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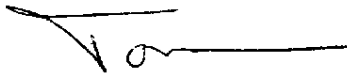
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SUBJ: CANADIAN SHIPMENTS OF HAZARDOUS MATERIALS

VISTA

The attached article summarizes recent changes in the Canadian Transport of Dangerous Goods Regulations. I don't believe they impact us but as stated in the article reciprocity with the Canadian rules is "getting a little complicated".

I would suggest you review all Canadian shipments made routinely or regularly on occasion to assure we are meeting the Canadian TDG compliance needs as well as the US DOT regulations.



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Attachment

Transportation Contacts

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VVV 000009553

New Canadian Regulations Will Affect Some U.S. Shipments

Two recent amendments to Canada's Transportation of Dangerous Goods Act (TDG) - one on reciprocity with the U.S. and another expanding the list of regulated materials - affect certain hazardous materials shipments moving from the United States to Canada.

With Amendment Schedule 12, the TDG now contains reciprocity language similar to 49 CFR.

According to Nancy Porter-Cathcart of Transport Canada, this means highway and rail shipments "from the U.S., not regulated by 49 CFR, but regulated by TDG, are now required to comply with TDG."

The change "parallels" and "equalizes" the Canadian regulations on reciprocity with those of the U.S., Cathcart said.

Section 171.12a(1) of 49 CFR says imports from Canada not subject to TDG regulations, but considered hazardous materials under 49 CFR, must be transported in compliance with U.S. regulations.

The significance of the Canadian reciprocity change is magnified by another recent TDG amendment.

Amendment Schedule 8, which aligns TDG more closely with the UN Recommendations, adds to Canada's list of regulated dangerous goods. Many of the newly regulated materials are not covered by 49 CFR and U.S. exporters should check the TDG before sending shipments to Canada.

Notably, TDG will continue to parallel 49 CFR for class 3 materials with a flashpoint between 37.8 degrees C (100 degrees F) and 61 degrees C (141 degrees F) in packages of 454 L or less. Canada will not regulate these shipments for road or rail.

Among the newly regulated materials are UN classified 6.1 Poisons in packing group III which require a "stow away from foodstuffs" label. These materials are now regulated by TDG for road and rail, but not 49 CFR.

U.S. shippers of these materials must therefore abide by Canadian regulations. Retroreflective "Harmful - Stowaway from Foodstuffs" placards must be applied where applicable on rail cars and trucks.

Canada's "regulated limit" amounts for hazardous substances are substantially lower than the U.S. "reportable quantity." For instance, a substance with an RQ of 5000 pounds under 49 CFR may only have a regulated limit of 500 in Canada.

Differences between 49 CFR and other regulatory schemes does not present "a totally new situation," said Ed Mazzullo, chief of RSPA's Standards Division.

For international shipments of UN-regulated materials, not covered in 49 CFR, "we tell people they may ship by the IMDG or ICAO - provisions in our regulations (49 CFR) permit labeling, placarding and marking as long as shipping papers indicate its not regulated by DOT," Mazzullo told HMAC.

"I don't see where you have any option but to comply with Canadian regulations when exporting to Canada."

"We don't prohibit placards in compliance with the TDG for materials not regulated by the U.S.," Mazzullo said, citing Section 172.502 (c)(2) of 49 CFR.

Section 171.12a, which outlines DOT's rules on reciprocity with Canada, does not address non-DOT regulated materials.

DOT is deciding whether to "provide additional clarification and guidance language," Mazzullo said.

"I think we have to sit down with the Canadians and discuss reciprocity. It's getting a little complicated and we're all aware of that."