replace the words “any language” by the words “in English or French” in subsection 4.7(5).

**(b)** each side of a label that must be displayed on a non-refillable UN pressure receptacle may be reduced in length in accordance with ISO 7225, if the label would not be visible, because of the shape or size of the receptacle or the mechanisms for securing the receptacle during transport, from the same vantage point as all the other dangerous goods ~~safety~~ marks required to be displayed by this Part, even if the sides of the label were reduced to 30 mm.**(5)** A person may include, in English or French ~~any language~~, text on a label that describes the danger that the dangerous goods pose and that is illustrated on that label, if that text does not obscure any symbol or other text on the label. | 1. The wording for Paragraph 4.7(3)(b) of the proposed regulatory text was hard to read. The intent is to work with the Department of Justice to simplify the text and propose wording similar to paragraph 178.71(t)(3) of the 49CFR or to paragraph 5.2.2.2.1.2 of the UN Recommendations.
2. The use of the words “in any language” in the proposed regulatory text could lead to the use of languages other than French or English.
 |  |
|  | Amend subsection 4.7.1(6) of the proposed regulatory text in the *Canada Gazette*, Part I.  | **(6)** A person may include, in any language, text on a placard that describes the danger that the dangerous goods pose and that is illustrated on that placard, if that text does not obscure any symbol or other text on the placard. | Replace the words “any language” by the words “in English or French”.**(6)** A person may include, in English or French ~~any language~~, text on a placard that describes the danger that the dangerous goods pose and that is illustrated on that placard, if that text does not obscure any symbol or other text on the placard. | The use of the words “in any language” in the proposed regulatory text could lead to the use of languages other than French or English. |  |
|  | Amend subsection 4.9(2.1) of the proposed regulatory text in the *Canada Gazette*, Part I.  | **(2.1)** For the purposes of subsections (1) and (2), a dangerous goods safety mark is considered to be covered if the means of containment on which it is displayed is inside a closed vehicle and the mark is not visible from outside of the vehicle. | The proposed regulatory text should be amended with wording similar to the following to provide the requirements regarding covered dangerous goods marks.**(2.1)** For the purposes of paragraphs (1)(c) and (d), a dangerous goods ~~safety~~ mark is considered to be covered or not misleading if**(a)** the packagings are in a disassembled or broken-down state,**(b)** are accompanied by a document that states “Empty packaging – does not contain dangerous goods” or ”Emballage vide – ne contient pas de marchandises dangereuses”, or **(c)** all visible safety marks have been covered.  | See modification No 31 for rationale.  |  |
|  | Amend subsection 4.10(1) of the proposed regulatory text in the *Canada Gazette*, Part I.  | **4.10 (1)** Subject to subsections (2) to (8), for each of the dangerous goods in transport in a small means of containment, one label must be displayed on the small means of containment for the class or division and one for each subsidiary hazard. | Add “set out in column 3 of Schedule 1” at the end of subsection 4.10(1).**4.10 (1)** Subject to subsections (2) to (8), for each of the dangerous goods in transport in a small means of containment, one label must be displayed on the small means of containment for the class or division and one for each subsidiary hazard set out in column 3 of Schedule 1. | The intent of this change is to clarify the proposed regulatory text. |  |
|  | Amend subsection 4.10(2) of the proposed regulatory text in the *Canada Gazette*, Part I.  | **(2)** A label is not required to be displayed on the small means of containment if it is inside another small means of containment on which the label is displayed and that other small means of containment is not opened during loading or unloading or while the dangerous goods are in transport. | Subsection 4.10(2) should be amended with wording similar to the following.**(2)** A label is not required to be displayed on ~~the~~ an inner small means of containment that is placed ~~if it is~~ inside another small means of containment that displays ~~on which~~ the label ~~is displayed~~ and ~~that other small means of containment~~ is not opened during loading or unloading or while the dangerous goods are in transport. | The intent of this change is to clarify the proposed regulatory text. |  |
|  | Amend subsection 4.10(4) of the proposed regulatory text in the *Canada Gazette*, Part I.  | **(4)** If the dangerous goods are included in Class 7, the applicable label for the class must be displayed on each of two opposite sides of the small means of containment in addition to any subsidiary hazard labels required under subsection (1). | Remove the words “each of” in subsection 4.10(4).**(4)** If the dangerous goods are included in Class 7, the applicable label for the class must be displayed on ~~each of~~ two opposite sides of the small means of containment in addition to any subsidiary hazard labels required under subsection (1). | The use of the word “each” is redundant and makes the sentence harder to read. |  |
|  | Amend subsection 4.10 (9) of the proposed regulatory text in the *Canada Gazette*, Part I.  | **(9)** For the purposes of subsection (1), the class label that must be displayed on a small means of containment that contains any of the following dangerous goods is the Class 9 label for lithium batteries: | Add the words “in accordance with section 4.24:” in subsection 4.10(9).**(9)** For the purposes of subsection (1), the class label that must be displayed on a small means of containment that contains any of the following dangerous goods is the Class 9 label for lithium batteries in accordance with section 4.24: | The intent is to avoid confusion, by referring to section 4.24, which states the requirements for the display of the lithium battery mark on packages that contain smaller lithium batteries under 100 Wh. |  |
|  | Amend paragraph 4.12(1)(a) of the proposed regulatory text in the *Canada Gazette*, Part I.  | **(a)** next to the label; or | Add “on the same vantage point” at the end of paragraph 4.12(1)(a).**(a)** next to the label on the same vantage point; or | TDG inspectors reported that there were instances where the label was on one side of a box and the UN Number and Shipping Name were on a different side of the box. The intent is to define “next to” as “on the same vantage point” to avoid confusion. |  |
|  | Amend subsection 4.12(3) of the proposed regulatory text in the *Canada Gazette*, Part I.  | **(3)** The UN number must be written**(a)** for a cylinder with a capacity of 60 L or less and for any other means of containment with a capacity of 30 L or less but more than 5 L or with a net mass of 30 kg or less but more than 5 kg, in characters at least 6 mm high;**(b)** for a means of containment with a capacity of 5 L or less or with a net mass of 5 kg or less, in characters that are visible, legible and sized appropriately for the size of the means of containment; or**(c)** for all other small means of containment, in characters at least 12 mm high. | 1. Replace the word “written” by the word “displayed”.
2. Reorder the paragraphs under subsection 4.12(3) as follow:

**(3)** The UN number must be displayed ~~written~~**(a)** **~~(b)~~** for a means of containment with a capacity of 5 L or less or with a net mass of 5 kg or less, in characters that are visible, legible and sized appropriately for the size of the means of containment;**(b)** **~~(a)~~** for a cylinder with a capacity of 60 L or less and for any other means of containment with a capacity of 30 L or less but more than 5 L or with a net mass of 30 kg or less but more than 5 kg, in characters at least 6 mm high; or**(c)** for all other small means of containment, in characters at least 12 mm high. | 1. The use of the term “written” could imply that UN numbers written by hand are acceptable.
2. TC is suggesting rearranging the paragraphs under subsection 4.12(3) in order of size, either decreasing or increasing, similar to paragraph 5.2.1.1 of the UN Recommendations and the IMDG Code.
 |  |
|  | Amend subsection 4.14 (2) of the TDGR.  | This is an omission in the *Canada Gazette*, Part I. | 1. Repeal the title of Class 7, “Radioactive Material”.
2. Add “, 2015” after “Packaging and Transport of Nuclear Substances Regulations”.

**(2)** For dangerous goods included in Class 7~~, Radioactive Material,~~ the following information must be determined in accordance with the Packaging and Transport of Nuclear Substances Regulations, 2015, and must be displayed on the primary class label for the dangerous goods: | 1. This change is proposed for consistency throughout the TDGR.
2. This will correct a mistake in the TDGR.
 |  |
|  | Amend subsection 4.15.1(2) of the proposed regulatory text in the *Canada Gazette*, Part I.  | **(2)** For the purposes of paragraph (1)(b), if the placard displayed is not the one related to substances that are toxic by inhalation, the words “inhalation hazard” or “dangereux par inhalation” must be displayed on or next to the placard without obscuring any symbol or text on the placard. | Replace the word “related” by the word “specific”.**(2)** For the purposes of paragraph (1)(b), if the placard displayed is not the one ~~related~~ specific to substances that are toxic by inhalation, the words “inhalation hazard” or “dangereux par inhalation” must be displayed on or next to the placard without obscuring any symbol or text on the placard. | The intent is to make the proposed regulatory text clearer. |  |
|  | Amend subsection 4.15.2(2) of the proposed regulatory text in the *Canada Gazette*, Part I.  | **(2)** Subject to subsection 4.15.3(2), the UN number must be written without the prefix “UN”, in black characters at least 65 mm high and displayed in one of the following ways: | Replace the word “written” by the word “displayed”.**(2)** Subject to subsection 4.15.3(2), the UN number must be ~~written~~ displayed without the prefix “UN”, in black characters at least 65 mm high and displayed in one of the following ways: | The use of the term “written” could imply that UN numbers written by hand are acceptable. |  |
|  | paragraph 4.15.3(c) of the proposed regulatory text in the *Canada Gazette*, Part I.  | **(c)** if the UN number of the dangerous goods is listed in italics under special provision 16, the technical name is determined in accordance with that provision and, subject to subsections (2) to (4) of that provision, displayed in parentheses following the shipping name. | Repeal paragraph 4.15.3(c).**~~(c)~~** ~~if the UN number of the dangerous goods is listed in italics under special provision 16, the technical name is determined in accordance with that provision and, subject to subsections (2) to (4) of that provision, displayed in parentheses following the shipping name.~~ | The intent is to avoid duplicate information since paragraph 4.15.3(c) was repeating the information that was already in special provision 16. Also, the requirements of special provision 16 were removed from section 4.11. Therefore, to be consistent throughout the TDGR, these requirements should also be removed from section 4.15.3. |  |
|  | Amend paragraph 4.17(1)(a) of the proposed regulatory text in the *Canada Gazette*, Part I.  | This is an omission in the *Canada Gazette*, Part I. | Replace the word “Class” by the word “division”.**(a)** ~~Class~~ Division 1.4, except for UN0301, AMMUNITION, TEAR-PRODUCING, and are in a quantity that is less than or equal to 1 000 kg net explosives quantity; | This change is proposed for consistency throughout the TDGR. |  |
|  | Amend section 4.18.1 of the proposed regulatory text in the *Canada Gazette*, Part I.  | **4.18.1** If any of the following dangerous goods are contained in a large means of containment, the means of containment must have displayed on it either the placard for Division 5.1 next to the placard for Division 2.2 or the oxidizing gas placard: | Add “, on the same vantage point,” in section 4.18.1.**4.18.1** If any of the following dangerous goods are contained in a large means of containment, the means of containment must have displayed on it either the placard for Division 5.1 next to the placard for Division 2.2, on the same vantage point, or the oxidizing gas placard: | The intent is to define “next to” as “on the same vantage point” to avoid confusion. This in order to avoid instances where the label is on one side of the box and the UN Number and Shipping Name are on a different side of the box. |  |
|  | Amend section 4.23 of the proposed regulatory text in the *Canada Gazette*, Part I.  | **4.23** A person must not import, offer for transport, handle or transport dangerous goods that are toxic by inhalation and that are included in or assigned a subsidiary hazard of Division 2.3 or Division 6.1, unless the following information is displayed on the means of containment:  | The proposed regulatory text for section 4.23 should be amended with wording similar to the following.**4.23** A person must not import, offer for transport, handle or transport dangerous goods that are toxic by inhalation and that are included in or assigned a ~~subsidiary hazard of~~ Division 2.3, ~~or~~ a Division 6.1 or a subsidiary hazard of Division 6.1, unless the following information is displayed on the means of containment: | Division 2.3 will never be a subsidiary hazard due to inhalation toxicity.  |  |
|  | Amend subsection 4.25(1) of the proposed regulatory text in the *Canada Gazette*, Part I.  | **4.25 (1)** A person must not import, offer for transport, handle or transport any of the following dangerous goods if they are unodourized unless the words “non-odourized”, “not odourized” or “sans odorisant” are displayed on the means of containment in which the dangerous goods are contained: | 1. Allow the use of the words “non-odorized” and “not odorized”.
2. Add capital letters to the qualifying words.

**4.25 (1)** A person must not import, offer for transport, handle or transport any of the following dangerous goods if they are unodourized unless the words “N~~n~~on-O~~o~~dourized”, “Non-Odorized”, “N~~n~~ot O~~o~~dourized”, “Not Odorized”, or “S~~s~~ans odorisant” are displayed on the means of containment in which the dangerous goods are contained: | 1. The intent is to align with paragraph 172.330(c) of the 49CFR.
2. The intent is to align with paragraph 3.5(1)(f) of the proposed regulations.
 |  |
|  | Amend appendix to Part 4 of the proposed regulatory text in the *Canada Gazette*, Part I.  | This is an omission in the *Canada Gazette*, Part I. | The “Lithium Battery Mark” in the appendix to Part 4 of the Regulations is replaced by the following mark and the requirements for telephone number is repealed: \*Replace with UN number(s)~~\*\* Replace with telephone number for additional information~~ | The intent is to align with paragraph 5.2.1.9.2 of the UN Recommendations. |  |
|  | Amend subsection 5.12(1) of the proposed regulatory text in the *Canada Gazette*, Part I.  | **5.12 (1)** A person must not import, offer for transport, handle or transport dangerous goods included in Class 3, 4, 5, 8 or 9 or Division 6.1 in a small means of containment unless it is a means of containment that is selected and used in accordance with Part II of CGSB-43.146 or a means of containment that is selected and used in accordance with sections 2 and 3 and with Part II of CGSB-43.150. | 1. Add a reference to sections 2 and 3 for the CGSB-43.146 standard.
2. Not repeal the requirements of subsection 5.12(2) of the TDGR.

**5.12 (1**) A person must not import, offer for transport, handle or transport dangerous goods included in Class 3, 4, 5, 8 or 9 or Division 6.1 in a small means of containment unless it is a means of containment that is selected and used in accordance with sections 2 and 3 and with Part II of CGSB-43.146 or a means of containment that is selected and used in accordance with sections 2 and 3 and with Part II of CGSB-43.150. | 1. In the *Canada Gazette*, Part I, the reference to CGSB-43.150 includes a reference to sections 2 and 3. To be consistent, the reference to CGSB-43.146 should also include a reference to sections 2 and 3.
2. See modification No 1 of this document for rationale.
 |  |
|  | Amend subsection 5.14(1) of the proposed regulatory text in the *Canada Gazette*, Part I.  | **5.14 (1)** A person must not import, offer for transport, handle or transport dangerous goods included in Class 3, 4, 5, 8 or 9 or Division 6.1 in a large means of containment unless it is manufactured, selected and used in accordance with**(a)** for transport by road vehicle,**(i)** the requirements of Part II of CGSB-43.145, if the means of containment is a UN standardized means of containment that is a large packaging,**(ii)** the requirements of Part II of CGSB-43.146, if the means of containment is a UN standardized means of containment that is an intermediate bulk container,**(iii)** CSA B621,**(iv)** CSA B625, or**(v)** TP 14877, if the means of containment is a ton container;**(b)** for transport by railway vehicle,**(i)** the requirements of Part II of CGSB-43.145, if the means of containment is a UN standardized means of containment that is a large packaging,**(ii)** the requirements of Part II of CGSB-43.146, if the means of containment is a UN standardized means of containment that is an intermediate bulk container,**(iii)** CSA B625, or**(iv)** TP 14877; and**(c)** for transport by vessel,**(i)** the requirements of Part II of CGSB-43.145, if the means of containment is a UN standardized means of containment that is a large packaging,**(ii)** the requirements of Part II of CGSB-43.146, if the means of containment is a UN standardized means of containment that is an intermediate bulk container,**(iii)** CSA B621,**(iv)** CSA B625, or**(v)** TP 14877. | Remove the requirements regarding the UN standardized means of containment from the following provisions. **5.14 (1)** A person must not import, offer for transport, handle or transport dangerous goods included in Class 3, 4, 5, 8 or 9 or Division 6.1 in a large means of containment unless it is manufactured, selected and used in accordance with**(a)** for transport by road vehicle,**(i)** the requirements of Part II of CGSB-43.145, ~~if the means of containment is a UN standardized means of containment that is a large packaging,~~**(ii)** the requirements of Part II of CGSB-43.146, ~~if the means of containment is a UN standardized means of containment that is an intermediate bulk container~~,**(iii)** CSA B621,**(iv)** CSA B625, or**(v)** TP 14877, if the means of containment is a ton container;**(b)** for transport by railway vehicle,**(i)** the requirements of Part II of CGSB-43.145, ~~if the means of containment is a UN standardized means of containment that is a large packaging,~~**(ii)** the requirements of Part II of CGSB-43.146, ~~if the means of containment is a UN standardized means of containment that is an intermediate bulk container,~~**(iii)** CSA B625, or**(iv)** TP 14877; and**(c)** for transport by vessel,**(i)** the requirements of Part II of CGSB-43.145, ~~if the means of containment is a UN standardized means of containment that is a large packaging,~~**(ii)** the requirements of Part II of CGSB-43.146, ~~if the means of containment is a UN standardized means of containment that is an intermediate bulk container,~~**(iii)** CSA B621,**(iv)** CSA B625, or**(v)** TP 14877. | Non-standardized UN containers can also be used if permitted in the TDGR or a standard. This proposed modification is also to permit the use of mobile IBCs once they are not considered as UN IBCs.  |  |
|  | Amend subsection 7.2(2) of the proposed regulatory text in the *Canada Gazette*, Part I.  | **(2)** An approved ERAP is required for dangerous goods that are classified under the ICAO Technical Instructions or the IMDG Code in accordance with subsection 2.3(3) or Part 11 or 12, as applicable, if the dangerous goods would require an approved ERAP if they were classified in accordance with Part 2. | Simplify the proposed regulatory text for better readability. | The wording for subsection 7.2(2) was confusing. TC is proposing working with the Department of Justice to clarify the wording for subsection 7.2(2). |  |
|  | Amend subsection 9.1(3) of the proposed regulatory text in the *Canada Gazette*, Part I.  | **(3)** A person that imports, offers for transport, handles or transports dangerous goods by road vehicle in accordance with an exemption issued under Subpart B of Part 107 of 49 CFR may do so from a place in the United States to a place in Canada, from a place in Canada to a place in the United States or from a place in the United States through Canada to a place outside Canada if the exemption number appears on the shipping document. | Amend subsection 9.1(3) of the proposed regulations as follow: **(3)** A person that imports, offers for transport, handles or transports dangerous goods by road vehicle in accordance with an exemption issued under Subpart B of Part 107 of 49 CFR may do so from a place in the United States to a place in Canada, from a place in Canada to a place in the United States if the means of containment contain no more than a residual quantity of dangerous goods or from a place in the United States through Canada to a place outside Canada if the exemption number appears on the shipping document. | To facilitate transport and trade, there are allowances in the TDGR for vehicles transporting dangerous goods that have special permits from the US-DOT for transport by road and rail.​ Currently, this applies to vehicles entering Canada or travelling through Canada from the US.​However, there is a need for a mechanism in the Regulations to allow for a means of containment exemption that enters Canada using a special permit from US-DOT to be able to leave Canada after unloading. Usually, unloaded means of containment contain residue of dangerous goods and therefore continue to be the subject to the *TDGR*.In the *Canada Gazette*, Part I, it was proposed to add regulatory text to include an allowance for transportation from a place in Canada to a place in the US using a US-DOT special permit.​TC is proposing new wording to allow means of containment containing no more than a residual quantity of dangerous goods to leave Canada. This new wording aims to prevent those means of containment from being cleaned, purged, and filled and then transport dangerous goods using a US DOT special permit.  |  |
|  | Amend paragraph 9.3(1)(a) of the proposed regulatory text in the *Canada Gazette*, Part I.  | This is an omission in the *Canada Gazette*, Part I. | Replace the reference to subsection 3.6(1) by a reference to paragraph 3.5(1)(j) in paragraph 9.3(1)(a).**(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)~~ 3.5(1)(j); and | The intent is to align with the numbering of the proposed regulations. |  |
|  | Amend subparagraph 9.3(1)(b)(ii) of the proposed regulatory text in the *Canada Gazette*, Part I.  | This is an omission in the *Canada Gazette*, Part I. | Replace the reference to paragraph 3.5(1)(f) by a reference to paragraph 3.5(1)(k) in subparagraph 9.3(1)(b)(ii).**(ii)** paragraph 3.5(1)~~(f)~~(k) and subsection 3.5(2), concerning a 24-hour number on a shipping document, | The intent is to align with the numbering of the proposed regulations. |  |
|  | Amend subparagraph 10.1(1)(a)(iv) of the proposed regulatory text in the *Canada Gazette*, Part I.  | This is an omission in the *Canada Gazette*, Part I. | Replace the reference to subsection 3.6(1) by a reference to paragraph 3.5(1)(j) in subparagraph 10.1(1)(a)(iv).**(iv)** if applicable, the information relating to the approved ERAP referred to in subsection ~~3.6(1)~~ 3.5(1)(j); | The intent is to align with the numbering of the proposed regulations. |  |
|  | Amend subsection 10.1(3) of the proposed regulatory text in the *Canada Gazette*, Part I.  | **(3)** A person that imports, offers for transport, handles or transports dangerous goods by railway vehicle in accordance with an exemption issued under Subpart B of Part 107 of 49 CFR may do so from a place in the United States to a place in Canada, from a place in Canada to a place in the United States or from a place in the United States through Canada to a place outside Canada if the exemption number appears on the shipping document. | Amend subsection 10.1(3) of the proposed regulations as follow: **(3)** A person that imports, offers for transport, handles or transports dangerous goods by railway vehicle in accordance with an exemption issued under Subpart B of Part 107 of 49 CFR may do so from a place in the United States to a place in Canada, from a place in Canada to a place in the United States if the means of containment contain no more than a residual quantity of dangerous goods or from a place in the United States through Canada to a place outside Canada if the exemption number appears on the shipping document. | See modification No 53 of this document for rationale. |  |
|  | Amend section 10.1.1 of the proposed regulatory text in the *Canada Gazette*, Part I.  | **Section 10.1.1 of the Regulations is replaced by the following:****10.1.1** Despite the requirements of Part 5, a person may import, offer for transport, handle or transport dangerous goods by railway vehicle from a place in the United States to a place in Canada, from a place in Canada to a place in the United States or from a place in the United States through Canada to a place outside Canada in accordance with the requirements of Parts 172, 173, 174, 179 and 180 of 49 CFR, except by tank car if the goods are included in Class 3 and are referred to in section 10.5.6 of TP 14877. | Amend subsection 10.1.1 of the proposed regulations as follow: **10.1.1** Despite the requirements of Part 5, a person may import, offer for transport, handle or transport dangerous goods by railway vehicle from a place in the United States to a place in Canada, from a place in Canada to a place in the United States if the means of containment contain no more than a residual quantity of dangerous goods or from a place in the United States through Canada to a place outside Canada in accordance with the requirements of Parts 172, 173, 174, 179 and 180 of 49 CFR, except by tank car if the goods are included in Class 3 and are referred to in section 10.5.6 of TP 14877.  | See modification No 53 of this document for rationale. |  |
|  | Amend paragraph 10.3(1)(a) of the proposed regulatory text in the *Canada Gazette*, Part I.  | This is an omission in the *Canada Gazette*, Part I. | Replace the reference to subsection 3.6(1) by a reference to paragraph 3.5(1)(j) in paragraph 10.3(1)(a).**(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)~~ 3.5(1)(j); and | The intent is to align with the numbering of the proposed regulations. |  |
|  | Amend subparagraph 10.2(1)(b)(ii) of the proposed regulatory text in the *Canada Gazette*, Part I.  | This is an omission in the *Canada Gazette*, Part I. | Replace the reference to paragraph 3.5(1)(f) by a reference to paragraph 3.5(1)(k) paragraph 10.2(1)(b)(ii).**(ii)** paragraph 3.5(1)~~(f)(~~k) and subsection 3.5(2), concerning a 24-hour number on a shipping document, | The intent is to align with the numbering of the proposed regulations. |  |
|  | Amend subparagraph 10.3(1)(b)(ii) of the proposed regulatory text in the *Canada Gazette*, Part I.  | This is an omission in the *Canada Gazette*, Part I. | Replace the reference to paragraph 3.5(1)(f) by a reference to paragraph 3.5(1)(k) of subparagraph 10.3(1)(b)(ii).**(iii)** paragraph 3.5(1)~~(f)~~(k) and subsection 3.5(2), concerning a 24-hour number on a shipping document, | The intent is to align with the numbering of the proposed regulations. |  |
|  | Amend subparagraph 11.1(2)(a)(iii) of the proposed regulatory text in the *Canada Gazette*, Part I.  | This is an omission in the *Canada Gazette*, Part I. | Replace the reference to paragraph 3.5(1)(f) by a reference to paragraph 3.5(1)(k) in subparagraph 11.1(2)(a)(iii).**(iii)** paragraph 3.5(1)~~(f)~~(k) and subsection 3.5(2), concerning a 24-hour number on a shipping document, | The intent is to align with the numbering of the proposed regulations. |  |
|  | Not repeal subparagraph 11.1(2)(b)(i) of the TDGR.  | Subparagraph 11.1(2)(b)(i) of the Regulations is repealed. | Not repeal subparagraph 11.1(2)(b)(i). **(i)** section 4.2, Misleading dangerous goods ~~safety~~ marks, | See modification No 29 of this document for rationale. |  |
|  | Amend paragraph 12.7(2)(c) of the proposed regulatory text in the *Canada Gazette*, Part I.  | **(c)** dangerous goods that are not included in Class 2, except those for which “A87” appears in column 7 of Table 3-1, are contained in**(i)** a tank, a container or an apparatus that is an integral part of the aircraft or that is attached to the aircraft, or**(ii)** a small means of containment that is designed, secured and maintained so that under normal conditions of transport, including handling, there will be no release of dangerous goods that could endanger public safety; | Add the following text after subparagraph 12.7(2)(c)(i).**(c)** dangerous goods that are not included in Class 2, except those for which “A87” appears in column 7 of Table 3-1, are contained in**(i)** a tank, a container or an apparatus that is an integral part of the aircraft or that is attached to the aircraft, ~~or~~**(ii)** a collapsible fabric tank that is transported suspended from a helicopter and that is constructed of material and seamed in accordance with MILT-52983G; or**~~(ii)~~ (iii)** a small means of containment that is designed, secured and maintained so that under normal conditions of transport, including handling, there will be no release of dangerous goods that could endanger public safety; | See modification No 1 of this document for rationale. |  |
|  | Amend paragraph 12.12(2) of the proposed regulatory text in the *Canada Gazette*, Part I.  | **(2)** Despite the requirements in column 3 of Table 2-16 in section 9.2 of Part 2 of the ICAO Technical Instructions for UN3077 and UN3082, substances or mixtures that do not meet the criteria for inclusion in any of Classes 1 to 8 nor those in Class 9, other than those specified under section 2.9.3 of the UN Recommendations, must be assigned to Packing Group III and designated as UN3077, ENVIRONMENTALLY HAZARDOUS SUBSTANCE, SOLID, N.O.S. or UN3082, ENVIRONMENTALLY HAZARDOUS SUBSTANCE, LIQUID, N.O.S., as applicable. | Replace the reference to column 3 by a reference to the column titled “Notes”.**(2)** Despite the requirements in ~~column 3~~ the column titled “Notes” of Table 2-16 in section 9.2 of Part 2 of the ICAO Technical Instructions for UN3077 and UN3082, substances or mixtures that do not meet the criteria for inclusion in any of Classes 1 to 8 nor those in Class 9, other than those specified under section 2.9.3 of the UN Recommendations, must be assigned to Packing Group III and designated as UN3077, ENVIRONMENTALLY HAZARDOUS SUBSTANCE, SOLID, N.O.S. or UN3082, ENVIRONMENTALLY HAZARDOUS SUBSTANCE, LIQUID, N.O.S., as applicable. | Table 2-16 of the ICAO TI does not have a column 3. To avoid confusion, it would be best to refer to it as the column titled “Notes”. |  |
|  | Amend section 12.33 subsection 12.33(3) of the proposed regulatory text in the *Canada Gazette*, Part I. |  | Add the following after subsection 12.33(3).**(4)** When the dangerous goods referred to in subsection (1) are contained in a large means of containment, that large means of containment must be a collapsible fabric tank that is transported suspended from a helicopter and that is constructed of material and seamed in accordance with MILT-52983G. | See modification No 1 of this document for rationale. |  |
|  | Not repeal special provision 43 of the TDGR. | Special provision 43 of Schedule 2 to the Regulations is repealed. | Not repeal special provision 43.  | Some dangerous goods are classified based on human experience, as per special provision 43. This is because the animal model, which is used to identify the transportation hazards, is not always reliable for some dangerous goods. Human experience that indicates a higher hazard assessment takes precedence over any other classification method that could suggest a lower hazard assessment. The UN Recommendations also have a similar special provision (special provision 279) that allows the classification of dangerous goods based on human experience. As noted by the TDG Classification team, this provision is also essential for the TDGR as well.  Repealing special provision 43 not only creates an issue for human safety as some dangerous goods could be misclassified, but also puts the TDGR out of alignment with the UN Recommendations.   |  |
|  | UN1230 – Amend Column 5 of Schedule 1 of the proposed regulatory text in the *Canada Gazette*, Part I.  | The portion of UN Number UN1230 of Schedule 1 to the Regulations in column 5 is repealed. | Maintain the reference to special provision 43 in Column 5 for UN Number UN1230.  | See modification No 67 of this document for rationale. |  |
|  | UN1286 – Amend Column 5 of Schedule 1 of the proposed regulatory text in the *Canada Gazette*, Part I.  |

|  |  |
| --- | --- |
| **Column 1** | **Column 5** |
| **UN Number** | **Special Provisions** |
| **UN1286** | 17 |
| **UN1287** | 17 |
| **UN1288** | 17, 92 |
| **UN1289** | 17 |

 | The portion of UN Numbers UN1288 of Schedule 1 to the proposed Regulations in column 5 is replaced by the following:

|  |  |
| --- | --- |
| **Column 1** | **Column 5** |
| **UN Number** | **Special Provisions** |
| **UN1286** | 17 |
| **UN1287** | 17 |
| **UN1288** | 92 |
| 17, 92 |
| **UN1289** | 17 |

 | Packing Group II for UN1288 should be subject to special provision 92 because classification based on samples is applicable to all packing groups. |  |
|  | UN1345 – Amend Column 5 of Schedule 1 of the proposed regulatory text in the *Canada Gazette*, Part I.  | This is an omission in the *Canada Gazette*, Part I. | Replace the portion of UN Number UN1345 of Schedule 1 to the Regulations in column 5 by the following:

|  |  |
| --- | --- |
| **Column 1** | **Column 5** |
| **UN Number** | **Special Provisions** |
| UN1345 |  17 |

 | In the UN Recommendations, UN1345 is subject to special provision 223, equivalent to special provision 17 of the TDGR. To align with the UN Recommendations, UN1345 should be subject to special provision 17 for all packing groups. |  |
|  | UN1547 – Amend Column 5 of Schedule 1 of the proposed regulatory text in the *Canada Gazette*, Part I.  | The portion of UN Number UN1547 of Schedule 1 to the Regulations in column 5 is repealed. | Maintain the reference to special provision 43 in Column 5 for UN Number UN1547.  | See modification No 67 of this document for rationale. |  |
|  | UN1577 – Amend Column 5 of Schedule 1 of the proposed regulatory text in the *Canada Gazette*, Part I.  | The portion of UN Numbers UN1577 and UN1578 of Schedule 1 to the Regulations in column 5 is repealed. | Maintain the reference to special provision 43 in Column 5 for UN Numbers UN1577 and UN1578.  | See modification No 67 of this document for rationale. |  |
|  | UN1590 – Amend Column 5 of Schedule 1 of the proposed regulatory text in the *Canada Gazette*, Part I.  | The portion of UN Numbers UN1590 and UN1591 of Schedule 1 to the Regulations in column 5 is repealed. | Maintain the reference to special provision 43 in Column 5 for UN Numbers UN1590 and UN1591.  | See modification No 67 of this document for rationale. |  |
|  | UN1661 to UN1663 – Amend Column 5 of Schedule 1 of the proposed regulatory text in the *Canada Gazette*, Part I.  | The portion of UN Numbers UN1661 to UN1663 of Schedule 1 to the Regulations in column 5 is repealed. | Maintain the reference to special provision 43 in Column 5 for UN Numbers UN1661 to UN1663.  | See modification No 67 of this document for rationale. |  |
|  | UN1671 – Amend Column 5 of Schedule 1 of the proposed regulatory text in the *Canada Gazette*, Part I.  | The portion of UN Number UN1671 of Schedule 1 to the Regulations in column 5 is repealed. | Maintain the reference to special provision 43 in Column 5 for UN Number UN1671.  | See modification No 67 of this document for rationale. |  |
|  | UN1673 – Amend Column 5 of Schedule 1 of the proposed regulatory text in the *Canada Gazette*, Part I.  | The portion of UN Number UN1673 of Schedule 1 to the Regulations in column 5 is repealed. | Maintain the reference to special provision 43 in Column 5 for UN Number UN1673.  | See modification No 67 of this document for rationale. |  |
|  | UN1708 – Amend Column 5 of Schedule 1 of the proposed regulatory text in the *Canada Gazette*, Part I.  | The portion of UN Number UN1708 of Schedule 1 to the Regulations in column 5 is repealed. | Maintain the reference to special provision 43 in Column 5 for UN Number UN1708.  | See modification No 67 of this document for rationale. |  |
|  | UN2023 – Amend Column 5 of Schedule 1 of the proposed regulatory text in the *Canada Gazette*, Part I.  | The portion of UN Number UN2023 of Schedule 1 to the Regulations in column 5 is repealed. | Maintain the reference to special provision 43 in Column 5 for UN Number UN2023.  | See modification No 67 of this document for rationale. |  |
|  | UN2059 – Amend Column 5 of Schedule 1 of the proposed regulatory text in the *Canada Gazette*, Part I.  |

|  |  |
| --- | --- |
| **Column 1** | **Column 5** |
| **UN Number** | **Special Provisions** |
| **UN2059** | 17, 26 |

 | Replace the portion of UN Number UN2059 of Schedule 1 to the Regulations in column 5 by the following:

|  |  |
| --- | --- |
| **Column 1** | **Column 5** |
| **UN Number** | **Special Provisions** |
| **UN2059** | 26 |
| 26 |
| 17, 26 |

 | Special provision 26 of the proposed Regulations is equivalent to special provision 198 of the UN Recommendations. To align with the UN Recommendations, UN2059 should be subject to special provision 26 for all packing groups. |  |
|  | UN2078 – Amend Column 5 of Schedule 1 of the proposed regulatory text in the *Canada Gazette*, Part I.  | The portion of UN Number UN2078 of Schedule 1 to the Regulations in column 5 is repealed. | Maintain the reference to special provision 43 in Column 5 for UN Number UN2078.  | See modification No 67 of this document for rationale. |  |
|  | UN2311 – Amend Column 5 of Schedule 1 of the proposed regulatory text in the *Canada Gazette*, Part I.  | The portion of UN Number UN2311 of Schedule 1 to the Regulations in column 5 is repealed. | Maintain the reference to special provision 43 in Column 5 for UN Number UN2311.  | See modification No 67 of this document for rationale. |  |
|  | UN2432 – Amend Column 5 of Schedule 1 of the proposed regulatory text in the *Canada Gazette*, Part I.  | The portion of UN Number UN2432 of Schedule 1 to the Regulations in column 5 is repealed. | Maintain the reference to special provision 43 in Column 5 for UN Number UN2432.  | See modification No 67 of this document for rationale. |  |
|  | UN2474 – Amend Column 5 of Schedule 1 of the proposed regulatory text in the *Canada Gazette*, Part I.  |

|  |  |
| --- | --- |
| **Column 1** | **Column 5** |
| **UN Number** | **Special Provisions** |
| **UN2474** | 23 |

 | Maintain the reference to special provision 43 in Column 5 for UN Number UN2474.

|  |  |
| --- | --- |
| **Column 1** | **Column 5** |
| **UN Number** | **Special Provisions** |
| **UN2474** | 23, 43 |

 | See modification No 67 of this document for rationale. |  |
|  | UN2511 – Amend Column 5 of Schedule 1 of the proposed regulatory text in the *Canada Gazette*, Part I.  |

|  |  |
| --- | --- |
| **Column 1** | **Column 5** |
| **UN Number** | **Special Provisions** |
| **UN2511** | 17 |
| **UN2512** |   |

 | Maintain the reference to special provision 43 in Column 5 for UN Number UN2512.

|  |  |
| --- | --- |
| **Column 1** | **Column 5** |
| **UN Number** | **Special Provisions** |
| **UN2511** | 17 |
| **UN2512** | 43 |

 | See modification No 67 of this document for rationale. |  |
|  | UN3405 to UN3411 – Amend Column 5 of Schedule 1 of the proposed regulatory text in the *Canada Gazette*, Part I.  |

|  |  |
| --- | --- |
| **Column 1** | **Column 5** |
| **UN Number** | **Special Provisions** |
| **UN3405** | 17 |
| **UN3406** | 17 |
| **UN3407** | 17 |
| **UN3408** | 17 |
| **UN3409** |   |
| **UN3410** | 17 |
| **UN3411** | 17 |

 | Maintain the reference to special provision 43 in Column 5 for UN Number UN3405.

|  |  |
| --- | --- |
| **Column 1** | **Column 5** |
| **UN Number** | **Special Provisions** |
| **UN3405** | 17 |
| **UN3406** | 17 |
| **UN3407** | 17 |
| **UN3408** | 17 |
| **UN3409** | 43 |
| **UN3410** | 17 |
| **UN3411** | 17 |

 | See modification No 67 of this document for rationale. |  |
|  | UN3441 and UN3442 – Amend Column 5 of Schedule 1 of the proposed regulatory text in the *Canada Gazette*, Part I.  |

|  |  |
| --- | --- |
| **Column 1** | **Column 5** |
| **UN Number** | **Special Provisions** |
| **UN3439** | 16 |
| 16 |
| 16, 17 |
| **UN3440** | 16 |
|  | 16 |
| 16, 17 |
| **UN3441** |   |
| **UN3442** |   |

 | Maintain the reference to special provision 43 in Column 5 for UN Numbers UN3439 to UN3442.

|  |  |
| --- | --- |
| **Column 1** | **Column 5** |
| **UN Number** | **Special Provisions** |
| **UN3439** | 16 |
| 16 |
| 16, 17 |
| **UN3440** | 16 |
| 16 |
| 16, 17 |
| **UN3441** |  43 |
| **UN3442** |  43 |

 | See modification No 67 of this document for rationale. |  |
|  | UN3451 – Amend Column 5 of Schedule 1 of the proposed regulatory text in the *Canada Gazette*, Part I.  | **The portion of UN Number UN3451 of Schedule 1 to the Regulations in column 5 is repealed.** | Maintain the reference to special provision 43 in Column 5 for UN Number UN3451.  | See modification No 67 of this document for rationale. |  |
|  | UN3458 – Amend Column 5 of Schedule 1 of the proposed regulatory text in the *Canada Gazette*, Part I.  | **The portion of UN Number UN3458 of Schedule 1 to the Regulations in column 5 is repealed.** | Maintain the reference to special provision 43 in Column 5 for UN Number UN3458.  | See modification No 67 of this document for rationale. |  |
|  | UN3495 – Amend Column 5 of Schedule 1 of the proposed regulatory text in the *Canada Gazette*, Part I.  |

|  |  |
| --- | --- |
| **Column 1** | **Column 5** |
| **UN Number** | **Special Provisions** |
| **UN3494** | 23, 92, 150 |
| 23, 92, 150 |
| 23, 92, 150 |
| **UN3495** |   |
| **UN3496** | 35, 97 |
| **UN3497** | 131 |
| 17, 131 |

 | Maintain the reference to special provision 43 in Column 5 for UN Number UN3495.

|  |  |
| --- | --- |
| **Column 1** | **Column 5** |
| **UN Number** | **Special Provisions** |
| **UN3494** | 23, 92, 150 |
| 23, 92, 150 |
| 23, 92, 150 |
| **UN3495** | 43 |
| **UN3496** | 35, 97 |
| **UN3497** | 131 |
| 17, 131 |

 | See modification No 67 of this document for rationale. |  |
|  | Modify the numbering of special provisions of Schedule 2 of the proposed regulatory text in the *Canada Gazette*, Part I.  |  | Include a transition period following the repeal of a special provision and the use of that special provision’s number. | TC will work with the Department of Justice to revisit the approach use when numbering of new special provisions or renumbering existing ones to include a transition period. If a special provision is repealed and the number associated to that special provision is replaced with new regulatory text and requirement or if an existing special provision is renumbered without a transition period, it could create confusion and could lead to safety/compliance issues.  |  |
|  | Amend the French version of subsection 1 of special provision 8 of the proposed regulatory text in the *Canada Gazette*, Part I.  | **8 (1)** Malgré le paragraphe 5.1.1(3) et les sous-alinéas 5.10(1)a)(ii) et (iii), 5.10(1)b)(iii) et (iv), 5.10(1)c)(ii) et (iii) et 5.10(1)d)(iii) et (iv), les objets volumineux et robustes reliés à des bouteilles à gaz dont les valves sont ouvertes peuvent être transportés si les conditions suivantes sont réunies : | Replace the word “volumineux” with “de grande taille”.**8 (1)** Malgré le paragraphe 5.1.1(3) et les sous-alinéas 5.10(1)a)(ii) et (iii), 5.10(1)b)(iii) et (iv), 5.10(1)c)(ii) et (iii) et 5.10(1)d)(iii) et (iv), les objets de grande taille ~~volumineux~~ et robustes reliés à des bouteilles à gaz dont les valves sont ouvertes peuvent être transportés si les conditions suivantes sont réunies : | The intent is to align the wording with the French version of special provision 396 of the UN Recommendations.  |  |
|  | Amend the French version of subsections 8 and 9 of special provision 11 of the proposed regulatory text in the *Canada Gazette*, Part I.  | **(8)** L’équipement mû par des accumulateurs à électrolyte liquide ou des batteries au sodium et dans lequel est installé un ou plusieurs de ces accumulateurs ou de ces batteries est importé, présenté au transport, manutentionné et transporté au titre du numéro UN et de l’appellation réglementaire UN3171, APPAREIL MÛ PAR ACCUMULATEURS.**(9)** Il est entendu que, dans le cas de l’équipement mû par des batteries au lithium métal ou au lithium ionique, et dans le cas où une ou plusieurs de ces batteries sont contenues dans un équipement ou emballées avec un équipement, les dispositions particulières 13 et 34 s’appliquent, selon le cas. | Replace the word “mû” with a more appropriate word.**(8)** L’équipement ~~mû~~ alimenté par des accumulateurs à électrolyte liquide ou des batteries au sodium et dans lequel est installé un ou plusieurs de ces accumulateurs ou de ces batteries est importé, présenté au transport, manutentionné et transporté au titre du numéro UN et de l’appellation réglementaire UN3171, APPAREIL MÛ PAR ACCUMULATEURS.**(9)** Il est entendu que, dans le cas de l’équipement ~~mû~~ alimenté par des batteries au lithium métal ou au lithium ionique, et dans le cas où une ou plusieurs de ces batteries sont contenues dans un équipement ou emballées avec un équipement, les dispositions particulières 13 et 34 s’appliquent, selon le cas. | In French, you can’t “mû” a piece of equipment as it does not necessarily move in the same way as a vehicle, and it is important to make this distinction. Although “mû” reflects the shipping name for UN3171, TC is proposing the use of the word “alimenté” instead of “mû” in subsections 8 and 9 of special provision 11. |  |
|  | Amend subsections 2 of special provision 16 of the proposed regulatory text in the *Canada Gazette*, Part I.  | **(2)** Despite subsection (1), the technical name for the following dangerous goods may be the entry in upper case letters in Column 2 of Schedule 1 that most accurately describes the substance, unless that entry includes the abbreviation “N.O.S.”: | Replace the word “entry” with “a name” or “shipping name”.**(2)** Despite subsection (1), the technical name for the following dangerous goods may be a shipping name, ~~the entry~~ in upper case letters in Column 2 of Schedule 1 that most accurately describes the substance, unless that ~~entry~~ shipping name includes the abbreviation “N.O.S.”: | Since the intent is to allow the use of existing shipping names listed in Column 2 of Schedule 1, that are not N.O.S., as technical names for UN3077 and UN3082 it would be easier and clearer to write “a name”, as in special provision 274 of the UN Recommendations, or “shipping name” instead of “entry”. Also, an entry in Schedule 1 could also include the descriptive text. The change would also add clarity to the proposed regulatory text. |  |
|  | Amend special provision 17 of the proposed regulatory text in the *Canada Gazette*, Part I.  | **17** These Regulations, except for Parts 1 and 2, do not apply to these substances if their chemical or physical properties are such that they do not meet the criteria for inclusion in a class.*UN1105, UN1106, UN1120, UN1123, UN1133, UN1136, UN1139, UN1148, UN1170, UN1197, UN1201, UN1210, UN1224, UN1228, UN1263, UN1266 to UN1268, UN1274, UN1286 to UN1289, UN1293, UN1297, UN1300, UN1306 to UN1309, UN1325, UN1361, UN1362, UN1376, UN1396, UN1398, UN1405, UN1408, UN1418, UN1435, UN1436, UN1458, UN1459, UN1471, UN1477 to UN1483, UN1544, UN1556, UN1557, UN1564, UN1566, UN1583, UN1588, UN1597, UN1599, UN1602, UN1655, UN1656, UN1658, UN1686, UN1719, UN1731, UN1740, UN1755, UN1757, UN1759 to UN1761, UN1783, UN1787 to UN1789, UN1791, UN1805, UN1814, UN1819, UN1824, UN1835, UN1840, UN1851, UN1863, UN1866, UN1903, UN1908, UN1932 to UN1938, UN1986 to UN1989, UN1992, UN1993, UN1999, UN2000, UN2002, UN2008, UN2009, UN2024 to UN2026, UN2047, UN2057, UN2059, UN2206, UN2213, UN2344, UN2351, UN2427 to UN2430, UN2478, UN2491, UN2501, UN2511, UN2545, UN2546, UN2564, UN2570, UN2580 to UN2582, UN2588, UN2616, UN2669, UN2677, UN2679, UN2681, UN2707, UN2733, UN2735, UN2757, UN2759, UN2761, UN2763, UN2771, UN2775, UN2777, UN2779, UN2781, UN2783, UN2786, UN2788, UN2793, UN2801, UN2810, UN2811, UN2813, UN2817, UN2818, UN2821, UN2837, UN2869, UN2872, UN2878, UN2880, UN2881, UN2902, UN2903, UN2922 to UN2926, UN2968, UN2989, UN2991 to UN3020, UN3025 to UN3027, UN3066, UN3085, UN3087 to UN3089, UN3098, UN3099, UN3126, UN3128 to UN3132, UN3134, UN3135, UN3139, UN3140, UN3142 to UN3148, UN3170, UN3172, UN3176 to UN3192, UN3205, UN3206, UN3208 to UN3211, UN3213, UN3218, UN3219, UN3248, UN3249, UN3259 to UN3267, UN3271, UN3272, UN3276, UN3278, UN3280 to UN3285, UN3287, UN3288, UN3293, UN3295, UN3313, UN3320, UN3336, UN3341, UN3342, UN3345, UN3347 to UN3349, UN3351, UN3352, UN3395 to UN3400, UN3405 to UN3408, UN3410, UN3411, UN3413 to UN3415, UN3418, UN3421, UN3422, UN3424, UN3426, UN3439, UN3440, UN3462, UN3464 to UN3467, UN3469, UN3471, UN3487, UN3497* | The italicized text at the end of special provision 17 of Schedule 2 should be amended by adding “UN1345” in numerical order.**17** These Regulations, except for Parts 1 and 2, do not apply to these substances if their chemical or physical properties are such that they do not meet the criteria for inclusion in a class.*UN1105, UN1106, UN1120, UN1123, UN1133, UN1136, UN1139, UN1148, UN1170, UN1197, UN1201, UN1210, UN1224, UN1228, UN1263, UN1266 to UN1268, UN1274, UN1286 to UN1289, UN1293, UN1297, UN1300, UN1306 to UN1309, UN1325, UN1345, UN1361, UN1362, UN1376, UN1396, UN1398, UN1405, UN1408, UN1418, UN1435, UN1436, UN1458, UN1459, UN1471, UN1477 to UN1483, UN1544, UN1556, UN1557, UN1564, UN1566, UN1583, UN1588, UN1597, UN1599, UN1602, UN1655, UN1656, UN1658, UN1686, UN1719, UN1731, UN1740, UN1755, UN1757, UN1759 to UN1761, UN1783, UN1787 to UN1789, UN1791, UN1805, UN1814, UN1819, UN1824, UN1835, UN1840, UN1851, UN1863, UN1866, UN1903, UN1908, UN1932 to UN1938, UN1986 to UN1989, UN1992, UN1993, UN1999, UN2000, UN2002, UN2008, UN2009, UN2024 to UN2026, UN2047, UN2057, UN2059, UN2206, UN2213, UN2344, UN2351, UN2427 to UN2430, UN2478, UN2491, UN2501, UN2511, UN2545, UN2546, UN2564, UN2570, UN2580 to UN2582, UN2588, UN2616, UN2669, UN2677, UN2679, UN2681, UN2707, UN2733, UN2735, UN2757, UN2759, UN2761, UN2763, UN2771, UN2775, UN2777, UN2779, UN2781, UN2783, UN2786, UN2788, UN2793, UN2801, UN2810, UN2811, UN2813, UN2817, UN2818, UN2821, UN2837, UN2869, UN2872, UN2878, UN2880, UN2881, UN2902, UN2903, UN2922 to UN2926, UN2968, UN2989, UN2991 to UN3020, UN3025 to UN3027, UN3066, UN3085, UN3087 to UN3089, UN3098, UN3099, UN3126, UN3128 to UN3132, UN3134, UN3135, UN3139, UN3140, UN3142 to UN3148, UN3170, UN3172, UN3176 to UN3192, UN3205, UN3206, UN3208 to UN3211, UN3213, UN3218, UN3219, UN3248, UN3249, UN3259 to UN3267, UN3271, UN3272, UN3276, UN3278, UN3280 to UN3285, UN3287, UN3288, UN3293, UN3295, UN3313, UN3320, UN3336, UN3341, UN3342, UN3345, UN3347 to UN3349, UN3351, UN3352, UN3395 to UN3400, UN3405 to UN3408, UN3410, UN3411, UN3413 to UN3415, UN3418, UN3421, UN3422, UN3424, UN3426, UN3439, UN3440, UN3462, UN3464 to UN3467, UN3469, UN3471, UN3487, UN3497* | This is an omission in the *Canada Gazette*, Part I. According to the UN Recommendations, UN1345 is subject to special provision 223, which is equivalent to special provision 17 of the TDGR. |  |
|  | Amend special provision 28 of the proposed regulatory text in the *Canada Gazette*, Part I.  | **28** These dangerous goods must not be imported, offered for transport, handled or transported unless they are stabilized and their temperature is maintained below the control temperature, if any, that is set out in the applicable row of the tables to paragraphs 2.4.2.3.2.3 and 2.5.3.2.4 of the UN Recommendations that corresponds to the technical name of those dangerous goods. | To replace “technical name of those dangerous goods” by “appropriate organic peroxide formulation”.**28** These dangerous goods must not be imported, offered for transport, handled or transported unless they are stabilized and their temperature is maintained below the control temperature, if any, that is set out in the applicable row of the tables to paragraphs 2.4.2.3.2.3 and 2.5.3.2.4 of the UN Recommendations that corresponds to the appropriate organic peroxide formulation. ~~technical name of those dangerous goods.~~ | The technical name can apply to multiple formulations with different concentrations, diluents, and control and/or emergency temperatures. Therefore, it is incorrect to state “that corresponds to the technical name of those dangerous goods”. Targeting the formulation is more precise and less ambiguous. |  |
|  | Amend subparagraph (h)(ii) of special provision 34 of the proposed regulatory text in the *Canada Gazette*, Part I.  | **(ii)** a means of containment that contains no more than four cells or two batteries installed in equipment. | To add “where there are not more than two means of containment in the consignment.” At the end of subparagraph (h)(ii) **(ii)** a means of containment that contains no more than four cells or two batteries installed in equipment, where there are not more than two means of containment in the consignment. | TC is proposing to amend subparagraph (h)(ii) of special provision 34 to reflect the information in special provision 188 [subparagraph (f)(ii)] of the UN Recommendations which states that the marking exemption only applies if there are not more than two packages in the consignment. |  |
|  | Amend special provision 35 of the proposed regulatory text in the *Canada Gazette*, Part I.  | **35** These Regulations, except for Parts 1 and 2, do not apply to the handling or transport of the following cells and batteries on a vessel on a domestic voyage: | To add “Despite special provision 97,” at the beginning of special provision 35.**35** Despite special provision 97, ~~T~~these Regulations, except for Parts 1 and 2, do not apply to the handling or transport of the following cells and batteries on a vessel on a domestic voyage: | For UN3496, special provisions 35 and 97 are contradictory. Sxpecial provision 35 states that the listed cells and batteries transported under UN3496 are not subject to the Regulations for transport by vessel on a domestic voyage. However, special provision 97 states that dangerous goods transported under UN3496 are not subject to the Regulations for transport by vessel. Since “by vessel” encompasses “vessel on a domestic voyage”, a despite statement is added to special provision 35 (i.e., despite special provision 97). |  |
|  | Amend instruction before special provision 42 of the proposed regulatory text in the *Canada Gazette*, Part I.  | **Special provision 43 of Schedule 2 to the Regulations is replaced by the following:****42** These Regulations, except for Parts 1 and 2, do not apply to these dangerous goods if they contain 50% or less of magnesium.*UN1869* | Replace ‘43’ by ‘42’ in the instruction before special provision 42.**Special provision 4~~3~~2 of Schedule 2 to the Regulations is replaced by the following:****42** These Regulations, except for Parts 1 and 2, do not apply to these dangerous goods if they contain 50% or less of magnesium.*UN1869* |  |  |
|  | Not repeal special provision 43 of the TDGR.   | Special provision 43 of Schedule 2 to the Regulations is repealed. | 1. Not repeal special provision 43.
2. Amend special provision 43 to align with the section number of the proposed Regulations.

**43** Despite section 2.2~~1~~ of Part 2 ~~(Classification)~~, these dangerous goods are assigned to this classification based on human experience.*UN1230, UN1547, UN1577, UN1578, UN1590, UN1591, UN1661, UN1662, UN1663, UN1671, UN1673, UN1708, UN2023, UN2078, UN2311, UN2432, UN2474, UN2512, UN3409, UN3441, UN3442, UN3451, UN3458, UN3495* | See modification No 67 of this document for rationale. |  |
|  | Amend subsection (1) of special provision 56 of the proposed regulatory text in the *Canada Gazette*, Part I.  | **(1)** A mixture that consists of one or more solids that are not dangerous goods and one or more liquids that are included in Class 3 may be imported, offered for transport, handled or transported under this UN number, if | Add text to indicate that the testing is not for dangerous goods mentioned in special provision 56.**(1)** A mixture that consists of one or more solids that are not dangerous goods and one or more liquids that are included in Class 3 may be imported, offered for transport, handled or transported under this UN number [without the tests and criteria for including substances in Class 4.1], if | The intent is to align with special provision 216 of the UN Recommendations. |  |
|  | Amend special provision 57 of the proposed regulatory text in the *Canada Gazette*, Part I.  | **57** A mixture that consists of one or more solids that are not dangerous goods and one or more liquids that are included in Division 6.1 may be imported, offered for transport, handled or transported under this UN number, if | Add text to indicate that the testing is not required for dangerous goods mentioned in special provision 57.**57** A mixture that consists of one or more solids that are not dangerous goods and one or more liquids that are included in Division 6.1 may be imported, offered for transport, handled or transported under this UN number [without the tests and criteria for including substances in Division 6.1], if | The intent is to align with special provision 217 of the UN Recommendations. |  |
|  | Amend special provision 58 of the proposed regulatory text in the *Canada Gazette*, Part I.  | **The portion of special provision 58 of Schedule 2 to the Regulations before paragraph (a) is replaced by the following:****58** A mixture that consists of one or more solids that are not dangerous goods and one or more liquids that are included in Class 8 may be imported, offered for transport, handled or transported under this UN number, if | Add text to indicate that the testing is not required for dangerous goods mentioned in special provision 58.**58** A mixture that consists of one or more solids that are not dangerous goods and one or more liquids that are included in Class 8 may be imported, offered for transport, handled or transported under this UN number [without the tests and criteria for including substances in Class 8], if | The intent is to align with special provision 218 of the UN Recommendations. |  |
|  | Amend special provision 75 of the proposed regulatory text in the *Canada Gazette*, Part I.  | **75 (1)** If these excepted packages contain other dangerous goods that meet the criteria for inclusion in a class other than Class 7, the excepted packages must be classified as follows:**(a)** if the quantity of each of the other dangerous goods does not exceed the applicable excepted quantity limits as determined in accordance with column 6(b) of Schedule 1 and the table to subsection 1.17.1(2), the excepted packages must be classified as Class 7, with no subsidiary hazards; or**(b)** if the quantity of one or more of the other dangerous goods exceeds the applicable excepted quantity limits as determined in accordance with column 6(b) of Schedule 1 and the table to subsection 1.17.1(2), the excepted packages must be classified**(i)** according to the predominant hazard posed by the other dangerous goods, or**(ii)** as Class 7, with no subsidiary hazards, if a special provision exempts the other dangerous goods from the application of Parts 3 to 8.**(2)** If the other dangerous goods are classified according to the predominant hazard under subparagraph (1)(b)(i), the shipping document must also include the shipping name for the excepted package. | 1. Remove the word “other”, with any necessary modifications.
2. In subsection 1, add the word “or division” after “inclusion in a class”.
3. Add the word “subsidiary” before the word “hazard”.
4. Reword subsection 2 as follow.

**75 (1)** If these excepted packages contain ~~other~~ dangerous goods that meet the criteria for inclusion in a class or division, other than Class 7, the excepted packages must be classified as follows:**(a)** if the quantity of ~~each of the other~~ dangerous goods does not exceed the applicable excepted quantity limits as determined in accordance with column 6(b) of Schedule 1 and the table to subsection 1.17.1(2), the excepted packages must be classified as Class 7, with no subsidiary hazards; or**(b)** if the quantity of ~~one or more of the other~~ dangerous goods exceeds the applicable excepted quantity limits as determined in accordance with column 6(b) of Schedule 1 and the table to subsection 1.17.1(2), the excepted packages must be classified**(i)** according to the predominant subsidiary hazard posed by the ~~other~~ dangerous goods, or**(ii)** as Class 7, with no subsidiary hazards, if a special provision exempts the other dangerous goods from the application of Parts 3 to 8.**(2)** ~~If the other~~ For dangerous goods ~~are~~ classified according to the predominant subsidiary hazard under subparagraph (1)(b)(i), the shipping document must ~~also~~ include the UN number and shipping name applicable to the other class or division, supplemented with the shipping name for the radioactive excepted package. | The proposed text in *Canada Gazette*, Part I is incorrect as the intention is to align with special provision 290 of the UN Recommendations. TC is proposing to remove the word “other”, with any necessary modifications, as the packages do not include other dangerous goods. In special provision 290 of the UN Recommendations, “other” refers to the classification of the dangerous goods in “other classes or divisions” and not to other dangerous goods, as mentioned in *Canada Gazette*, Part I.Also, to be consistent throughout the TDGR, the words “or division” are added after “inclusion in a class” in subsection 1 as dangerous can meet the criteria for inclusion in a class or a division. |  |
|  | Amend special provision 137 of the proposed regulatory text in the *Canada Gazette*, Part I.  | **(1)** Lithium ion cells or batteries and lithium metal cells or batteries that are damaged or defective and do not meet the conditions set out in paragraphs 2.9.4(a) to (d) and (f) of the UN Recommendation must be imported, offered for transport, handled and transported under these UN numbers, as appropriate. | Replace the words “and do” by the words “which may”.**(1)** Lithium ion cells or batteries and lithium metal cells or batteries that are damaged or defective ~~and do~~ which may not meet the conditions set out in paragraphs 2.9.4(a) to (d) and (f) of the UN Recommendation must be imported, offered for transport, handled and transported under these UN numbers, as appropriate. | The proposed regulatory text could be problematic since it seems to indicate that damaged or defective batteries must be tested to demonstrate that they do not meet the requirements under 2.9.4(a) to (d) and (f). However, the intent is for damaged or defective batteries to be transported under the conditions of this special provision regardless of if the batteries meet the conditions of 2.9.4. |  |
|  | Amend special provision 146 of the French version of the proposed regulatory text in the *Canada Gazette*, Part I.  | **146** Ces marchandises dangereuses ne sont pas importées, présentées au transport, manutentionnées ou transportées dans de petits contenants, de grands emballages ou de grands récipients pour vrac, ou des parties de ceux-ci, sauf s’ils satisfont aux exigences suivantes : | Replace the words “ne sont pas” by the words “ne peuvent pas être".**146** Ces marchandises dangereuses ne ~~sont~~ peuvent pas être importées, présentées au transport, manutentionnées ou transportées dans de petits contenants, de grands emballages ou de grands récipients pour vrac, ou des parties de ceux-ci, sauf s’ils satisfont aux exigences suivantes : | The intent is to add clarity to the French version of the proposed regulatory text. |  |
|  | Amend subsection 3 of special provision 153 of the proposed regulatory text in the *Canada Gazette*, Part I.  | **(3)** Despite paragraph (2)(a), the excepted quantity limit of the activator must correspond to the alphanumeric code E2 in column 6(b) of Schedule 1. | Modify the wording as follow.**(3)** Despite paragraph (2)(a), the excepted quantity limit of the activator must be determined using ~~correspond to~~ the alphanumeric code E2. ~~in column 6(b) of Schedule 1.~~ | The wording in subsection 3 of special provision 53 was confusing as the alphanumeric code in column 6(b) of Schedule 1 for UN3269 and UN3527, assigned to this special provision 153, is E0.The new wording is consistent with the wording provided in subsection 2 of special provision 65. |  |
|  | Amend subsection 1 of special provision 154 of the proposed regulatory text in the *Canada Gazette*, Part I.  | **154 (1)** Engines or machinery — including combustion engines, generators, compressors, turbines and heating units — that contain internal combustion systems or fuel cells that run on and contain fuels that are dangerous goods must be imported, offered for transport, handled and transported under the these UN numbers, as appropriate. | Remove the word “the” after the word “under”.**154 (1)** Engines or machinery — including combustion engines, generators, compressors, turbines and heating units — that contain internal combustion systems or fuel cells that run on and contain fuels that are dangerous goods must be imported, offered for transport, handled and transported under ~~the~~ these UN numbers, as appropriate. | This will correct a mistake in the proposed regulatory text. |  |
|  | Amend the French version of subsection 3 of special provision 154 of the proposed regulatory text in the *Canada Gazette*, Part I.  | **(3)** Il est permis d’importer, de présenter au transport, de manutentionner ou de transporter un moteur ou une machine qui contient un carburant inclus dans la division 2.1 ainsi qu’un moteur ou une machine mû à la fois par un gaz inflammable et par un liquide inflammable au titre de l’un des numéros UN ci-après et des appellations réglementaires correspondantes, selon le cas : | Replace the word “mû” by “alimentée”.**(3)** Il est permis d’importer, de présenter au transport, de manutentionner ou de transporter un moteur ou une machine qui contient un carburant inclus dans la division 2.1 ainsi qu’un moteur ou une machine ~~mû~~ alimentée à la fois par un gaz inflammable et par un liquide inflammable au titre de l’un des numéros UN ci-après et des appellations réglementaires correspondantes, selon le cas :  | In French, you can’t “mû” a piece of equipment as it does not necessarily move in the same way as a vehicle, and it is important to make this distinction. TC is proposing to use ther word “alimenté” instead of “mû” in subsections 3. | In French, you can’t “mû” a piece of equipment as it does not necessarily move in the same way as a vehicle, and it is important to make this distinction. Although “mû” reflects the shipping name for UN3171, TC is proposing the use of the word“alimenté” instead of “mû” in subsections 8 and 9 of special provision 11. |
|  | Amend subsection 1 of special provision 162 of the proposed regulatory text in the *Canada Gazette*, Part I.  | **162 (1)** Despite subsections 2.17(1) and (2), these dangerous goods must be included in Division 6.1 and assigned subsidiary hazards of Classes 7 and 8. | Replace “2.17(1) and (2)” with “2.6(4)”.**162 (1)** Despite subsections 2.6(4) ~~2.17(1) and (2)~~, these dangerous goods must be included in Division 6.1 and assigned subsidiary hazards of Classes 7 and 8. | Subsection 1 of special provision 162 does not conflict with 2.17(1) and (2) as stated in the proposed regulatory text. The intent is to permit the use of Class 7 as a subsidiary hazard for UN3507 as opposed to subsection 2.6(4) which specifies the requirements for Class 7 to be the predominant Class as referenced in section 2.0.3.1 of the UN Recommendations. |  |
|  | Amend the paragraph b of special provision 164 of the proposed regulatory text in the *Canada Gazette*, Part I.  | **(b)** the other dangerous goods are included in Class 3, 8 or 9; and | Revise paragraph (b) to include methanol (UN1230) and dangerous goods only included in Class 3, 8 or 9.**(b)** the other dangerous goods are UN1230, Methanol, or are included in Class 3, 8 or 9; and | The intent is to allow dangerous goods that are only included in Class 3, 8 or 9 and not the subsidiary hazards 3, 8 or 9. Thus, since Methanol (UN1230) meets the criteria for including in Class 3 and Division 6.1, and Division 6.1 is not permitted under this provision, Methanol would be excluded because it does not meet the criteria under paragraph (b). The intent is to allow Methanol, but not other substances assigned to Division 6.1. |  |
|  | Amend subsection 2 of special provision 166 of the proposed regulatory text in the *Canada Gazette*, Part I.  | **(2)** For the purposes of subsection (1), the text of paragraph 2.6.2.2.4.1 of the UN Recommendations that appears under the table to that paragraph does not form part of this special provision. | Add a reference to footnote “a” and to the note under the table in paragraph 2.6.2.2.4.1 of the UN Recommendations or the content of that note into the regulatory text.**(2)** For the purposes of subsection (1), the text [and the NOTE] of paragraph 2.6.2.2.4.1 of the UN Recommendations that appears under the table to that paragraph does ~~not~~ form part of this special provision. | According to subsection 2.1(4) of the proposed Regulations, the notes that appear with the provisions of the UN Recommendations that are incorporated by reference do not form part of these Regulations and are therefore not enforceable. For subsection 2 of special provision166 of the proposed regulatory text, it is unclear whether it is “a” or the NOTE under the table in paragraph 2.6.2.2.4.1 that is excluded from the special provision. Either way, these notes contain important information and should be retained in the Regulations. Removing them would create a significant ambiguity in the classification instruction. | According to subsection 2.1(4) of the proposed Regulations, the notes that appear with the provisions of the UN Recommendations that are incorporated by reference do not form part of the Regulations and are therefore not enforceable. |
|  | Amend subsection of special provision 167.2 of the proposed regulatory text in the *Canada Gazette*, Part I.  | **167.2** These dangerous goods must be contained in a means of containment that is in compliance with Packing Instruction P006 or LP03 of the UN Recommendations. | Replace the word “dangerous goods” with the word “articles”. **167.2** These articles ~~dangerous goods~~ must be contained in a means of containment that is in compliance with Packing Instruction P006 or LP03 of the UN Recommendations. | For consistency with special provisions 167 and 167.1 and with the UN Recommendations, “dangerous goods” should be changed by “articles”. Also, all UN numbers subject to this special provision are described as articles. |  |
|  | Amend the Transitional Provision of the proposed regulatory text in the *Canada Gazette*, Part I.  | **Transitional Provision****A person may, for a six-month period that begins on the day on which these Regulations come into force, comply with the *Transportation of Dangerous Goods Regulations* as they read immediately before that day.** | 1. Extend the transitional period from 6 to 12 months for the Regulations.
2. Extend the transitional period from 6 to 24 months for the new dangerous goods marks.
 | Due to the magnitude of this amendment, TC is proposing to extend the transitional period from 6 months to 12 months for the Regulations and from 6 months to 24 months for the new dangerous goods marks. This extended transitional period would provide more time to the regulated entities to update the shipping documents, policies, procedures, and training programs and to deplete current stock of labels and placards and the inventory of pre-printed packaging. |  |