



RAC Dangerous Goods Committee Meeting 2025-01

March 19, 2025

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 2025-01
MARCH 19, 2025; 11:00 (ET)

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

AGENDA

	SCHEDULE	DISCUSSION LEADER	TIME
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 (October 3, 2024)	Darlene Nagy	11:10» D
3.	MOU on Movement of CCPX911	Scott Croome	11:15
4.	TDGR Update	Darlene	11:20
4.1	US Regulation Update	Anthony Ippolito	
5.	RAC DG Team Update	Scott Croome	11:40
6.	General Discussion	All	11:45
7.	Miscellaneous / Adjournment	Darlene Nagy	12:00
D	Decision Required		
»	<i>Supporting material</i>		

**RAC DANGEROUS GOODS COMMITTEE MEETING
DRAFT MINUTES 2024-02
Virtual Meeting
October 3, 2024; 11:00 HOURS (ET)**

In Attendance

Darlene Nagy, CPKC – Chair
Anthony Ippolito, CN – Vice Chair
Brianna Bowman, RAC
Norm Adams, GWCI
Scott Croome, RAC
Nick Hodge, GWCI
Guy Langis, ONR
Megan Schumacher, CPKC

Regrets

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 (April 17, 2024) – Darlene Nagy

The minutes of the April 17, 2024, meeting were approved. It was moved by Megan Schumacher (CPKC) and seconded by Anthony Ippolito (CN).

3. MOU Movement of CCPX911 – Scott Croome

Scott Croome stated that the info on the previously drafted MOU was incorrect, and that the training car had to be scaled before the MOU could be signed. The new MOU is in the process of being drafted and should be ready for signing next week.

The training car is complete except for they are still waiting for a few pieces that they have not been able to secure (housings and bells). Scott Croome will send the committee a list of required parts for the training car.

4. TDGR Update – Darlene Nagy**Canadian Rulemaking****Order Repealing Certain Regulations made Under the Railway Safety Act**

Provide clarity to stakeholders by removing ambiguity between the Regulations and more modern federal regulations. The repeals would also strengthen the current oversight regime by removing duplicative and redundant provisions.

Exempted from prepublication in the Canada Gazette, Part I.
Publication in the Canada Gazette, Part II, anticipated late 2024.

Order Fixing Fees for Registrations Related to Dangerous Goods Means of Containment

Introduce new fees and service standards for the Transportation of Dangerous Goods (TDG) MOC Facilities Registration Program. These changes would promote better balance between the financial burden borne by service recipients and by Canadians. This regulatory initiative is part of Transport Canada's Fee Modernization Initiative.

Published in Canada Gazette, Part I on March 25, 2023.
Publication in the *Canada Gazette*, Part II is anticipated for late 2024

Canada Gazette, Part I, Volume 156, Number 48: Regulations Amending Certain Regulations Made Under the Transportation of Dangerous Goods Act, 1992 (Part 12 and International Harmonization Update)

Modernize outdated domestic requirements for the transport of Dangerous Goods (DGs) by air and align the *Transportation of Dangerous Goods Regulations* (TDGR) with updates from the international codes.

Published in Canada Gazette, Part I on November 26, 2022.
Publication in the *Canada Gazette*, Part II is anticipated for early 2025.

Regulations Amending the Transportation of Dangerous Goods Regulations (Canadian Update)

Update and clarify several domestic provisions of the Transportation of Dangerous Goods Regulations (TDGR) to align with new industry practices and address comments received over the years. Align TDGR with international codes and other federal regulations. These proposed changes would further improve public safety during transportation of dangerous goods, eliminate the need for many equivalency certificates which are considered administrative burden for Canadian businesses, and increase reciprocity with the United States for rail transportation.

Published in Canada Gazette, Part I on December 9, 2023.
Publication in the *Canada Gazette*, Part II, anticipated in mid-2025.

Regulations Amending the Transportation of Dangerous Goods Regulations (Part 6, Training)

Require general awareness and function-specific training and assessment. The proposed regulatory changes would clarify existing training requirements and are expected to enhance the safety of the employees and reduce incidents, thereby increasing public safety and reducing operating costs due to property damage.

Prepublication in the *Canada Gazette*, Part I is anticipated late 2026 with a 60-day comment period.

Regulations Amending the Transportation of Dangerous Goods Regulations (Part 3 - Documentation)

Respond to recommendations stemming from the Study on the use of electronic shipping documents for the transport of dangerous goods, by allowing the use of electronic shipping documents for the transportation of dangerous goods by rail and by remotely piloted aircraft. These changes would also modernize the requirements and modify the format and specific elements of the shipping document by eliminating unnecessary information.

The proposed changes are expected to be published in the *Canada Gazette*, Part I, once the program review has been completed.

Regulations Amending the Transportation of Dangerous Goods Regulations (Part 17 – Site Registration Requirements)

Published in CGII October 25, 2023 - as Part 17 of the TDG Regulations. Coming into effect October 25, 2024: A person must not import, offer for transport, handle or transport dangerous goods at a site that they own or operate in Canada unless they are registered in the registration

database relating to dangerous goods on the Department of Transportation website in accordance with the regulations.

United States: Rulemaking

- **HM-219D NPRM Published:** Adopt Petitions and Regulatory Update. Published March 3, 2023. Comment period closes May 2, 2023. HMSA proposes amendments to the Hazardous Materials Regulations (HMR) to update, clarify, improve the safety of, or streamline various regulatory requirements. Specifically, this rulemaking responds to 18 petitions for rulemaking submitted by the regulated community between May 2018 and October 2020 that requests PHMSA address a variety of provisions, including but not limited to those addressing packaging, hazard communication, and the incorporation by reference of certain documents. Adopt Petitions and Regulatory Update. Published March 3, 2023. Comment period closed May 2, 2023. *This Final Rule went into effect on April 3rd, 2024, with a delayed compliance date of March 4th, 2025.*
- **HM-263 NPRM:** Real-Time Train Consist Information Final Rule published June 24, 2024, This final rule requires railroads transporting hazardous materials to generate train consist information in electronic form, maintain that information off-the-train, and update that information in real-time. The train consist must contain the direction of travel and the Emergency Response contact number. Immediately following either an accident involving a train carrying hazardous materials or an incident involving the release or suspected release of hazardous material from a train, the railroad operating the train must make an emergency notification telephonically and provide train consist information electronically to the primary Public Safety Answering Point (PSAP). PHMSA also adopts a requirement that railroads must test their emergency notification system at least annually
- **HM-265A ANPRM:** Modal HM Regulation Update published July 5, 2023, to solicit stakeholder input on initiatives PHMSA is considering that may modernize its Hazardous Materials Regulations (HMR: 49 CFR parts 171-180) in order to improve hazardous material transportation efficiency, improve transparency and stakeholder engagement, and better accommodate technological innovations-all while maintaining or improving public safety and environmental impacts. This ANPRM has identified over 40 topics for consideration in the Hazardous Materials Regulations. Comments closed Dec 4, 2023. TBD
- **HM-215Q NPRM:** Harmonization with International Standards. In this final rule, PHMSA amended the HMR to maintain alignment with international regulations and standards by incorporating various amendments, including changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations, and vessel stowage requirements. These revisions were necessary to harmonize the HMR with recent changes made to the IMDG Code, the ICAO TI, and the UN Model Regulations. Published May 30, 2023. Comment period closed July 31, 2023. Rule was posted April 10, 2024, and is effective May 10th with a delayed compliance date of April 10, 2025.

U.S. Pending Rulemaking

- **HM-233G, Hazardous Materials:** Continued Conversion of Special Permits, PHMSA-2017-0121. In this NPRM, PHMSA will be proposing to amend the HMR to adopt provisions contained in certain widely used or longstanding special permits that have an established safety record. The proposed revisions are intended to provide greater flexibility and eliminate the need for numerous special permit renewal requests, thus reducing paperwork burdens for the agency and the regulated community and facilitating commerce while maintaining. Sent to Secretary for Final Review/Approval. Expected 2023
- **HM-264B NPRM:** Improving the Safety of Transporting Liquefied Natural Gas is under development with PHMSA and FRA staff. Both agencies are reviewing all available information and developing options for Departmental Leadership Review. Expected NPRM 2024.

- **HM-265 NPRM:** Modal Regulatory Reform Initiatives. Of rail interest – To address rail issues from HM RSAC/AAR M-1002 and updating Parts 174, 179 and 180. Note: The FRA HMG-127, Revision 5 draft will be included with the issuance of this NPRM for review and comment along with the NPRM comment period once it is issued in the Federal Register. Is currently in final agency review stage. Expected NPRM: 2024.

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 completed at the Justice Institute of British Columbia (JIBC) this past June and September. Both RER courses at the JIBC had a full slate plus guest instructors. All RER 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
 - CN contractor training (guest instructor)
 - Fire Rescue Canada in Montreal this fall
 - Disaster Former

6. General Discussion - All

Creating a 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. First working group meeting will be held on November 5, 2024.

Those that have cross border operations the Emergency Escape Breathing Apparatus (EEBA) rule has not been extended and comes into effect on March 30, 2025. This rule states that all trains carrying TIH or PIH must have an emergency escape breathing apparatus for all train crew members. The FRA has given zero waivers for cross border movements. This is very expensive and burdensome for Canadian railway companies as the rule requires training, a specific program, asset tracking and daily inspections.

7. Miscellaneous / Adjournment – Darlene Nagy

A Doodle Poll will be sent to the Committee members for dates for March 2025.

The meeting adjourned at 11:34 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. List of missing parts for the CCPX911 training car The listed items are currently needed, any other items not complete have been identified and sourced (may not be on the car yet) a) Assorted gaskets and some additional parts for the top of the tank car b) Assorted pressure-related gaskets c) Hydrogen peroxide breather	Scott Croome	Completed



Dangerous Goods Committee

Nagy, Darlene

Hazmat Program Manager
CPKC
(403) 319 6148
Darlene.Nagy@cpkcr.com

Chair

Ippolito, Anthony

Senior Manager, Dangerous Goods
CN
(219) 883 7894
Anthony.Ippolito@cn.ca

Vice Chair

Adams, Normand

Director, Compliance
Genesee & Wyoming Canada Inc.
(450) 420 7960
nadams@gwrr.com

Croome, Scott

Director Dangerous Goods
Railway Association of Canada
scroome@railcan.ca

Kozey, Jim

Director Hazardous Material
CPKC
(403) 319 3633
jim.kozey@cpkcr.com

Langis, Guy

Manager Rail Safety, Rules and Regulatory Affairs
Ontario Northland Transportation Commission
guy.langis@ontarionorthland.ca

Nikeghbal, Mahboubeh

Dangerous Goods Specialist
CN
(514) 772 4414
Mahboubeh.nikeghbal@cn.ca

Panetta, Nicolas

Specialist Director, Regulatory Affairs and Safety
VIA Rail Canada Inc.
nicolas_panetta@viarail.ca

Schumacher, Megan

HazMat Specialist

CPKC

(403) 319 6719

Megan.Schumacher@cpkcr.com