



ERAP Program Update

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June 2019 CEAEC Meeting





OUTLINE

- ERAP amendments to the TDG Regulations
- ERAP Webpage
- ERAP Online Services (EOS)
- Agreements between ERAP holders and third parties who provide response
- Awareness Material

Context of Regulatory Update

- Nearly 1000 approved ERAP, covering nearly 400 dangerous goods
- TDG Emergency Response Task Force (ERTF) created in April 2014
- 40 recommendations from the ERTF report in 2016 aimed at:
 - clarifying the processes for implementing an ERAP, and
 - collecting meaningful data to foster the continuous improvement of the ERAP program



Objective of the Regulatory Update

The amendments:

- Clarify ERAP implementation
- Enhance emergency preparedness and response
- Make administrative changes

Most changes are to Part 7 (ERAP) and Part 8 (Reporting) of TDG Regulations

Important Dates

- Canada Gazette Part II published on May 1st 2019
- Came into force on **June 1st 2019**
- Transition period of 9 months
 - **Until March 1, 2020 to comply**

Where to Find Information

- For rationale of changes, read the Regulatory Impact Analysis Statement (RIAS)
- Consolidated text now on Website (includes PDF)
- Consult ERAP website and guides



Part 3 – ERAP Info on Shipping Document

- Subsection 3.6(1) modified to restrict options to identify an ERAP on a shipping document
- Before: reference number of the ERAP issued by TC preceded or followed by the letters “ERP” or “ERAP” or “PIU”
- Now: can no longer use the letters “ERP”

Example: “~~ERP 2-9999 1-800-555-5555~~” or “**ERAP** 2-9999 1-800-555-5555” or “**PIU** 2-9999 1-800-555-5555”



Section 7.2 – ERAP Requirements

What dangerous goods need an ERAP?

- All ERAP requirements **remain the same** except for infectious substances

How to find out if your dangerous goods need an ERAP?

Who needs an ERAP?

- No longer just applies to the person who “offers for transport” or “import”
- Now refers to 7(1) of the TDG Act

Section 7.2 – Who needs an ERAP?

A person in Canada requires an approved ERAP when they:

- A.** import certain dangerous goods, or
- B.** offer for transport certain dangerous goods

Only when A or B does not apply, the person who requires an approved ERAP is the one who:

- C.** handles certain dangerous goods while in Canada, or
- D.** transports certain dangerous goods while in Canada

How do I find out if I need an ERAP?

Section 7.3 - ERAP Application Requirements

- Updated to reflect what we ask for in ERAP Online Services (EOS)
- Potential Accident Assessment (PAA) is replaced with Potential Incident Analysis (PIA)
- Must include analysis of at least 4 scenarios:
 - an anticipated release of dangerous goods
 - the release of less than 1% of the dangerous goods in a means of containment
 - the release of more than 50% of the dangerous goods in a means of containment, and
 - the exposure to fire of a means of containment that contains dangerous goods

Section 7.3 – PIA

Each scenario must include:

- the possible consequences of the release or anticipated release
- the measures, organized by tier, to be taken in response to the release or anticipated release for each scenario
- the identification of the persons responsible for taking the measures

Format and example of a PIA

Section 7.7 – Authorized Users

- Replaces Permitted Users
- No longer need to notify TC when permission is given or rescinded
- Person with an approved ERAP must give a written authorization to an authorized user
- Authorized user must be able to produce a copy of the authorization:
 - for 2 years after the day on which the authorization is no longer in effect, and
 - within 15 days after the day on which the authorized user receives a written request from the Minister

Section 7.7 – Authorized User Conditions

Similar conditions as before :

- Authorized user is not the producer of the dangerous goods
- ERAP applies to the mode of transport, means of containment and geographical location
- Person with the approved ERAP agrees to take measures to respond to a release or anticipated release

Section 7.8 – ERAP Implementation

- Formerly “activation”
- A **person with an approved ERAP** must implement to tier 1 or 2 in response to a release or anticipated release of dangerous goods

Tier 1	Tier 2
provide technical or emergency response advice as soon as possible after a request for the advice	provide technical or emergency response advice as soon as possible after a request for the advice
remotely monitor the response to the release or anticipated release	monitor the response to the release or anticipated release
	send ERAP emergency response resources to the location of the release or anticipated release



Part 8 – ERAP Incident Report

8.20 ERAP Incident Report

- **Person who has the charge, management or control must call the ERAP number** on the shipping document if the release or anticipated release of dangerous goods are or could be in excess of:
 - **Any quantity** of Class 1, 2, 3, 4, 5, 6, or 8
 - Level established in section 39 of the PTNSR, 2015 for Class 7
- An ERAP Incident report does not implement an ERAP.
- Notification to the person who has the ERAP
- Does not substitute any other reporting requirements



Part 8 – ERAP Incident Report

- 8.21 list information to be included in an ERAP incident report
- General information about the incident to the ERAP holder can make an informed decision on if and to what tier the ERAP must be implemented

Part 8 – ERAP Implementation Report

8.22 ERAP Implementation Report

- Must be made by phone to CANUTEC when a person implements an approved ERAP to tier 1 or tier 2

8.23 Information to be Included in an ERAP Implementation Report

- General information about the incident
- Information about the ERAP implementation and emergency measures taken

Summary of Reporting Requirements

Person who has charge, management or control of the means of containment	Emergency Report (8.2) to local authority responsible for responding to emergencies	Release or anticipated Release report (8.4)* to CANUTEC	Dangerous Goods Accident or Incident Report — Air (8.9)* to CANUTEC	ERAP Incident report (8.20) to the person who has the ERAP, by calling the ERAP phone number
Person who has an ERAP				ERAP Implementation Report (8.22) to CANUTEC

*A 30-Day Follow-up report must then be made by the same person or the person's employer

How does this all come together?

ERAP Webpage Recap






- All new ERAP Webpage
- Now has up to date information about the ERAP program
- Walk you through the entire ERAP application process
- Supported by 4 guides found at bottom of each page
 - Find out if you need an ERAP
 - Prepare your ERAP
 - Apply for approval of an ERAP
 - Once you have an approved ERAP
- Sets what we expect from you and what you can expect from us

ERAP Online Services (EOS)

- Launched January 28th 2019
- Online application process for submitting or updating an ERAP
- **Transport Canada will no longer accept PDF Forms, emails or telephone calls to change or submit an ERAP**
- Connect via your online banking login or GCKey
- Once connected, you can:
 - Add or edit contacts and delegated ERAP writers
 - Create, view or edit an ERAP application
 - Retrieve a copy of your approval document



ERAP Online Services (EOS)

▼ ERAP Account
Your Companies
Edit Your ERAP Account
▼ ERAP Resources
General Information 
ERAP Calculator 
How To Guide 
Frequently Asked Questions 
Contact Us 

Your Companies

▼ About Your Companies

Here you will find a list of companies associated to your [ERAP Account](#). This is where you can add a new or already registered company to your account.

For each company, you can:

- Access the [ERAP dashboard](#)
- Edit company information
- Edit your contact information
- Add or Edit Contacts/Delegated [ERAP Writers](#)

1

[On Point Chemicals Corp.](#) | [Chemsoft Corp.](#)

[Add or Join a Company](#)

List of Your Companies

2

Company: On Point Chemicals Corp.



[Create or View Existing ERAPs](#)



[Add or Edit Contacts or ERAP Writers](#)

3



[Edit your Company Information](#)



[Edit your Contact Information](#)

[Top](#)

Company: Chemsoft Corp.



[Create or View Existing ERAPs](#)



[Add or Edit Contacts or ERAP Writers](#)



[Edit your Company Information](#)



[Edit your Contact Information](#)



ERAP Online Services (EOS)

► [ERAP Account](#)

▼ [Chemsoft Corp.](#)

[ERAP Dashboard](#)

► [ERAP Resources](#)

ERAP Dashboard - Chemsoft Corp.

▼ About the ERAP Dashboard

The ERAP Dashboard shows a list of ERAPs for the company you have selected. This is where you will find information on the status of your approvals and the expiry dates of your ERAPs.

Estimated time to complete this section: **3 minutes**

ERAPs

- For each row below, you can:
- View or delete an ERAP
 - Update an approved ERAP
 - Renew your ERAP within 6 months of its expiry
 - View previous versions of an ERAP, when applicable
 - Request the termination of an approved ERAP when it is no longer needed

ERAPs

ERAP Name or Number	Status	ERAP Expiry Date	Actions
Chemsoft Flammable Liquids	New Application in Progress		Delete
2-6789	Approved	Up for Renewal 2019-01-03	Update Terminate Renew



ERAP Online Services (EOS)

▼ ERAP Account	
Your Companies	2
Edit Your ERAP Account	
▼ Chemsoft Corp.	
ERAP Dashboard	3
▼ ERAP Chemsoft Flammable Liquids Sections	
Company Operations	<input checked="" type="checkbox"/>
ERAP Contacts	<input checked="" type="checkbox"/>
Delegated ERAP Writer	<input checked="" type="checkbox"/>
Dangerous Goods	<input type="checkbox"/>
Communications	5 <input checked="" type="checkbox"/>
Third Party Response	<input type="checkbox"/>
Response Locations	<input type="checkbox"/>
Response Personnel	<input type="checkbox"/>
Response Capabilities	<input type="checkbox"/>

Company Operations (Section 1 of 12) 1



About This Section

To complete this section, provide:

- The activities that best describe your company's operations
- The number of sites involved in the transportation of dangerous goods
- A narrative description of your company's activities

Estimated time to complete this section: **3 minutes**

Company Operations Details

Which of the following activities best describe your company's operations requiring an **ERAP**?
(Required)

Select all that apply.

4	<input checked="" type="checkbox"/> Distribution
	<input type="checkbox"/> Emergency Response
	<input type="checkbox"/> Freight Forwarding
	<input type="checkbox"/> Home Deliveries
	<input type="checkbox"/> Importing
	<input checked="" type="checkbox"/> Manufacturing/Production
	<input type="checkbox"/> Waste Consignment
	<input type="checkbox"/> Other

ERAP Online Services (EOS)

▼ **ERAP Account**

Your Companies **2**

Edit Your ERAP Account

▼ **Chemsoft Corp.**

ERAP Dashboard **3**

▼ **ERAP Chemsoft Manual Requirements Section**

Company Operations ☒

ERAP Contacts ☒

Delegated ERAP Writer ☒

Dangerous Goods ☐

Communications **5** ☒

Third Party Response ☐

Response Locations ☐

Response Personnel ☐

Response Capabilities ☐

Company Operations (Section 1 of 12) **1**

i ▼ About This Section

To complete this section, provide:

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- The number of sites involved in the transportation of dangerous goods
- A narrative description of your company's activities

Estimated time to complete this section: **3 minutes**

Company Operations Details

Which of the following activities best describe your company's operations requiring an ERAP?
(Required)

Select all that apply.

☒ Distribution

Emergency Response

Freight Forwarding

Home Deliveries

Importing

☒ Manufacturing/Production

Waste Consignment

Other

Is there a guide to help you apply for approval of an ERAP using EOS?



ERAP Online Services (EOS)

▼ ERAP Account	
Your Companies	2
Edit Your ERAP Account	
▼ Chemsoft Corp.	
ERAP Dashboard	3
▼ ERAP Chemsoft Flammable Liquids Sections	
Company Operations	<input checked="" type="checkbox"/>
ERAP Contacts	<input checked="" type="checkbox"/>
Delegated ERAP Writer	<input checked="" type="checkbox"/>
Dangerous Goods	<input type="checkbox"/>
Communications	5 <input checked="" type="checkbox"/>
Third Party Response	<input type="checkbox"/>
Response Locations	<input type="checkbox"/>
Response Personnel	<input type="checkbox"/>
Response Capabilities	<input type="checkbox"/>

Company Operations (Section 1 of 12) 1

About This Section

To complete this section, provide:

- The activities that best describe your company's operations
- The number of sites involved in the transportation of dangerous goods
- A narrative description of your company's operations

Estimated time to complete this section is 15 minutes

Company Operations Details

Which of the following activities best describe your company's operations requiring an ERAP?

(Required)

Select all that apply

- ☒ Distribution
- ☐ Emergency Response
- ☐ Freight Forwarding
- ☐ Home Deliveries
- ☐ Importing
- ☒ Manufacturing/Production
- ☐ Waste Consignment
- ☐ Other

When to Update Your Application in EOS

- If you have an approved ERAP, you will need to reapply online using EOS:
 - When any of the information in section 7.3 of the TDG Regulations changes during your approval period
 - At least 20 business days before your ERAP expires, if you still require your ERAP
 - **By January 2021** (within 2 years of the release of EOS), even if your approval period extends beyond that date

Third Party Agreements for ERAPs

- If you are using third parties for response, agreements must be included with your ERAP application as per the TDG Regulations
- A **third party responder agreement** is an agreement **between the ERAP holder and a third party** (ER contractor or mutual aid partner) listed in the ERAP that will provide technical or emergency response advice and/or provide resources to respond to a release or anticipated release on the ERAP holder's behalf

Important Definitions

- A **primary emergency response contractor** manages a response network that includes emergency response sub-contractors and/or mutual aid partners
- An **emergency response sub-contractor** is an ER contractor that is part of a response network for an ERAP
- **Mutual aid partners** are, for example, organizations that share and exchange resources with each other to facilitate the response at the site of a release or anticipated release

What an Agreement Looks Like

- An agreement should describe the nature of the services provided, be a signed document and should include, for example:
 - The person providing the services or support
 - The person receiving the services or support
 - The date the agreement is signed
 - The date the agreement expires, if applicable
 - The dangerous goods, modes of transport and means of containment that apply
 - The geographical areas covered
 - The conditions of the agreement
 - The ERAP reference number, if available
 - The phone numbers to initiate the services or support

Agreements Signatures

- An ERAP holder may have one or many agreements
- All third party responders listed in the ERAP must be part of an agreement
- A **response contractor agreement** must be signed by both the ERAP applicant and one or many emergency response contractors depending on the nature of the agreement
- A **mutual aid agreement** must be, at minimum, signed by the person offering the mutual assistance

Agreement Types and Options

- For example, an agreement can be a document signed by the applicant and:
 - a single response contractor per response location
 - a single response contractor for multiple response locations
 - several response contractors for multiple response locations
 - the primary response contractor and the response sub-contractors for multiple locations
 - the primary response contractor that is signing on behalf of response sub-contractors
 - These sub-contractors must be listed in the agreement
 - This agreement must refer to one or many agreements signed between the primary contractor and the sub-contractors, which must be included in your ERAP application

Agreement Purpose and Updates

- During the review of the ERAP application, signed agreements serve as evidence that there are measures in place to respond to a release or anticipated release
- All agreements must remain valid throughout the approval period of the ERAP and reflect the actual resources that can be provided
- If conditions of the agreement change, the ERAP holder must update their ERAP application in EOS
- Unless a change has been made, Transport Canada will consider these documents as applicable until the next renewal period

TDG Safety Awareness Program

TDG SAFETY AWARENESS KITS

- Aimed at four specific audiences: First Responders, Communities/Municipalities, Industry and the General Public.
- Kits include information on:
 - ✓ Emergency preparedness and response;
 - ✓ Protective Direction No. 36;
 - ✓ Safety Advisories (e.g., lithium batteries);
 - ✓ Bulletins;
 - ✓ CANUTEC;
 - ✓ And much more!
- Updated regularly and available online at:



<http://www.tc.gc.ca/eng/tdg/awareness-materials-and-faq-1159.html>.

TDG Safety Awareness Program

TDG NEWSLETTER

- Available upon request and distributed electronically free of charge to more than 9,000 subscribers in Canada and abroad.
- Provides useful information on the safe transportation of dangerous goods.
- Subscribe now at: <http://www.tc.gc.ca/eng/tdg/newsletter-menu-268.htm>.





TDG CONTACTS

For general TDG information: TDG-TMD@tc.gc.ca

Safety Awareness Team:

TC.TDGSafetyAwareness-SensibilisationalasecuriteduTMD.TC@tc.gc.ca

Response Operations Team:

TC.ChiefResponseOperations-ChefOperationsDeReponse.TC@tc.gc.ca

For emergencies (24 hours a day, 7 days a week) dial:

- **1-888-CANUTEC,**
- **(613) 996-6666** or
- ***666** on a mobile phone (in Canada only).

Websites: www.tc.gc.ca/tdg

www.tc.gc.ca/canutec

<http://www.tc.gc.ca/eng/tdg/erap-menu-72.htm>

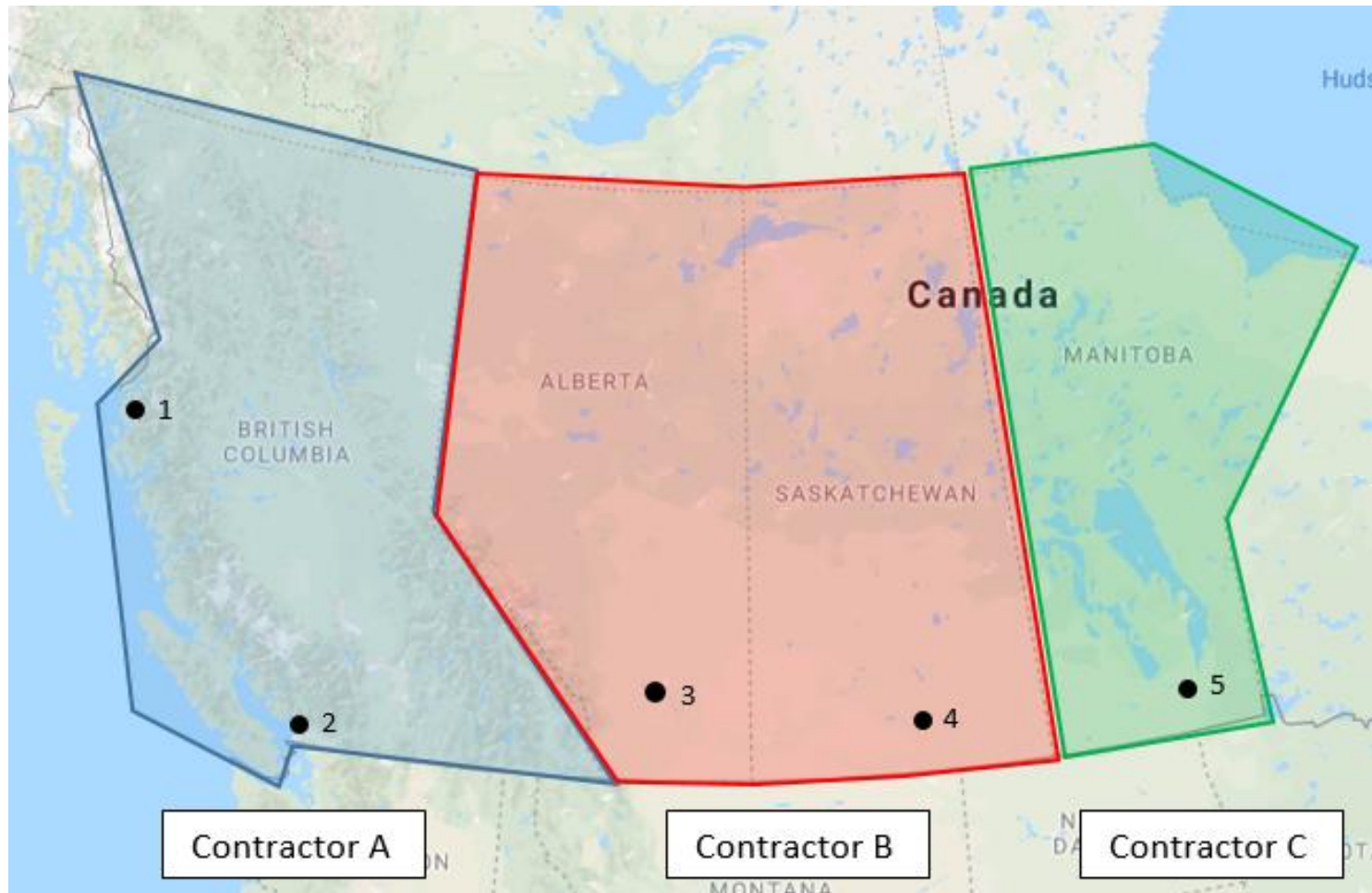
TDG CONTACTS

TDG Regional Offices		
Region	Telephone Number	Email address
Atlantic	1-866-814-1477	TDG-TMDAtlantic@tc.gc.ca
Quebec	1-514-633-3400	TMD-TDG.Quebec@tc.gc.ca
Ontario	1-416-973-1868	TDG-TMDOntario@tc.gc.ca
Prairie & Northern Region	1-888-463-0521	TDG-TMDPNR@tc.gc.ca
Pacific	1-604-666-2955	TDGPacific-TMDPacifique@tc.gc.ca



Questions?

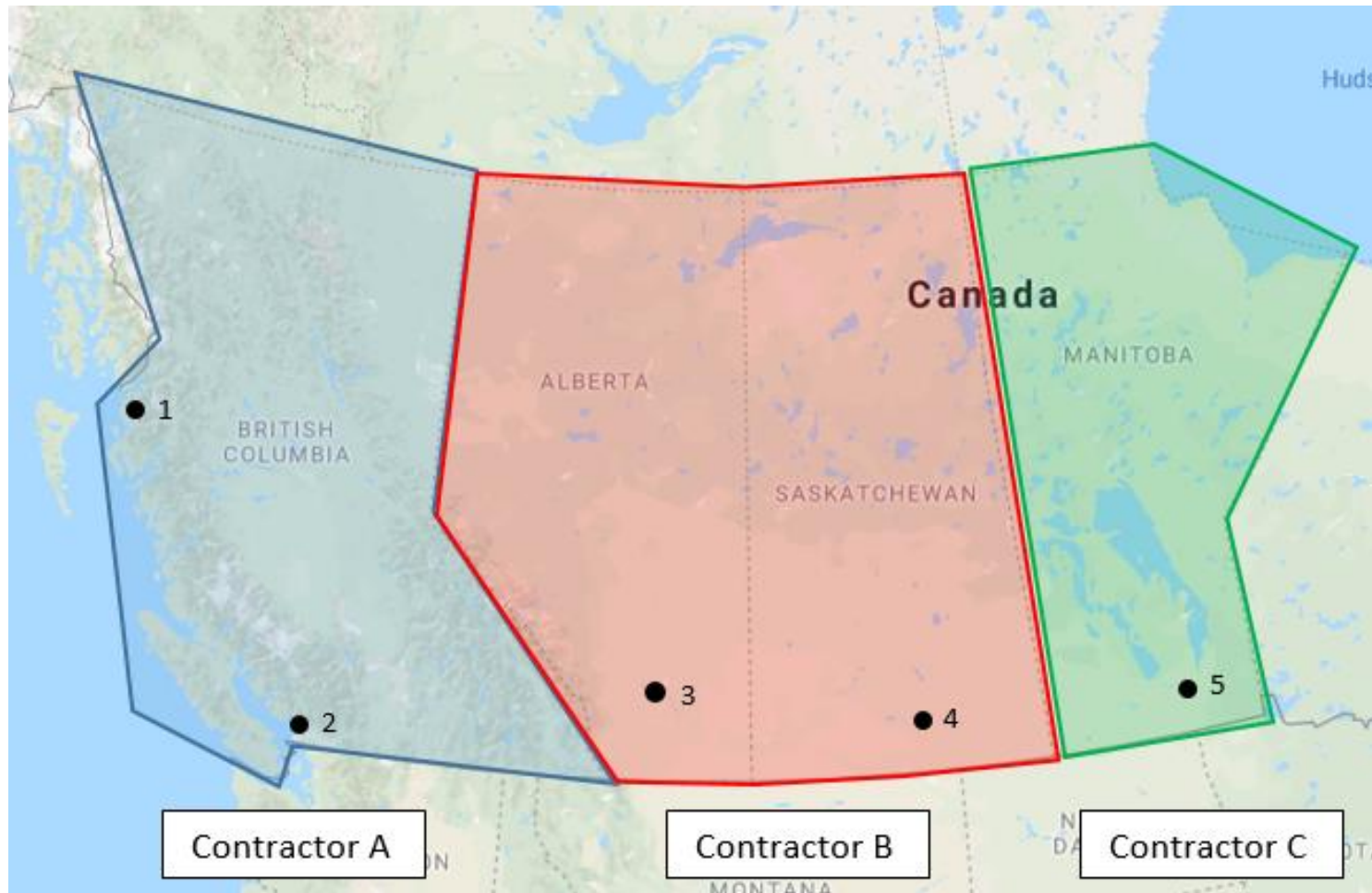
Example ERAP Coverage from ER Contractors



1) A Single ER Contractor per Response Location

- Currently what is being done in most cases
- If an ERAP has ten response locations, it has ten agreements, one per response location, even if an ER contractor manages multiple locations.
- For example, if the ERAP required coverage from BC to Manitoba, Contractor A would sign two agreements, one for response location 1 and another for response location 2. Contractor B would sign two agreements, one for response location 3 and another for response location 4. Contractor C would sign one agreement for response location 5.

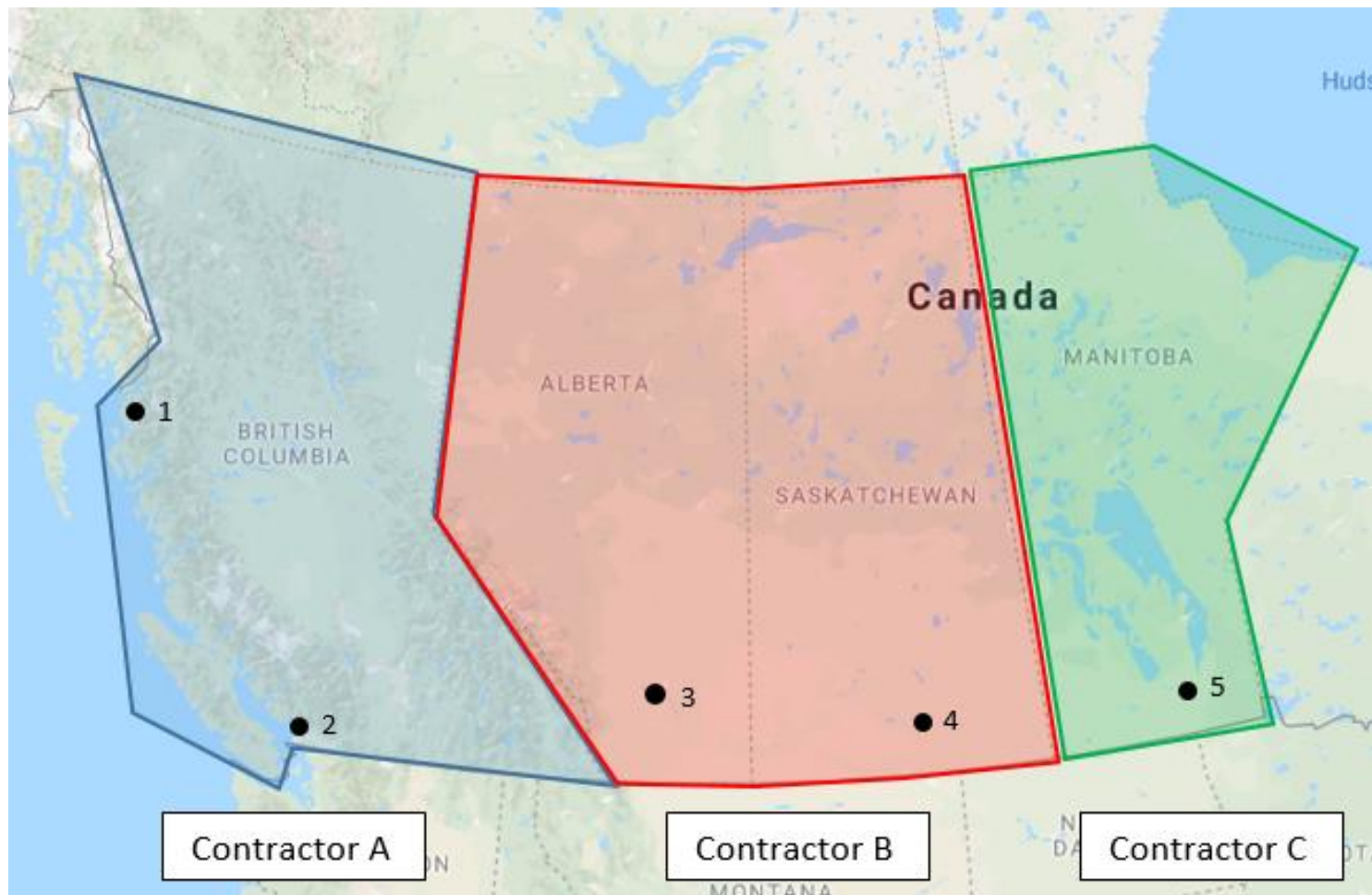
Example ERAP Coverage from ER Contractors



2) A single ER contractor for Multiple Response Locations

- If one contractor is providing the emergency response coverage for the entire geographic area of an ERAP from multiple locations, only one agreement would be needed
- For example, if the ERAP only required coverage in BC, Contractor A would sign one agreement which would cover off both response location 1 and response location 2.

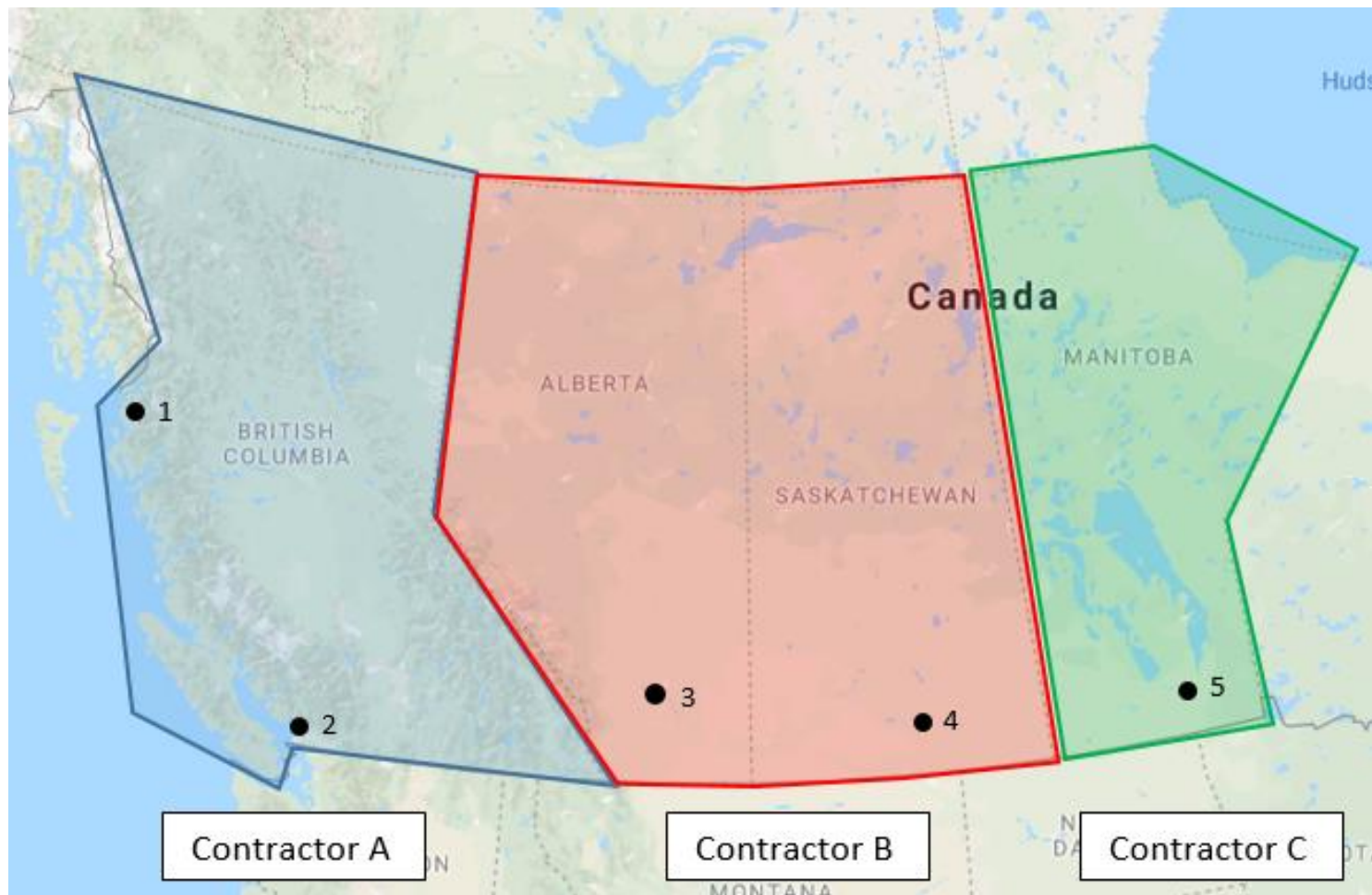
Example ERAP Coverage from ER Contractors



3) Several ER Contractors for Multiple Response Locations

- If multiple contractors are providing the emergency response coverage for the ERAP from multiple locations, only one agreement per contractor would be needed
- For example, if the ERAP required coverage from BC to Manitoba, Contractor A would sign one agreement to cover both response locations 1 and 2, Contractor B would sign one agreement to cover both response locations 3 and 4 and Contractor C would sign one agreement to cover response location 5.

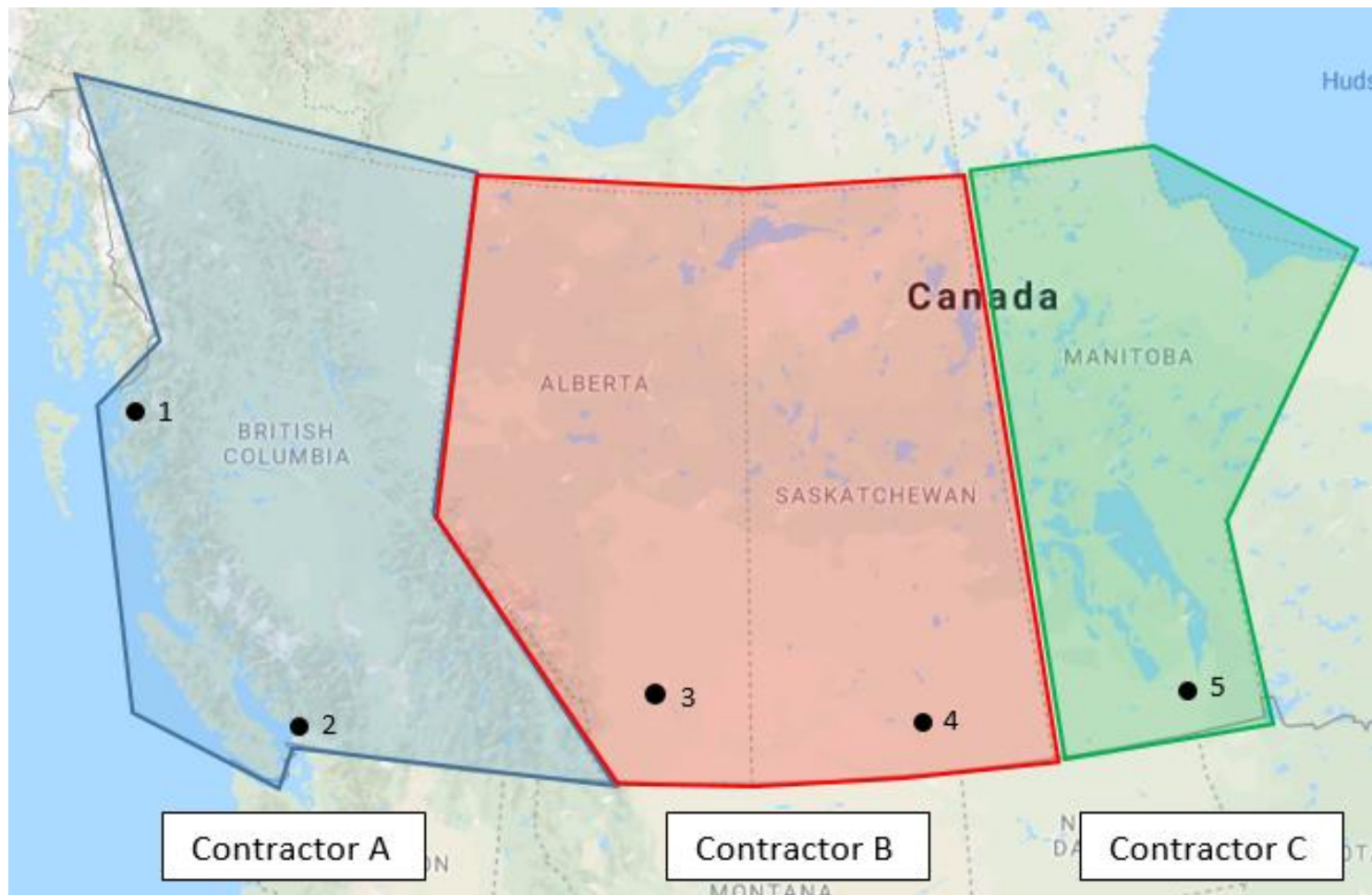
Example ERAP Coverage from ER Contractors



4) The Primary ER Contractor and the ER Sub-Contractor(s) for Multiple Response Locations

- For example, if the ERAP required coverage from BC to Manitoba, and Contractor B maintains a response network including Contractor A and Contractor C as ER sub-contractors, one agreement would be created (including all of the required information) that would be signed by all three Contractors and the ERAP holder.

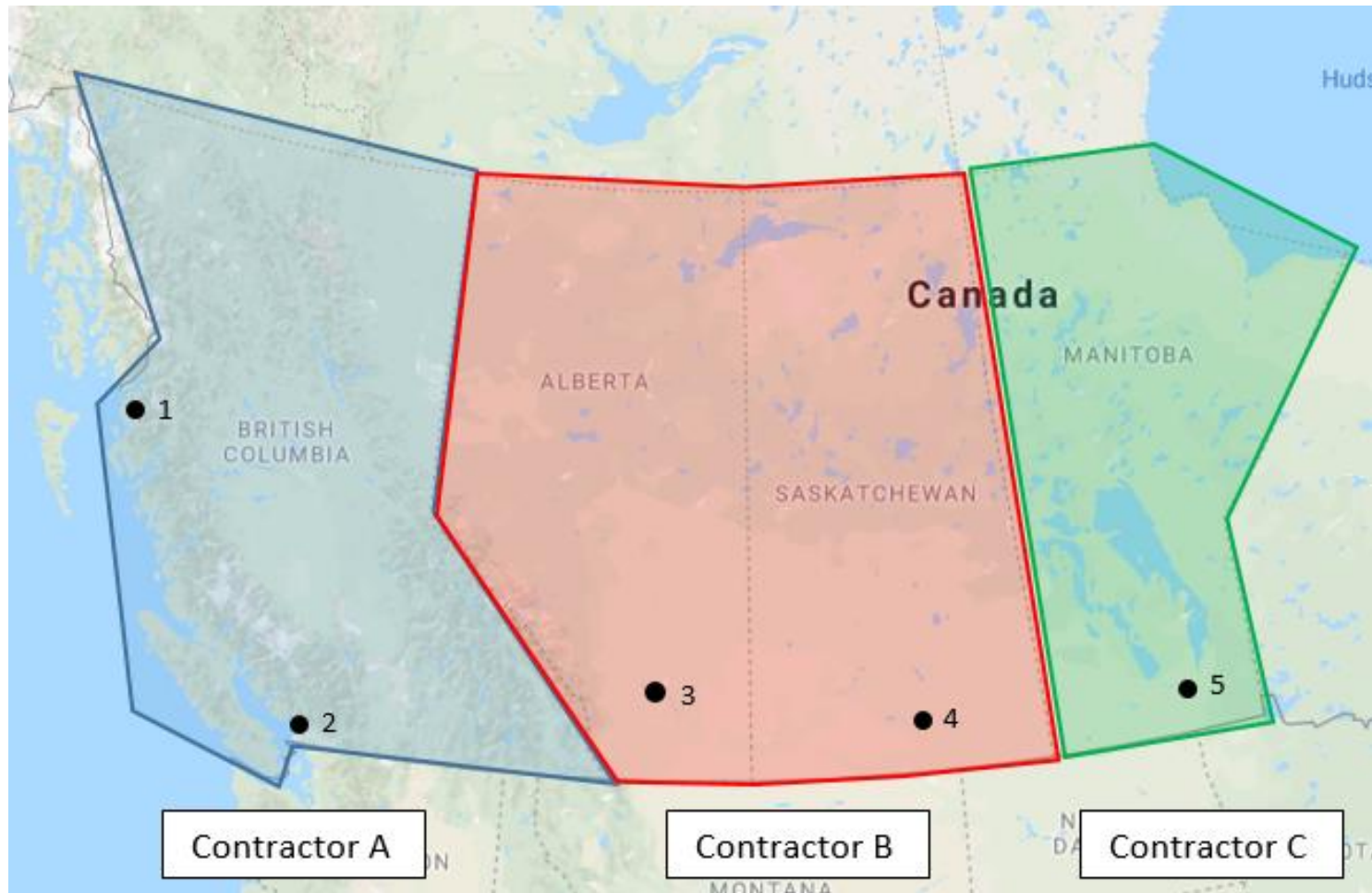
Example ERAP Coverage from ER Contractors



5) The Primary ER Contractor that is Signing on Behalf of the ER Sub-Contractor(s)

- The subcontractors must be listed in the agreement along with all the other required information.
- This agreement must refer to one or more agreements signed between the primary ER contractor and the ER sub-contractors and these agreements must also be included in the ERAP application.
- For example, if the ERAP required coverage from BC to Manitoba, and Contractor D maintains a response network including Contractors A, B and C, one agreement would be created that would be signed by Contractor D and the ERAP holder.

Example ERAP Coverage from ER Contractors



Expectations from Transport Canada

ERAP Applicants

- Comply with the TDG Act and TDG Regulations
- Ensure that your third party responders know what dangerous goods and means of containment they are responding for, the equipment required to respond and the geographic area of coverage required
- Provide training on the dangerous goods, means of containment and/or their response to any third party responder requiring such training
- Provide equipment to respond to the dangerous goods, when necessary
- Ensure their ERAP information is kept up to date in EOS
 - Any changes to third party response must be identified to Transport Canada through EOS

Expectations from Transport Canada

Primary ER Contractors

- Ensure that your ER sub-contractors know for whom and to what dangerous goods and means of containment they are responding for
- Liaise with the ERAP Holder, if needed, to provide training on the dangerous goods, means of containment and/or their response to any ER sub-contractor requiring such training
- Ensure affected ER sub-contractors are made aware of any changes or updates to the network or to ERAPs to which they are providing coverage
- Ensure the ERAP Holder is made aware of any changes to the response network that may affect effective implementation of their ERAP

Expectations from Transport Canada

ER Sub-contractors

- Ensure that they know for whom and to what dangerous goods they are responding for and over what geographic area is coverage to be provided
- Ensure they are up to date with their training with respect to the dangerous goods, means of containment and the response required
- Ensure that they are properly equipped to respond for each dangerous goods and means of containment
- Ensure the primary ER contractor is made aware when response actions, equipment, training, and/or personnel have changed that may affect response