



# RAC Dangerous Goods Committee Meeting 2024-02

October 3, 2024

People. Goods.  
Canada moves by rail.



Railway Association  
of Canada



## **Competition Law Compliance Policy**

### **STATEMENT**

The RAC is committed to compliance with all **competition laws** applicable in Canada, including Canada's *Competition Act*.

Under the leadership of its Board of Directors, the RAC carries out its activities in strict compliance with all **competition laws**, provides guidance to its committees and its employees on how to comply with these laws, and promotes with them the importance and value to the RAC of complying with them.

The RAC Corporate Secretary ensures that RAC, its committees and its staff are familiar and comply with this policy.

### **COMPETITION LAW**

**Competition laws** are designed to maintain and encourage competition in the marketplace. Non-compliance with the **competition laws** relating to improper coordination among competitors could constitute a criminal offence to which significant fines and prison terms can be attached, and for which significant damages can be awarded in private lawsuits, including large class actions.

RAC is a forum for railway members to exchange information and views on the railway sector. Particularly because RAC is an association that represents most of the players in the rail sector in Canada, including many that compete with one another, any activity it conducts must be in strict accordance with the **competition laws**, and avoid even the perception of possible improper conduct.

### **PROHIBITED ACTIVITIES**

Due to the presence of multiple competing entities in RAC, any activity, including discussions or agreements that relate, directly or indirectly, to the following "**Prohibited Topics**" are strictly prohibited:

- ☐ Prices (rates) charged to shippers for services provided by members of the RAC
- ☐ Prices (costs) paid to suppliers for services provided to members of the RAC
- ☐ Any other conditions associated with services provided to shippers or received from suppliers of RAC members, including discounts, rebates, etc. and level of service provisions
- ☐ Customer or territory allocation
- ☐ Limitation of supply of services provided by RAC members to their customers

### **GUIDANCE**

Any activity, including discussions or agreements that could even remotely be construed as relating to the above Prohibited Topics, cannot take place at the RAC or any of its committees or any meeting organized or attended by RAC staff, or otherwise among RAC members.

To ensure compliance with these rules, when meeting, members of a RAC committee or of the Board of Directors must:

- ☐ Have a pre-set agenda and take minutes, recording resolutions adopted and summarizing the essentials of conversations that took place.
- ☐ Limit themselves to issues identified on the agenda, except if circumstances call for other issues to be addressed, in which case careful notes of the additional issues discussed must be recorded.
- ☐ If any participant believes that Prohibited Topics have been raised or discussed, they must advise all participants of their concern and any discussion relating to that issue be ceased immediately pending legal advice.
- ☐ Require legal advice if any issue to be discussed might cause the members to believe that **competition laws** could be infringed.
- ☐ Suspend or even postpone to a later date discussions on such issues if legal advice cannot be sought in a timely manner.

Staff of the RAC shall in their duties ensure the confidentiality of information brought to their attention by members, avoid conflict of interest or situations that would discredit the RAC, unless doing so could violate the **competition laws**.

Updated May 3, 2021

**RAC DANGEROUS GOODS COMMITTEE MEETING 2024-02**  
**OCTOBER 3, 2024; 11:00 (ET)**

**MICROSOFT TEAMS MEETING**  
[CLICK HERE TO JOIN THE MEETING](#)

**AGENDA**

	<b>SCHEDULE</b>	<b>DISCUSSION LEADER</b>	<b>TIME</b>
1.	Welcome, Call to Order and Roll Call	Darlene Nagy (Chair)	11:00
1.1	Competition Law Compliance Policy – Forward Statement	Scott Croome	11:05
2.	Approval of Meeting Minutes (April 17, 2024)	Darlene Nagy	11:10» <b>D</b>
3.	MOU on Movement of CCPX911	Scott Croome	11:15
4.	TDGR Update	Darlene	11:20
5.	RAC DG Team Update	Scott Croome	11:30
6.	General Discussion	All	11:35
	Working group on Enforcement Consistency and Regulatory Interpretation – Anthony Ippolito (Chair) Darlene Nagy (Vice Chair) is a new working group being formed with Transport Canada to create consistent processes and interpretations across Canada of the regulations.		
7.	Miscellaneous / Adjournment	Darlene Nagy	12:00
<b>D</b>	<b>Decision Required</b>		
»	<i>Supporting material</i>		

**RAC DANGEROUS GOODS COMMITTEE MEETING  
DRAFT MINUTES 2024-01  
Virtual Meeting  
April 17, 2024; 13:00 HOURS (ET)**

**In Attendance**

Darlene Nagy, CPKC - Chair  
Brianna Bowman, RAC  
Simon Chapman, Metrolinx  
Jean-Pierre Couture, RAC  
Scott Croome, RAC  
Guy Langis, ONR  
Megan Schumacher, CPKC

**Regrets**

Norm Adams, GWCI  
Nick Hodge, GWCI  
Anthony Ippolito, CN – Vice Chair  
Jim Kozey, CPKC  
Mahboubeh Nikeghabal, CN  
Nicolas Panetta, VIA

**1. Welcome, Call to Order – Darlene Nagy**

Darlene Nagy noted that the required quorum was achieved and called the meeting to order in accordance with the Railway Association of Canada (RAC) bylaws. Scott Croome read Agenda item 1.1 Competition Law Compliance Policy – Forward statement.

**2. Approval of Meeting Minutes (October 3, 2023) – Darlene Nagy**

The minutes of the October 3<sup>rd</sup> meeting were approved. It was moved by Megan Schumacher (CPKC) and seconded by Guy Langis (ONR).

**3. MOU Movement of CCPX911 – Scott Croome**

Scott Croome stated that the MOU is complete and is with CIAC to sign.

**4. TDGR Update – Darlene Nagy**

Registration Database – Also known as the CID (Client Identification Database)

- Published in CGII October 25, 2023 - as Part 17 of the TDG Regulations. There is a one-year period to register in the application from the time published in CGII.
  - Scope: Applies to a person who imports, offers for transport, handles, or transports dangerous goods at a permanent site that they own or operate located in Canada. A site means a place where dangerous goods are imported, offered for transport, handled, or transported, and are in direct possession of a person conducting these activities, but does not include a means of transport or a place where the dangerous goods are destined to be used as part of their scope of work, or as raw materials used in their products.

**Regulations Amending the Transportation of Dangerous Goods Regulations (Canadian Update)** Published in CGI December 9, 2023.

To update and clarify several domestic provisions of the TDGR to align with new industry practices and address comments received over the years. Purpose is to align TDGR with international codes and other federal regulations.

- Significant Comments included:
  - Buffer Car changes
    - buffer cars required on unit trains in Canada between occupied units and DG.
    - Includes prohibiting IMS DG next to occupied units (\* indicates any source of ignition).

- Includes not allowing train dynamics to override the requirements of buffer cars.
  - Comments submitted regarding the buffer cars changes and industry is of the view that the proposed amendments to the TDG Regulations will not achieve the desired additional safety benefit therefor industry is opposed to the addition of a Buffer car on a unit train. Additional comments on the marshalling of intermodal shipments noting each well is considered as one car. The proposed Regulations would come into force after a six-month transitional period following the date of publication in the Canada Gazette, Part II
- Align with International DG standards:
  - Allow voluntary display of UN numbers if not misleading.
  - Specify when and how to use the terms Residue or residue-last contained on a shipping document.

Incorporate by reference the new CGSB 43.147 standards which replaces TP1487..

**ERRATUM: Informal consultation documents - Regulations Amending Certain Regulations Made Under the TDGA (Part 12 and International Harmonization Update) sent via email December 27, 2023.**

This *consultation* document presents changes made to the proposed 'Regulations Amending Certain Regulations Made Under the Transportation of Dangerous Goods Act, 1992 (Part 12 and International Harmonization Update)' based on comments received after the pre-publication in the Canada Gazette, Part I (CGI). The main objective of the changes are to align, to the extent possible the TDGR with UN Recommendations, as well as with the latest amendments that are incorporated into ICAO TI., the IMDG Code and the 49 CFR, 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;

Comments were submitted to Transport Canada which included the addition of using the classification of the previous consignor however RAC suggested rewording the addition to match the 49 CFR. Also commented on various other editorial comments as well as the requirements for placards when being replaced if lost in transit. Publication in the *Canada Gazette*, Part II is anticipated for early 2025.

**CGSB Committee Standard 192.3 TDG Training Competencies** - In 2017 the CGSB established a standards committee to develop a new standard for Competency-based training and assessment for the transportation of dangerous goods. The standard will be incorporated by reference into the TDG Regulations and was published in part I of the Canadian Gazette in December 2021. Draft Guidance material was provided to Industry. Publication in Canadian Gazette II – still pending.

## Initial Consultation Part 6 Training

In May of 2020 Transport Canada shared a working document for a rewrite of Part 6 of the TDGR which includes the proposed draft provisions for the incorporation by reference of the proposed standard CGSB-192.3, Transportation of Dangerous Goods Training, Assessment and Competency to the TDG Regulations. RAC comments were submitted May 14, 2020. Was published in part I of the Canadian Gazette in December 2021. Comments were submitted February 9, 2022, and generally were in reference to the new requirements on the dangerous goods training certificates.

- The comments analysis from the June 2023 informal consultation showed that most stakeholders are not in agreement with the assumptions used to calculate the revised costs of the proposal. Based on what Transport Canada heard through the latest informal consultation, new recommendations to the CBA assumptions were made. With the adjustment of the CBA assumptions, the new net cost of the proposed Regulations is estimated at approximately \$400M as opposed to the \$17M that was anticipated.
- The TDG Program has approved of the approach to redevelop the Part 6 training policy in its entirety and re-publish in CGI. TC is currently researching and analyzing international standards for training and competency assessment. Once further informal consultations and analysis are conducted with subject matter experts, inspectors and industry, a white paper with renewed options will be circulated to industry for formal feedback (likely in early 2024).

**AMPS – Administrative Monetary Penalties With the tabling of Bill C-33** – which would introduce the legislative amendments necessary to introduce an AMP regime and CA framework under the Transportation of Dangerous Goods Act, 1992 (TDGA) the TDG Program is now seeking industry's feedback regarding the details of its proposed AMP and CA policies. Amps Notice of Violations (NoV) and will publish the details of any violations on the Canada.ca website. Details would be listed under the Administrative Enforcement Action Summaries which would include name of the person (individual or organization), nature of the violations, amount of the penalty and Status of each NoV. Publications will be present for up to 5 years after they are paid. First reading completed in the House of Commons in November 2022.

- The TDG Directorate shared an update on the status of Bill C-33. The Bill is currently being studied in the HOC Transportation, Infrastructure, and Communities Committee, where they are currently in the process of clause-by-clause consideration. It is anticipated that the Bill will complete the committee stage by the end of 2023 and will be referred back to the house of commons in early 2024. The Bill is then expected to receive Royal Assent by the end of 2024 or early 2025.

## US Update:

**HM-263 NPRM:** Real-Time Train Consist Information published June 27, 2023, requiring all railways transporting hazardous materials to generate in electronic form train consist information, maintain that information off-the-train, update that information in real-time and provide that information in real-time, and provide that information to authorized "emergency response personnel" in advance of their arrival to an accident or incident. This includes Class I, II and III railways. Comments were due Aug 28, 2023, but were moved to October 27, 2023. Comments submitted by the AAR. Working with PHMSA to advise them on important decisions regarding the comments received to the rulemaking. PHMSA scheduled listening sessions with commenters to obtain more clarity on some of the issues identified by the public comments.

## 5. RAC DG Team Report – Scott Croome

Scott Croome provided an update on what the Dangerous Goods Team (DGT) has been working on. Of note:

- **Railway Emergency Response (RER) training** – two 40-hour courses have been booked at the Justice Institute of British Columbia (JIBC) in June and again in

September. The first RER course at the JIBC, the week of June 10-14, 2024, has a full slate plus Guest instructors. The second course for the week of September 9 – 13, 2024 is nearly full with multiple Guest instructors attending. Both courses have always been well received and huge thank you to all those on the committee who have continued to volunteer to make these courses the caliber they are.

- **Training and Other Team Projects (full team)**
  - Chlorep
  - Ammonia
  - CPKC / CN training schools (guest instructor)
  - Fire School
  - Fire Rescue Canada in Montreal this fall
  - Disaster Former
- **TRANSCAER® activities** – The DGT is continuing TRANSCAER operations that are being conducted across Canada. There seems to be large demand for this training and DGT continues to service as many as possible. With 2024 looking to be the return to 2019 event numbers. Chemical Industry Association of Canada (CIAC) and the RAC have produced a V/R tool that incorporates a training tour of the CCPX911 that currently resides at the Fire and Emergency Services Training Institute (FESTI) at Toronto Pearson airport. The new safety train tankcar is nearing completion and looking to see it on the rails late spring 2024.
  - RAC is on a panel in Calgary on June 19, 2024 to discuss TRANSCAER activities across Canada
- **Training and Inspection services to Member Plants (shippers)** - The DGT is continuing in person member plant inspections and training. With an absence of services in the past couple of years, the demand for service is high. It is worth mentioning that service from the RAC DGT must be requested and service fees have been increased for 2024.
- **On-call DGT service** - Continue to maintain an operational readiness, 24/7, for RAC railway members in the event of a dangerous goods incident. There has been assistance/advice rendered at one member railway incident presently in 2024.

## 6. **General Discussion - All**

Scott Croome asked if anyone has heard of talk inside Transport Canada about making changes with the addition of the Emergency Escape Reading Apparatus on trains carrying hazmat regulations in the United States. Will this be coming to Canada? The committee has not heard of anything and plan on bringing it up at the next MAC TDG.

Scott Croome inquired about the possibility of creating a “cheat sheet” for shortlines on database registration. Guy Langis noted that ONR is in the process of becoming Federally regulated this year and this will affect a lot of their processes and he may be reaching out to the committee for help and guidance.

## 7. **Miscellaneous / Adjournment – Darlene Nagy**

A Doodle Poll will be sent to the Committee members for dates for the beginning of October.

The meeting adjourned at 13:34 ET.

Action Items	Lead	Status
1. Circulate minutes within 21 calendar days	Brianna Bowman	Completed
2. Send doodle poll for next committee meeting	Brianna Bowman	Completed
3. RAC will verify if CN/CPKC have signed the MOU on movement of CCPX911	Scott Croome	
4. RAC to reach out to Christina Adler to see about inviting CN/CPKC to the June 19 <sup>th</sup> event in Calgary on TRANSCAER	Scott Croome	
5. Create cheat sheet for shortlines on database registration	Scott Croome/Megan Schumacher	
6. Share the template that Transport Canada has for the training certificates with ONR	Darlene Nagy	Complete





**Dangerous Goods Committee**

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