

MINISTER OF TRANSPORTATION'S REPORT TO THE LEGISLATIVE  
ASSEMBLY FOR 2012 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 and is amended from time to time. The *Transportation of Dangerous Goods Act* is the territorial complement of the federal *Transportation of Dangerous Goods Act*. The *Transportation of Dangerous Goods Regulations* were first amended on August 15, 2002 to meet the clear language requirements and is further amended from time to time. 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 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 employs 9 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 2012, approximately 9,984 loaded transports reported to the Enterprise and Inuvik scales for inspection. Of these 2,775 were transporting dangerous goods. According to these figures, about 28 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 21,329 northbound trucks in 2012, compared to 18,151 in 2011, a 17.5 percent increase. It can be assumed that the quantities of dangerous goods transported in the Northwest Territories increased 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	7,635	2,389
Inuvik	2,349	386
Total	9,984	2,775

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	58,157,000 l	2,481,000 l
Gasoline – Automotive	8,217,000 l	1,576,000 l
Aviation Fuels	16,552,000 l	4,288,000 l
Propane	8,080,000 l	520,000 l
Ammonium Nitrate	4,464,000 Kg	0 Kg
Explosives	22 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 2012.

## 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*.

There were no formal, written orders issued in 2012.

## SPILLS

Section 34 of the *Transportation of Dangerous Goods Act* require that 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 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. 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 2012, 5 road transport related spills were reported to the spill line. Details of the spills are as follows:

Spill Number	Date	Location	Commodity	Spill Quantity
12-020	January 30, 2012	Highway #7, km 130	Diesel-contaminated soil	unknown
12-028	February 4, 2012	Highway #7, km 40	Diesel-contaminated soil	3,000 kg
12-034	February 13, 2012	Highway #1, km 50 to km 322 and entire length Trout Lake Winter Road	Diesel Fuel	unknown
12-112	April 4, 2012	Hay River Airport, Main Apron	Aviation Fuel	100 L
12-267	June 25, 2012	Highway #3, km 156	Asphalt Oil	20 L

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

Of the five spills reported, four were required to be reported under the *Environmental Protection Act, Spill Contingency Planning and Reporting Regulations*. These regulations are more restrictive and not enforceable by Highway Transport Officers.

## 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 determined.

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 2012.

## CITATIONS AND CONVICTIONS

In 2012 the Department of Transportation issued 16 Summary Offence Tickets (SOTI's) 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.	3
4.1 (1)	Transporting dangerous goods without displaying safety marks in accordance with part 4	1
4.15(1)(d)	Transporting dangerous goods without displaying proper safety marks	1
4.19(2)(b)	Transporting dangerous goods without displaying safety marks in accordance with part 4	1
4.2	Displaying misleading safety marks.	2
4.8(2)(b)	Transporting dangerous goods without displaying safety marks in accordance with part 4	1
4.9(2)	Failing to cover or remove safety marks when danger no longer present in means of containment.	1
6.1(1)(a)	Transporting dangerous goods without being a trained person.	3
6.1(2)(a)	Employer directs employee to transport dangerous goods when employee is not adequately trained and does not hold training certificate in accordance with part 6	1
6.8	Failure to produce training certificate.	2
	<b>Total:</b>	<b>16</b>