

**COMPLIANCE CIRCULAR**

No. 5

August 19, 2002

SUBJECT: Amendments to the Transport of Dangerous Goods Regulation,
B.C. Reg. 203/85 and to the Violation Ticket Administration and
Fines Regulation, B.C. Reg. 89/97

Registrar of Drivers and Vehicles
Managers, West Esplanade, ICBC
Chair, Motor Carrier Commission
Provincial Manager of Compliance
Regional Managers of Compliance
Managers, Licensing
Air Care

Managers, Government St, Victoria
Motor Vehicle Inspectors
ICBC Appointed Agencies
Motor Carrier Department
Law Enforcement Agencies
Commercial Transport Inspectors
(Weigh Scales)

Carrier Safety Inspectors
Government Agents
(Authorized)
Driver Examiners
Driver Services Centres
Regional Vice Presidents
Trucking Industry

PURPOSE OF CIRCULAR:

To advise of recent changes to both the federal and provincial regulations governing the Transport of Dangerous Goods.

BACKGROUND

Existing federal regulations governing the transport of dangerous goods, which came into effect in July 1985, have been replaced with a new "clear" or "plain" language version of the *Transportation of Dangerous Goods Regulations* (SOR/2001-286).

The new federal regulations were enacted August 15, 2001, and came into force August 15, 2002. Provincial regulatory requirements governing the transport of dangerous goods were adopted directly from the federal standard and also came into force August 15, 2002. Adopting the federal regulation into BC's regulation, as all Canadian jurisdictions do, ensures inter-jurisdictional consistency and provides BC carriers transporting dangerous goods unimpeded access to neighboring jurisdictions.

The provincial revisions included consequent amendments to the *B.C. Violation Ticket Administration and Fines Regulation* (B.C. Reg 89/97). These amendments were necessary to ensure offences remained aligned with the regulatory provisions. Fine amounts were also amended. A copy of the amendments to the VTAR is attached for reference.

Industry has been training and preparing for the changes resulting from the new federal regulation for some time. The impact of the changes is expected to be minimal, as there is a reduced need for permits under the new federal regulations since the regulations incorporate a wider variety of options for safe TDG transport. In addition, the new federal regulations simplify marking and transport requirements.

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ICBC enforcement staff will be allowing for a period of adjustment and education in regard to the new regulations. For the period of August 15, 2002 to November 30, 2002, ICBC Compliance will take an educational approach with carriers in regard to any non-critical safety requirements contained in the new regulations. This approach, however, will not apply to hazardous or dangerous circumstances that pose a risk to public safety.

Inquiries may be directed to Corinne Price, Manager Transport of Dangerous Goods at (250) 414-7844.

A handwritten signature in dark ink, appearing to read "Robert G. Kroeker", with a long horizontal flourish extending to the right.

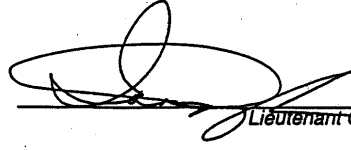
Robert G. Kroeker
Sr. Manager,
Compliance Operations

Attachment

PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 680 , Approved and Ordered JUL 26 2002


Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that, effective August 15, 2002, the Violation Ticket Administration and Fines Regulation, B.C. Reg. 89/97, is amended as set out in the attached Appendix.

DEPOSITED

JUL 26 2002

B.C. REG. 226/2002


Attorney General and Minister Responsible for
Treaty Negotiations


Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section:- Offence Act, R.S.B.C. 1996, c. 132

Other (specify):- oic 262/97

July 8, 2002

760 2002/13

APPENDIX

- 1 *The Violation Ticket Administration and Fines Regulation, B.C. Reg. 89/97, is amended in Column 2 of Schedule 1, item 1, paragraph (s), by striking out "SOR/85-77" and substituting "SOR/2001-286".*

- 2 *Schedule 2 is amended by repealing the headings and items for "Transport of Dangerous Goods Act" and "Transportation of Dangerous Goods Regulation of Canada (SOR/85-77 as adopted by B.C. Reg. 203/85, the Transport of Dangerous Goods Regulation" and substituting the following:*

Transport of Dangerous Goods Act

section 4 (2)	Non-compliance with terms of permit	\$500	\$75	\$575
section 5	Non-compliance with safety requirements	\$500	\$75	\$575
section 10 (a)	Fail to comply with inspector's request	\$500	\$75	\$575
section 10 (b)	Make false statement	\$500	\$75	\$575
section 10.(c)	Unauthorized interference	\$500	\$75	\$575
section 10 (d)	Obstruct inspector	\$500	\$75	\$575
section 21 (1)	Fail to report escape	\$500	\$75	\$575
section 21 (2)	Fail to mitigate danger	\$500	\$75	\$575
Every provision of the <i>Transport of Dangerous Goods Act</i> other than those specifically enumerated in this Schedule		\$200	\$30	\$230

Transportation of Dangerous Goods Regulations of Canada (SOR/2001-286 as adopted by B.C. Reg. 203/85, the Transport of Dangerous Goods Regulation)

section 1.6	Transport dangerous goods in excess of quantity limits set out in column 9 of Schedule 1	\$500	\$75	\$575
section 1.7 (b)	Transport dangerous goods without required shipping document	\$500	\$75	\$575
section 1.8 (a)	Transport explosives in a manner prohibited by the Regulations	\$500	\$75	\$575
section 1.16 (2) (a)	Transport forbidden dangerous goods	\$500	\$75	\$575
section 3.2 (4)	Fail to keep documents in a specified location	\$200	\$30	\$230
section 3.5	Transport dangerous goods without required information on shipping document	\$300	\$45	\$345
section 4.1	Transport dangerous goods without proper dangerous goods safety marks	\$500	\$75	\$575
section 4.2	Display misleading safety marks	\$500	\$75	\$575
section 5.1 (1)	Transport dangerous goods in a means of containment not permitted by the Regulations	\$500	\$75	\$575
section 5.1 (2)	Transport dangerous goods in a standardize means of containment not in standard	\$500	\$75	\$575
section 5.1 (3)	Transport dangerous goods in a means of containment not filled, closed, secured and maintained to prevent accidental release	\$500	\$75	\$575
section 5.3	Fail to display visible and legible certification safety marks	\$200	\$30	\$230

section 5.4	Load and secure dangerous goods in a means of containment in a manner that could lead to an accidental release	\$500	\$75	\$575
section 5.5	Fill means of containment with dangerous goods in excess of specified limits	\$400	\$60	\$460
section 5.7	Transport explosives in the same means of transport that are not in accordance with the compatibility table	\$500	\$75	\$575
section 5.9	Transport explosives in a net explosive quantity that exceeds that permitted by the Regulations	\$500	\$75	\$575
section 5.10	Transport Class 2 dangerous goods in improper means of containment	\$500	\$75	\$575
section 6.1 (1)	Transport dangerous goods without holding training certificate	\$500	\$75	\$575
section 6.1 (2)	Direct untrained person to transport dangerous goods	\$500	\$75	\$575
section 6.6	Fail to retain proof of training	\$200	\$30	\$230
section 6.8	Fail to produce training certificate immediately on request	\$200	\$30	\$230
section 8.1	Fail to immediately report an accidental release	\$500	\$75	\$575
Every provision of the regulations made pursuant to the <i>Transport of Dangerous Goods Act</i> other than those specifically enumerated in this Schedule		\$200	\$30	\$230