



Transportation Committee

March 3, 2020
1:00 PM ET

Members:

Jim Bellwood, Highlands Propane & Chair
Steve Hilderley, Macdougall Energy
Mike Gaulin, Maxquip
Daryl Patjas, Maxquip
Ken Gillis, Superior Propane
Floyd Running, Diversco Supply
Patrick Knight, ERAC
Todd Sande, Pembina
Nick Robichaud, Nova Chemicals
Alex Beatty, Beatty Petroleum Consulting
Clint Hillman, Superior Propane BC
Gerald Bartels, Superior Propane
Ken Fotty, Superior Propane
Debbie Millington, Superior Propane

CPA Staff:

Robert Loenhardt, Moderator
Allan Murphy
Marcelline Riddell

SUMMARY

1. Welcome and Acknowledgement of CPA Competition Law Compliance Statement

The meeting was called to order at 1:15 PM ET.

The Chair, Jim Bellwood, welcomed all participants to the meeting and the CPA Competition Law Compliance Statement was acknowledged as read.

2. Review of the Summary of the November 28, 2019 meeting

The summary of the November 28, 2019 Transportation meeting was reviewed and accepted, as presented.

3. Cross Country Checkup

Robert Loenhart provided information from the Atlantic region

- Atlantic –
 - Task Force 176 to review Gas Regulations 84-176 and Boiler and Pressure Vessel Act for the province of New Brunswick.
 - The role of the Task Force is to make recommendations for revisions and modernizations of NB Regulation 84-176. The entire process should take approximately 6-8 months. During that time, the Task Force will meet once a month to review the current regulation in place and look to make improvements for the gas industry (propane, natural gas and medical gas) in NB.
 - One of our main asks is recommending the removal of all training requirements for filling propane vehicles at Card Lock and Key Lock facilities and the approval of the adaptation of PTI's Auto Propane Conversion and Inspection Course - 200-11.
 - There has been 3 meetings so far and the next meeting is scheduled for March 12, 2020.
 - Auto propane:
 - The city of Sydney, NS (CBRM) is still considering propane vehicles, especially for police cars for their region. Some discussions with the Chief of Police were positive; Jean-Francois Duguay is assisting with correspondence and the information they need to move forward with the project.
 - Spring weight load restrictions:
 - NB - Spring weight restrictions for truck traffic will come into effect on Monday, March 2 in southern New Brunswick, and on Monday March 9 in northern New Brunswick. Restrictions will continue until midnight on Sunday, May 17 in southern New Brunswick and until midnight, Sunday, May 24 in northern New Brunswick. The duration of the restriction period is determined by monitoring weather conditions and tracking the progress of the thaw, using sensors located around the province. These dates are dependent upon weather conditions and are subject to change.
 - NS – On Monday, March 2, 2020, spring weight restrictions will be implemented in the following counties: Halifax, Hants, Colchester, Cumberland, Pictou, Yarmouth, Shelburne, Queens, Lunenburg, Digby, Annapolis and Kings. And as of Monday, March 9, 2020, restrictions will also be implemented in these counties: Antigonish, Guysborough, Richmond, Inverness, Victoria and Cape Breton.

Québec – No change

Ontario – Marcelline Riddell provided a short update:

- Rail issues have prompted a request for HOS exemption. Federal was basically a refusal.
- Not much happened on the Transportation side.

Western Region – Allan said interviews will soon be conducted for the Western Regional Director.

4. Rail to Truck Transfer

ISSUE: Requirements for the transfer of propane are not consistently applied in Canada, particularly in federal facilities.

EXPECTED OUTCOMES: Support the review and promote appropriate regulatory requirements for the safe transfer of propane from rail to truck on federal facilities.

BACKGROUND: In the CPA's view, safety requirements should be consistently applied to different types of transfers, which is not currently the case between federal and provincial facilities.

Provincially regulated facilities require extensive approvals and regular inspections. Federally regulated facilities do not require the same level of safety. For example, the following are key requirements that are contained in the CSA B149.2 – Propane storage and handling code but not in the Transportation of Dangerous Goods Regulations:

- Defined setbacks and clearances
- Electrical equipment classification
- Specific safety protection on transfer systems (e.g., shear point)
- Fencing and barrier protection (e.g., posts, guardrails, barriers)

A recommendation was made to, and rejected by, Transport Canada, as it was deemed outside of their jurisdiction. Given the CSA B149.2 Technical Committee and the Interprovincial Gas Advisory Council also deemed they did not have jurisdiction, the question of who has jurisdiction needs to be answered, and then the requirements harmonized.

ACTIVITIES: Transport Canada has been engaged on numerous occasions without receiving a reply.

NEXT STEPS: Continue the dialogue and follow up with a strategy, if required, to ensure appropriate measures are adopted for the safe transfer of propane from rail to truck on federal facilities.

5. TP 14877E Rail Loading Issue

ISSUE: There are multiple interpretations of Special Provision 61 (a), on the definition of storage.

EXPECTED OUTCOME: Support members in obtaining adequate solutions and a change in the standard to reflect transport realities.

BACKGROUND: The standard covers large means of containment used in the handling, offering for transport and transport of dangerous goods by rail. 61 (a) specifies that a winter loading temperature can be used if it meets conditions a-d. The definition of storage of a rail car is in question, when a car is stopped before it reaches the end user.

61. For liquefied petroleum gas and anhydrous ammonia loaded in tank cars, during the winter

months of November through March, the following winter reference temperatures may be used if:

- a. the tank car is shipped directly to a consumer for unloading and not stored in transit.
- b. the offeror of the tank car informs each customer that winter reference temperatures were used at the time that the tank car was filled.
- c. the tank car is unloaded as soon as possible after the month of March in order to retain the specified outage and to prevent a release of dangerous goods which might occur due to the tank car becoming liquid full at higher temperatures and
- d. the winter reference temperatures are
 - i. 38°C (100°F) for a non-insulated tank car;
 - ii. 32°C (90°F) for a tank car having a thermal protection system incorporating a metal jacket that provides at 15.6°C (60°F) an overall thermal conductance less than or equal to 10.2 kJ/h·m²·°C (0.50 Btu/h·ft²·°F); or
 - iii. 29°C (85°F) for an insulated tank car when the overall thermal conductance is equal to or less than the minimum required of a Class 105 or 120.

*Source: <https://www.tc.gc.ca/media/documents/tdg-eng/TP14877E> pdf page 132

ACTIVITIES: The CPA convened a meeting with members and Transport Canada on 14 January 2020 to explain the situation and advocate for winter loading temperature to be used even when rail cars are stopped in transit before the end user. Transport Canada indicated that they needed more information and would reach out to rail. Having not heard back, CPA reached out for an update and on 18 February 2020 Transport Canada indicated difficulties receiving the information required from rail due to the blockade.

NEXT STEPS: Continue to follow up with Transport Canada.

6. Electronic Shipping Documents Regulatory Pilot

Transport Canada is conducting a new pilot project to test the feasibility of using electronic shipping documents for dangerous goods/hazardous materials.

A brief summary of the project can be found in the link below.

<http://gazette.gc.ca/rp-pr/p1/2020/2020-02-15/html/notice-avis-eng.html#ne5>

The following is a snapshot of the project that will soon be launched:

- Businesses will have the opportunity to use electronic shipping documents instead of paper copies, provided that they are able to demonstrate an equivalent level of safety

- Following the application process, an equivalency certificate will be issued to businesses for the duration of the pilot project
- This equivalency certificate will also be recognized in the U.S. as Transport Canada and U.S. Department of Transport, Pipeline Hazardous Materials Safety Administration will be working together on this project
- During this pilot, Transport Canada will be collecting data from participating businesses, first responders, and inspectors, to provide evidence-based recommendations for future regulatory proposals
- A new IT system will not be imposed nor a specific technology

If you would like to participate in the pilot, please contact Robert Loenhardt at robertloenhardt@propane.ca.

7. Highway Tank Certification Facilities Issue

ISSUE: Transport Canada's (TC) focus on inspecting highway tank facilities resulted in non-compliances being identified and suspension of the majority of inspection facilities capable of conducting B620 required duties and functions. This resulted in a deficiency of facilities capable of providing inspections and remounts in central and eastern Canada. Delays in reopening these facilities could cause long delays in recertification and remounting practices from Ontario to the east coast.

EXPECTED OUTCOME: Support industry to gain compliance and reopen highway tank facilities.

BACKGROUND: A Transport Canada Transportation of Dangerous Goods (TC TDG) inspection blitz suspended 5 of the 7 facilities in the eastern regions due to identified non-compliance issues. These closures leave members east of Toronto with only two facilities currently capable of responding to their maintenance and remounting needs. With the maintenance season fast approaching, these facilities need clear strategies for regaining their status as B620 tank maintenance facilities.

ACTIVITIES: CPA reached out to TC TDG to request clarity regarding specific issues these facilities are experiencing and received feedback of general examples. This information has been passed on to members.

NEXT STEPS: CPA will continue to press for further clarification for specific facilities who identify that they are still experiencing difficulty and communicate this to TC.

8. Client Information Data Base Transport Canada

ISSUE: Transport Canada plans to implement a Transportation of Dangerous Goods Client Identification Database (TDG CID).

EXPECTED OUTCOME: Ensure the proposed regulation is adapted to members' activities.

BACKGROUND: TDG CID is being developed to address recommendations from the Office of the Auditor General and Transportation Safety Board to improve knowledge and awareness of its transportation of dangerous goods stakeholder base. Implementing this database will require changes to the TDG Act and its regulations. Following this, TDG expects to launch the database via an online platform in 2021.

Industry feedback on the CID has been negative due to the high level of administrative burden and repetition of other government databases.

ACTIVITIES: The CPA communicated to members in the *Regulatory Affairs Newsletter* on February 22, 2018 the consultation period for the proposed TDG CID. The consultation results were communicated to members on March 29, 2018.

The CPA attended Transport Canada's CID Update Webinar on January 22, 2020. This webinar provided additional details but no clarity on how the system will work and be integrated with other data entry regulatory requirements.

NEXT STEPS: The CPA will continue to advocate against the repetition of data collection within and between government agencies and is planning to meet with TC in the spring of 2020 to discuss challenges within the propane industry.

9. Next Meeting

Jim Bellwood indicated the next meeting should coincide with the Ontario Summit to enable some members to present face-to-face, while others call in. Details to follow once infrastructure can be confirmed.

10. Other Business

Robert Loenhardt brought forward some additional concerns not indicated on the agenda.

Rail Security – Request for feedback in the *RA Newsletter* on **Security Awareness Training and Implementation of Security Plans**. Deadline for feedback is March 10, 2020.

Gap on date for feedback. TC didn't realize propane had security measures already. Loader side needs to provide feedback so we can get TC the response.

Hours of Service request for federal exemption. Update: the exemption will likely not be approved. Transport Canada feels it is necessary for regions to declare an emergency situation before the federal government will approve the request. Individual members are encouraged to apply for Hours of Service Exemptions as they would be better able to provide the information TC is requiring in their regions.

Adjournment

The meeting was adjourned at 1:51 PM ET.