

MINISTER OF TRANSPORTATION'S REPORT TO THE LEGISLATIVE
ASSEMBLY FOR 2013 ON THE TRANSPORTATION OF DANGEROUS GOODS
ACT (1990)

INTRODUCTION

The Northwest Territories *Transportation of Dangerous Goods Act* (1990), which is the territorial complement of the federal *Transportation of Dangerous Goods Act*, came into effect on August 1, 1991. The *Transportation of Dangerous Goods Regulations* were first amended on August 15, 2002 to meet the clear language requirements. Where the federal legislation applies to the transportation modes subject to its jurisdiction (i.e., air, marine, rail and road transport), the territorial Act applies to road transport operations. In the interests of consistency and national uniformity, the territorial Act references the federal regulations pursuant to the federal Act. In this way, dangerous goods moving in Canada from one mode of transportation to another and/or between jurisdictions are always subject to the same regulations.

Section 62 of the *Transportation of Dangerous Goods Act* requires the Minister of Transportation to table an Annual Report during the first session of the Legislative Assembly following the calendar year that is subject of the report. The report must describe:

- Permits and applications made under the *Act*;
- Amendment, cancellation or suspension of any permits issued under the *Act*;
- Orders issued under subsection 31 (1);
- Reports of road transport related spills made under subsection 34 (1);
- Directives issued under subsection 35 (1);
- Appeals made under section 36;
- Any action taken by the Government of the Northwest Territories for the recovery of reasonable costs and expenses under section 38;
- Proceedings instituted in respect of an offence under this *Act* or *Regulations*; and
- Convictions for a contravention under the *Act* or *Regulations*.

PROFILE OF DANGEROUS GOODS ON NORTHWEST TERRITORIES HIGHWAYS

The Department of Transportation's Road Licensing and Safety Division currently employ 10 Highway Transport Officers who weigh and inspect motor carrier traffic reporting to its weigh scale facilities at Enterprise, and Inuvik. On road monitoring of motor carrier traffic is also conducted by the Highway Transport Officers on mobile patrols in all regions. Highway Transport Officers are trained and designated as Dangerous Goods Inspectors.

While the weigh scales are open, the officers on duty record the types and approximate quantities of dangerous goods moving through their facility by noting the product identification numbers affixed to the vehicles. The volume of specific dangerous goods is determined by averaging the volume for each vehicle configuration and product. In 2013, approximately 8,297 loaded transports reported to the Enterprise and Inuvik scales for inspection. Of these 2,275 were transporting dangerous goods. According to these figures, about 27 percent of the loaded transport trucks travelling on Northwest Territories' highways are carrying dangerous goods. Hydrocarbon fuels account for the majority of dangerous goods traffic on the highway system. Traffic data from other sources, most notably the Fort Providence Weigh-in-Motion Scale, reported 18,032 northbound trucks in 2013, compared to 21,329 in 2012, a 15.5 percent decrease. It can be assumed that the quantities of dangerous goods transported in the Northwest Territories decreased by a similar amount.

The number of trucks reporting to each of the Weigh Scales and the number of those trucks carrying dangerous goods is shown in the following table.

Scale	Number of Trucks Reporting at Weigh Scales	Number of Trucks Carrying Dangerous Goods
Enterprise	6,449	1,797
Inuvik	1,848	478
Total	8,297	2,275

The following table lists the dangerous goods most commonly carried by truck transports in the Northwest Territories. These quantities are based on the traffic flow through the Weigh Scales at Enterprise and Inuvik during hours of operation.

Commodity	Enterprise	Inuvik
Fuel Oil/ Diesel – Heating	45,435,000 l	2,372,000 l
Gasoline – Automotive	6,506,000 l	1,531,500 l
Aviation Fuels	13,598,000 l	4,782,500 l
Propane	7,256,000 l	1,664,000 l
Ammonium Nitrate	1,571,000 Kg	0 Kg
Explosives	32 Trucks	0 Kg

PERMITS, APPLICATIONS and AMENDMENTS

There are provisions in the TDG Act for issuing permits, applications for permits and making amendments to permits. Section 4 allows the Minister to issue permits exempting the transportation of dangerous goods from the application of this Act or the regulations. Section 7 requires that a permit and an application for a permit must be in writing in a form approved by the Minister. Section 10 gives the Minister authority to amend, cancel or suspend a permit where he/she believes on reasonable grounds that the person holding the permit for his or her employees or agents have contravened this Act of the Regulations or a term or condition imposed on the permit.

There were no applications for permits and none were issued, amended, cancelled or suspended in 2013.

ORDERS

Under Section 31(1), an inspector may issue an order to the owner or person in charge of the dangerous goods from a container, packaging or vehicle transporting the dangerous goods if;

- there is a discharge or a reasonable likelihood of a discharge of dangerous goods from a container packaging or vehicle transporting the dangerous goods; or
- the dangerous goods are being transported in contravention of the *Act* or *Regulations*.

An order issued may require a person to cease transporting the dangerous goods, remove the dangerous goods or take any other measures that are necessary to protect life, health, property or the environment.

There were no formal, written orders issued in 2013.

REPORTS OF ROAD TRANSPORT RELATED SPILLS

Section 34 of the *Transportation of Dangerous Goods Act* require spills of dangerous goods be reported to the Northwest Territories' Spill Report Line. The Department of Aboriginal Affairs and Northern Development Canada established the Spill Report Line in 1979 by agreement with the federal and territorial agencies with responsibilities for dealing with dangerous goods spills.

The agreement establishes one telephone number to which 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. Aboriginal Affairs and Northern Development Canada, Environment Canada and the territorial Department of Environment and Natural Resources now administer the Spill Report Line on a two-year rotational basis. The Spill Report Line works well in quickly directing a report to the proper agency for a prompt response.

In 2013, 7 road transport related spills were reported to the spill line. Details of the spills are as follows:

Spill Number	Date	Location	Commodity	Spill Quantity
13-014	January 21, 2013	Mackenzie Valley Winter Road, km 750	Diesel Fuel	5000 L
13-047	February 7, 2013	Tibbitt to Contwoyto Winter Road, Portage 22	Diesel Fuel	13 L
13-049	February 8, 2013	Tii Cho Winter Road, between Whati Junction and Gameti	Oil	Unknown
13-065	February 19, 2013	Highway #3, km 74	Explosives & Diesel Fuel	20,000 kg 3,000 L

Spill Number	Date	Location	Commodity	Spill Quantity
13-243	July 9, 2013	Highway #3, km 199	Jet A Fuel	Unknown
13-269	July 31, 2013	Highway #3, km 5	Diesel Fuel	700 L
13-341	October 6, 2013	Highway #7, km 23	Diesel Fuel	Unknown

Summary of the above shows that three of the seven spills were required to be reported to the Spill Report Line and to be reported under the *Transportation of Dangerous Goods Act*. Three spills may have been required to be reported, but the quantity spilled was not known at the time of the reporting.

DIRECTIVES, APPEALS AND RECOVERIES

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.

Under Section 35.(1), if it is considered 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 intentions of the *Act*. Anyone receiving a directive under may appeal the directive to the Supreme Court within 60 days, but that person must comply with the directive until the appeal is finally settled.

The Government of the Northwest Territories may claim and recover reasonable costs and expenses incurred in taking any measures under 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 and no appeals to directives were made in 2013.

CITATIONS AND CONVICTIONS

In 2013 the Department of Transportation issued 10 Summary Offence Tickets for violations of the Northwest Territories *Transportation of Dangerous Goods Act* (1990) and the *Transportation of Dangerous Goods Regulations*.

Section	Description	Count
1.7(b)	Transporting dangerous goods without applicable prescribed documents.	1
3.5(1)(d)	Failing to include information required by regulations or shipping documents	1
3.6(c)(iii)	Transporting dangerous goods without applicable prescribed documents	1
4(2)	Displaying misleading safety marks	1
4.1	Transporting dangerous goods without displaying safety marks in accordance with Part 4	1
4.8(2)	Transporting dangerous goods without displaying safety marks in accordance with Part 4	1
5.1(3)	Transporting dangerous goods in a means of containment not maintained so that there is no accidental release	2
5.4	Fail to secure dangerous goods	1
6.1(1)(a)	Transporting dangerous goods without holding training certificate in accordance with Part 6	1
	Total:	10

