

TRANSPORTATION OF DANGEROUS GOODS: Understanding the New ERAP Assessment Framework



When a safety incident involving so-called 'dangerous goods' occurs while those goods are being transported by truck, rail, ship or air, the consequences can be very serious for workers, the environment and the general public. For example, in Dec. 2009, a CN freight train containing 22 tank cars loaded with dangerous goods derailed in Saskatchewan. Dangerous goods were released, resulting in a fire that burned for six days. All residents within a 1.6 km radius were evacuated. Fortunately, no one was injured. In such incidents, local authorities are often called upon to help, such as by providing specialized equipment or response teams. But they need adequate information to be able to assist effectively and safely.

So the *Transportation of Dangerous Goods Act* (TDGA) and *Consolidated Transportation of Dangerous Goods Regulations* (TDGA Regulations) require companies that transport or import certain dangerous goods to have emergency response assistance plans (ERAPs) to help local authorities effectively respond to incidents involving dangerous goods. ERAPs must be approved by Transport Canada. Its Transport Dangerous Goods Directorate developed a framework for assessing ERAPs, which took effect in Jan. 2013. Understanding the assessment framework will help you ensure that your ERAPs will pass muster. Here's an overview of the new framework.

AUDIT CHECKLIST: At OHSInsider.com, download an ERAP [box] audit checklist based on the Site Audit Report that remedial measures specialists complete that you can use to audit your ERAP, identify any deficiencies and address them before submitting it for approval.

TDGA Resources on OHS Insider

At OHSInsider.com, you'll find the following articles, tools and additional resources on complying with various TDGA requirements:

- **How to Comply with the TDGA Emergency Response Plan Requirements**
- **Complying with TDG Containment Requirements**
- **Incident Response: How to Comply with TDGA Incident Reporting Requirements**
- **How to Comply with TDGA Training Requirements**
- **How to Comply with TDGA Documentation Requirements**
- **TDGA: Update: Status of New TDGA Security Regulations**
- **Winners & Losers: When Is a 'Carrier' Responsible for TDGA Compliance'**
- **Winners & Losers: What Constitutes Due Diligence for Complying with TDGA Placard Requirements'**
- **Model TDGA Shipping Document**
- **TDGA Shipping Document Checklist**
- **ERAP Application Checklist**
- **Basic Competency Checklist for**

ERAP 101

Every jurisdiction has its own TDGA regulations that adopt the federal TDGA Regulations, including the ERAP requirements. Although there may be minor differences in some jurisdictions, the ERAP requirements contained in the federal TDGA Regulations essentially apply across Canada.

Part 7 of the TDGA addresses ERAPs in general. Part 7 of the TDGA Regulations spells out these requirements in more detail, covering:

- When an ERAP is required;
- How to apply for ERAP approval;
- What happens when an ERAP is approved or refused;
- How to apply for approval of a renewal or revision of an ERAP;
- What happens when a renewal or revision is approved or refused;
- What it means when an ERAP approval is revoked; and
- How to request a review of a decision to revoke or refuse an ERAP.

Insider Says: For information on complying with the ERAP requirements, see 'Hazardous Substances: How to Comply with the TDGA Emergency Response Plan Requirements.' And for more information on ERAPs in general, go to Transport Canada's webpage devoted to ERAPs.

ERAP Assessment Framework

In order to comply with the TDGA Regulations, your ERAP must be approved before the dangerous goods enter the transportation system. You submit an ERAP application to Transport Canada, where remedial measures specialists will review it. Using recommendations from a consultant, response operations unit members and remedial measures specialists developed the ERAP Assessment Framework to clearly define the assessment process for these applications and provide guidance and tools. The goal of the framework, which took effect in Jan. 2013, is to:

- Clarify Transport Canada's roles and responsibilities;
- Define clear processes for both Transport Canada and industry;
- Ensure monitoring and annual review of these

- processes;
- Help manage and coordinate national plans and emergency response contractors' assessments;
- Provide guidance and tools to Transport Dangerous Goods staff for proper documentation and follow-up; and
- Add risk evaluation to the process.

According to Transport Canada, the ERAP Assessment Framework covers the following key areas:

Which ERAPs Are Reviewed

- Transport Canada will use this framework to review [/box] ERAPs it receives from:
- Persons established in Canada who offer for transport or import dangerous goods that require an ERAP;
- Persons with power of attorney for a person outside of Canada that offers dangerous goods for transport; and
- Anyone that meets the definition of 'offer for transport' when more than one person meets that definition, except when the dangerous goods are offered by a manufacturer or producer. In that case, Transport Canada will issue these plans to the manufacturers or producers only since Part 7 of the Regulations requires them to use their own plans.

However, Transport Canada won't use this framework to approve ERAPs for response contractors who specializes in emergency response under Sec. 7.1(b) of the TDGA. It's currently developing a framework to address those activities.

Expiration Dates

It used to be that once an ERAP was approved, the plan was approved indefinitely unless it was revoked for some reason or the company needed to submit a new or revised ERAP because the company's activities changed significantly, such as if new dangerous goods were being transported. Now, however, all ERAPs will have an expiration date. The approval period will range from one to three years for interim approvals and five to seven years for final approvals, depending on the risk linked to the plan. As for existing approved ERAPs with no expiration date, Transport Canada will review and adjust them, as required.

Substance of ERAPs

An ERAP isn't meant to be a theoretical document'the plan must be capable of actually being implemented and effective in response to an actual release or anticipated release of dangerous goods. In fact, when assessing ERAPs, remedial measures specialists will take into consideration any relevant emergency response exercises you've conducted and reviews of responses to actual incidents involving the plan.

In addition, Transport Canada says the plans should, at a minimum, comply with

- Transporting Dangerous Goods**
- **TDGA Training Checklists**
- **Model TDGA Training Certificate**
- **TDGA Immediate Report Checklist**
- **TDGA 30-Day Follow Up Report Checklist**

CSA Z731-03, *Emergency Preparedness and Response*. Specifically, ERAPs should address the following aspects of Z731-03:

- Hazard identification and analysis;
- Roles and responsibilities;
- Resources;
- Third party agreements, if applicable;
- Emergency response procedures;
- Contact list;
- Equipment availability and maintenance;
- Records;
- Plan activation;
- Response actions;
- Situation assessment;
- Resource mobilization;
- Damage assessment; and
- Training and exercises.

Insider Says: You may also use an equivalent of this standard to develop your ERAP provided it addresses the above criteria.

AUDIT CHECKLIST: At OHSInsider.com, download an ERAP audit checklist based on the Site Audit Report that remedial measures specialists complete that you can use to audit your ERAP, identify any deficiencies and address them before submitting it for approval.

When and How to Submit Applications

You should prepare and submit an application form and other required documents for all new ERAPs and when the response capability of an existing plan has changed, such as because of a change in the nature of the dangerous goods being transported. Submit the ERAP itself with the application form and include a signed copy of any third party agreements for external emergency resources. (Use this ERAP Application Checklist to ensure that your application is complete.)

Transport Canada prefers that you submit applications to it electronically by emailing them to ERAPapplications@tc.gc.ca. However, it does permit you to send the completed application forms and documents to:

Chief, Enforcement and Response Operations – ASDB
Transport Dangerous Goods Directorate
330 Sparks Street, 9th floor Tower C
Ottawa, ON, K1A 0N5

Processing of Applications

Transport Canada will review applications within 15 business days of receiving them to confirm that all required information is included and valid. It'll return applications when information is missing, incomplete or believed to be inaccurate. Note that if you don't re-submit the information within a set timeline'usually three weeks'Transport Canada will refuse the original application and require you to submit a new one.

BOTTOM LINE

Transport Canada says that it believes the ERAP Assessment Framework will

promote national consistency and program efficiency and will ensure that specialized personnel and equipment are available in a timely manner to assist carriers and first responders at the scene of an incident involving dangerous goods. Understanding this framework will help you ensure that if you're required to have an ERAP, it's approved without any issues.