



REPORT TO THE LEGISLATIVE ASSEMBLY
TRANSPORTATION OF DANGEROUS GOODS ACT (1990)

PREPARED BY:

DEPARTMENT OF TRANSPORTATION

GOVERNMENT OF THE NORTHWEST TERRITORIES

MINISTER OF TRANSPORTATION'S REPORT
TO THE LEGISLATIVE ASSEMBLY FOR 1992
ON THE
TRANSPORTATION OF DANGEROUS GOODS ACT (1990)

INTRODUCTION

The Northwest Territories' *Transportation of Dangerous Goods Act (1990)* came into effect on August 1, 1991. The *TDG Act* is the territorial complement of the federal *Transportation of Dangerous Goods Act*. Where the federal legislation applies to the transportation modes subject to its jurisdiction (i.e., air, marine, rail, pipeline and extra-provincial/territorial trucking), the territorial *Act* applies to intra-territorial trucking operations. In the interests of consistency and national uniformity, the territorial *Act* invokes the federal regulations pursuant to the federal *Act*. In this way, hazardous cargoes moving in Canada from one mode of transportation to another and/or between jurisdictions are always subject to the same dangerous goods regulations.

Section 62 of the *TDG Act* requires the Minister of Transportation to table an Annual Report in the Legislative Assembly. It reads as follows:

62. (1) The Minister shall, in respect of the administration of this *Act* and the Regulations in a year, cause to be prepared a report describing any:
- a) permits issued under subsection 4(1);
 - b) applications made under subsection 7(1);
 - c) amendment, cancellation or suspension of permits under paragraph 10(d);
 - d) orders issued under subsection 31(1);
 - e) reports made under subsection 34(1);
 - f) directives issued under subsection 35(1);
 - g) appeals commenced under section 36;
 - h) action taken by the Government of the Northwest Territories for the recovery of reasonable costs and expenses under section 38;
 - i) proceedings instituted in respect of an offence under this *Act* or the Regulations; and
 - j) conviction for a contravention of this *Act* or the Regulations.
- (2) The Minister shall table the report referred to in subsection (1) at the first session of the Legislative Assembly after the expiry of the year that is the subject of the report.

Profile of Dangerous Goods Traffic on Territorial Highways

The Department of Transportation's Motor Vehicles Division monitors, weighs and inspects motor carrier traffic reporting to its Inspection Stations at Enterprise and Inuvik. Due to the current economic recession, motor carrier traffic decreased in 1992. The schedule of operation for the Enterprise Station gives sixteen hours a day, seven days a week coverage. In 1992, 14,030 transports reported to the Enterprise Station for inspection. At Inuvik, the operating schedule maintains twelve hours a day, seven days a week coverage of highway traffic. In 1992, the Inuvik Station weighed 2,200 transports.

The officers on duty at the Enterprise and Inuvik Inspection Stations record a profile of the types and approximate quantities of dangerous goods moving on the territorial highway system. The following table lists, in order of magnitude, the dangerous goods most commonly carried by truck transports in the Northwest Territories. By volume, the transportation of the hydrocarbon fuels gasoline, propane and diesel oil account for most of the dangerous goods traffic on the highway system. Almost one-third of all trucks on the highway are carrying hydrocarbon fuels.

<u>Commodities</u>	<u>Quantities</u>
Gasoline - automotive/aviation	20,000,000 L
Propane	8,000,000 L
Fuel oil/diesel-heating	7,000,000 L
Ammonium Nitrate	850,000 KG
Acids	450,000 KG
Explosives	300,000 KG
Methanol	100,000 KG
Arsenic Trioxide	100,000 KG
Chlorine	100,000 KG
Compressed Gases	50,000 KG
Hydrogen Peroxide	40,000 KG
Sodium Cyanide	30,000 KG

Permits - 4.(1), Applications - 7.(1) and Amendments 10.(d)

The Sections of the *TDG Act* dealing with permits, applications for permits and their amendment read as follows:

- 4. (1) The Minister may, in accordance with this *Act* and the Regulations, issue permits exempting the transportation of dangerous goods from the application of this *Act* or the Regulations.
- 7. (1) Subject to subsection (2), an application for a permit and a permit must be in writing in a form approved by the Minister.
- 10. The Minister may:
 - (d) amend, cancel or suspend a permit where the Minister believes on reasonable grounds that the person holding the permit or his or her employees or agents have contravened this *Act* or the Regulations or a term or condition imposed on the permit.

There were no applications for permits and none were issued or amended in 1992.

Orders - 31(1)

Section 31(1) reads:

- 31. (1) An inspector may issue an order, in accordance with subsection (2), to the owner or person in charge of dangerous goods, where the inspector believes on reasonable grounds that:

- (a) there is occurring or has occurred a discharge of the dangerous goods from a container, packaging or vehicle transporting the dangerous goods;
- (b) there is a reasonable likelihood of a discharge of the dangerous goods from any container, packaging or vehicle transporting the dangerous goods; or
- (c) the dangerous goods are being transported in contravention of this Act or the Regulations.

There were no formal, written orders issued over the past year. The Department's Highway Transport Officers have received training in the transportation of dangerous goods and have been appointed as inspectors under the Act. The officers have discovered minor leaks in the course of their regular vehicle inspections and have issued verbal orders for their repair. In all cases, these verbal orders have been followed and the repairs attended to immediately at the site. No further action has been necessary.

Spills - 34(1)

Section 34 of the Act pertains to the response to spills of dangerous goods. It reads:

34. (1) Where there is a discharge of dangerous goods from a container, packaging or vehicle transporting dangerous goods, or there is a reasonable likelihood of such a discharge occurring, the person who owns or has charge of the dangerous goods at the time shall, as soon as possible in the circumstances:
- (a) in accordance with the regulations, report any discharge to an inspector or a person designated by regulation;
 - (b) implement the emergency plans referred to in section 15; and
 - (c) subject to any order made under section 31, take all other reasonable emergency measures consistent with public safety to repair or remedy any dangerous condition or reduce or mitigate any danger to life, health or the environment that results or may reasonably be expected to result from the discharge.

As provided in 34(1)(a) above, the Regulations of the territorial TDG Act require that spills of dangerous goods be reported to the Northwest Territories' Spill Report Line. The Department of Indian and Northern Affairs established the Spill Report Line in 1979 by agreement with the federal and territorial agencies with responsibilities for dealing with hazardous material spills.

The agreement establishes one telephone number to which any and all spills in the Northwest Territories are reported. The Spill Report Line is in constant readiness. When a spill is reported, the operator on duty decides which of the participating agencies has jurisdiction and passes the information on for its response. The Spill Report Line is now administered on a two year rotational basis by Indian and Northern Affairs Canada, Environment Canada and the territorial Department of Renewable Resources. The Spill Report Line works well in quickly directing a report to the proper agency for a prompt response.

In 1992, the Spill Line received 251 spill reports. Of these, only one involved the spill of dangerous goods on the highway system. This spill occurred on February 12, 1992 when a fuel tanker overturned at km 35 of the Dempster Highway in the Richardson Mountains. The tanker

lost 12,000 litres of diesel fuel. The spill was cleaned up promptly and resulted in no environmental damage. The driver of the tanker was charged and convicted under the *Act* for failing to have the proper dangerous goods documents available at the scene.

Three spills occurred in 1992 at the Department of Transportation's Fort Providence ferry landing. During periods of low water in the Mackenzie River, fuel tankers can sometimes damage the valves on the bottom of their trailer as they board the ferry ramp. The damaged valves usually leak only small amounts of fuel and the leak is quickly stopped. The clean-up is immediate. The three spills at the ferry landing were reported and classified as marine rather than highway incidents.

Directives - 35(1), Appeals - 36(1) and Recoveries - 38(1)

Sections 35, 36 and 38 of the *TDG Act* refer to Ministerial Directives, Appeals against Ministerial Directives and Recoveries of public expenditures made to remedy abandoned or discharged dangerous goods.

The Sections read as follows:

35. (1) Where the Minister considers it necessary for the protection of the public, property or the environment, the Minister may direct a person engaged in the transportation of dangerous goods to cease any activity or to perform the activity in a manner consistent with the intention of this *Act*.
- (4) A person who receives a directive under subsection (1) may appeal the directive to the Supreme Court within 60 days of receiving the directive, but that person shall comply with the directive until the appeal is finally determined.
36. (1) An appeal to the Supreme Court shall be commenced by:
- (a) filing an originating notice with the Supreme Court; and
- (b) serving a copy of the originating notice on the Minister.
38. (1) The Government of the Northwest Territories may claim and recover the reasonable costs and expenses incurred in taking any measures under Section 24, 33 or 34 from every person who, through his or her fault or negligence or the fault of negligence of others for whom he or she is by law responsible, caused or contributed to the causation of an abandonment or discharge referred to in section 24, 33 or 34.

Under either the federal or the territorial/provincial *TDG Acts*, Ministerial Directives are issued only in exceptional circumstances. The Minister was not required to issue any directives during 1992 and no appeals to directives were made in 1992.

No actions were initiated for recovery of costs or expenses with respect to spills during this reporting period.

Citations and Convictions

In 1992, four summary offence tickets and four warnings were issued under the *TDG Act*. Three of the summary offenses involved the improper documentation of dangerous goods and the other involved improper safety markings. The four Dangerous Goods violations represent less than two percent of the 209 summary offence charges laid by the Department's Highway Transport Officers for all other types of infractions in 1992.

Although the number of dangerous goods inspections the Department conducted in 1992 doubled to 500, the number of warnings issued decreased significantly from twenty two in 1991 to four in 1992. From all indications, the trucking industry is better informed of the *Act* and making a greater effort at compliance than in 1991.

National Safety Code

The Department of Transportation administers and enforces the standards prescribed under the National Safety Code through territorial regulations pursuant to the *Motor Vehicles Act*. In 1992 the Department audited fifty-two territorial carriers for compliance with the National Safety Code standards. The audits verify the carriers' driver training program, vehicle maintenance safety program and the maintenance of driver safety and hours of service records.

The audits found that fewer than 30 percent of the general carriers in the Northwest Territories met the regulatory requirements of the National Safety Code. In marked contrast, the audits also found that 75 percent of the territorial carriers involved in the transportation of dangerous goods were in compliance.

There is clearly much room for improvement in the safety related performance of the territorial trucking industry. At the same time, it is encouraging to note the substantially greater attention and responsibility shown on matters of transport safety by the carriers of dangerous goods.

SUMMARY

In its second year working with the *Transportation of Dangerous Goods Act (1990)*, the Department is pleased with the positive response the trucking industry has made to the legislation. Education remains the Department's preferred approach to achieving improved industry compliance. The Department's Highway Transport Officers answer inquiries on a daily basis from industry concerning the requirements for the movement of dangerous goods. The combination of industry education and regular mechanical safety and dangerous goods inspections is responsible for the low number of infractions and violations recorded in 1992. The *Transportation of Dangerous Goods Act (1990)* is proving successful in ensuring that cargoes of dangerous goods move safely on the territorial public highway system.

REPORT TO THE LEGISLATIVE ASSEMBLY -
TRANSPORTATION OF DANGEROUS GOODS ACT (1990)

ፌዴራል ግብርና ለግብርና ለግብርና ለግብርና ለግብርና
ፌዴራል ግብርና ለግብርና ለግብርና ለግብርና ለግብርና
(1990)

አይታይም ሰነድ:

ግብርና ለግብርና ለግብርና ለግብርና ለግብርና

ግብርና ለግብርና ለግብርና ለግብርና ለግብርና

