
News Release Communiqué

No. H086/09

For release
June 16, 2009

LEGISLATION TO BETTER PROTECT CANADIANS FROM DANGEROUS GOODS COMES INTO FORCE

OTTAWA — To keep Canadians safe and secure, Canada's Transport Minister, John Baird, today announced that Bill C-9, an *Act to amend the Transportation of Dangerous Goods Act, 1992*, has received royal assent and comes into force on June 16, 2009.

Should a safety or security incident involving dangerous goods occur, the government now has the legislative authority to enable quick and effective responses by industry through pre-approved Emergency Response Assistance Plans.

"Our government is committed to protecting the safety and security of Canadians," said Minister Baird. "These amendments will help us do that while also maintaining trade and market access to protect and boost Canada's economic prosperity."

"The passing of these amendments is welcome news. Raising standards for the secure transport of dangerous goods is yet another great success in this government's commitment to making our communities safer," said Public Safety Minister Peter Van Loan. "We are proud to be building a dangerous goods response program that improves our capacity to prevent accidents that can threaten the safety of the public."

These amendments will make Canadians safer by:

- reinforcing the existing Emergency Response Assistance Program to equally address responses to security incidents and accidents during the transportation of dangerous goods;
- requiring security plans and security training;
- requiring through regulation that dangerous goods be tracked during transport and that they be reported if stolen or lost;
- enabling the use of security measures and interim orders, in accordance with the *Public Safety Act* and other legislation; and
- enabling the development of a program to require transportation security clearances for dangerous goods.

The amended *Transportation of Dangerous Goods Act, 1992* remains focused on preventing incidents when dangerous goods are imported, handled, offered for transport and transported. Transport Canada will consult with the public, industry, first responders, and provincial and territorial governments, as it develops regulations to support its new authorities under the Act.

A backgrounder with further information is attached.

- 30 -

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The logo for Canada, featuring the word "Canada" in a stylized serif font with a small crown over the letter 'a'.



Background

AMENDMENTS TO THE TRANSPORTATION OF DANGEROUS GOODS ACT, 1992

Transport Canada has consulted extensively on amendments to the *Transportation of Dangerous Goods Act, 1992*. Public consultations were held across the country. Biannual meetings have been held with provincial and territorial governments, and industry, to discuss amendments to the Act.

Under the amended Act, a safe transportation of dangerous goods regime will remain a shared responsibility between the Government of Canada, provincial and territorial governments, and industry. The provinces and territories will continue to work together with Transport Canada to enforce requirements for transporting dangerous goods on highways. Transport Canada will remain responsible for enforcing regulations that govern transport by rail, ship and air.

The Act and its associated regulations are enforced directly by federal inspectors designated under the Act, and by provincial and territorial inspectors. When infractions are identified, immediate corrective or enforcement action is taken. This could include fines and/or prosecution. Enforcement of the Act will not change with the newly approved amendments to the Act.

Under the revised legislation, shippers will continue to need to submit an Emergency Response Assistance Plan (ERAP) to Transport Canada before shipping dangerous substances. The plan outlines actions the shipper would take should an accident occur, and how it would assist local authorities. ERAPs must include detailed information such as:

- a list of the dangerous goods being transported;
- a description of the shipper's emergency response capabilities;
- a list of specialized equipment available for use at the emergency site;
- a list of qualified persons available to advise and assist at the scene; and
- the communications systems expected to be used.

Plans will be required for the most potentially harmful substances such as explosives, flammable substances and toxic gases, and those that may pose a widespread threat in the event of an incident. The revised legislation will enable ERAPs to be used for security (e.g. terrorist) incidents as they are currently used for accidental or safety incidents. This includes a requirement to track dangerous goods during transport and report them if lost or stolen.

Transport Canada supports emergency response and first responders through the Canadian Transport Emergency Centre (CANUTEC), which is staffed by scientists prepared to assist in responding to emergencies involving dangerous goods. The department also makes copies of the *Emergency Response Guidebook* available to police and fire departments across the country. The guidebook provides comprehensive information needed to respond to dangerous goods incidents occurring on highways, aircraft, ships and trains.

June 2009

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