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April 5, 2016

Mr. Patrick Juneau
Chief, Safety Policy and International Engagement
Transportation of Dangerous Goods
Transport Canada
Tower 'C', 330 Sparks Street,
Ottawa, ON K1A 0N5

Via email patrick.juneau@tc.gc.ca

Dear Mr. Juneau:

On behalf of the Helicopter Association of Canada, I am pleased to provide the following comments regarding Transport Canada's request for discussion on possible amendments to Part 12 of the Dangerous Goods Regulation.

From our membership's point of view, we look forward to this long anticipated revision to these regulations. We trust that the comments that follow, based on the structure and nature of Transport's discussion papers, help to better define a clear and practical plan of revision.

The comments that follow are structured to address the presented discussion papers, in numerical and structural order.

I thank you for the opportunity to discuss these proposed changes. As a large stakeholder in the aviation industry, HAC looks forward to providing future input as Transport Canada continues with this long overdue update to Part 12 – Air of the TDGR.

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HAC Comments Regarding Transport Canada's Discussion Papers on Proposed Changes to Part 12
Air of the Transportation of Dangerous Goods Regulations

If you require any further information or clarification of any of our comments, do not hesitate to contact me at our Ottawa office, or by email at fred.jones@h-a-c.ca.

Best Regards,

A handwritten signature in blue ink, appearing to read "Fred Jones". The signature is fluid and cursive, with the first name "Fred" and last name "Jones" clearly distinguishable.

Fred L. Jones BA LLB, President & CEO
Helicopter Association of Canada

Comments on Discussion Paper #1: Overarching Approach to Part 12

Overall, we strongly support the Directorate's goal of updating, simplifying and clarifying the regulatory requirements of TDGR Part 12. At present, many operators find the regulations hard to follow, and in many areas, confusing. We welcome a revised set of regulations that will be easier to follow and relatively straight forward in both language and compliance.

It will benefit all stakeholders for Part 12 to be as integrated and self-contained as possible, with clear references to any external regulations required. The clarification and simplification of sections 12.4 to 12.17 with the inclusion of full text to make it "Self-Contained" and legible would eliminate much of the confusion that exists in complying with the current regulations. It is also our hope that this will also eliminate much of the diversity of interpretation of various regulations that currently exists, by both operators and regulators.

In addition, HAC supports the concept of "Dynamic Referencing" by incorporating any future editions of the ICAO Tis as they come into force, as well as the timely incorporation into Part 12 of any changes in the rest of the TDGR. However, there is a concern that any ICAO changes be considered in light of our unique Canadian operating environment and adjusted as required. While we are in the process of aligning regulations with a global regulatory environment, we must not lose sight of the uniqueness of our domestic operating environment.

Another concern regarding the move to dynamic referencing is the requirement for Transport Canada to update Part 12 on a timely basis, and to continue to keep it as self-contained as possible. Any changes to other parts of the TDGR will also require propagation to the relevant parts within Part 12.

This in itself may have further reaching consequences, such as the need for operators to amend and re-their operational procedures, dangerous goods manuals and training programs to reflect these changes, and then have them approved by Transport Canada. All this would need to happen in a timely yet practical manner with the potential to place a strain on available resources. Given such aspects as the current prohibitions and addendums on items such as Lithium batteries, this is a reasonably valid concern.

Comments on Discussion Paper #2: Scientific, Medical and Industrial Needs

Our concerns raised in this discussion paper are with regards to aspects of sections 12.11 and 12.13.

We oppose the removal of section 12.11 Geological Core Samples.

We feel that while the requirements for transport of radioactive core samples is covered in the Packaging and Transport of Nuclear Substances regulations and in the ICAO Tis, without specific guidance in Part 12, it can lead to a lack of clarity and increased confusion on what is required to transport core samples safely by air.

It also is counter to the stated philosophy of simplifying and clarifying the Part 12 regulations. Instead of referencing yet another set of regulations, it would be better to include these requirements in 12.11 and keep the regulations self-contained if possible.

In respect to the revisions proposed to section 12.13 Measuring Instruments, we feel that, similar to our comment about section 12.11, the required content of the Packaging and Transport of Nuclear Substances regulations should be included in the body of this section. This would simplify and clarify this section, and continue the philosophy of a "self-contained" section.

Additionally, the separation requirements listed in ICAO are not particularly practical in many of the helicopters currently in use so should be removed.

Comments on Discussion Paper #3: Transportation to Remote Locations

Transporting items to remote locations is one of the core drivers of the helicopter industry.

HAC strongly supports the updating, revising and clarifying of Part 12.9 Limited Access of the TDG regulations.

Many of our members have expressed that they find Part 12.9 confusing and not well structured. The items that can be transported, and their conditions of transport, are often an area of confusion.

A key area of confusion is the definition of "Limited Access." Although a definition of Limited Access currently exists in Part 12.9, there seem to be various interpretations of what it is, when it can be used, and what it can be used for.

HAC, like many other stakeholders, would like to work with Transport Canada to develop a clearer definition of what a "Limited Access" location is and when its conditions can be applied.

We support the proposal to integrate the commonly used Equivalency Certificates, such as Bear Spray and Bear Bangers, into the regulation and request that our membership have more input into this process.

We also support the clarifying of the provisions for carrying portable fuel pumps and survival kits. Once again, we would like to request that our association have input into the standards and circumstances of carrying these items.

An area of consideration not in the discussion paper is the carriage of Lithium batteries to remote areas. With the increasing reliance of today's technology, we would like to see Transport Canada look at the feasibility of safely transporting defined quantities of Lithium batteries under the provisions of section 12.9. Many of the electronic devices currently in use at remote locations such as medical devices, monitoring instrumentation, and communications units rely upon these batteries.

We would also like to see section 12.4 remain in the TDG regulations as the ICAO regulations alone are not flexible enough to meet many of the situations where ammunition is not transported in store lot quantities, or is shipped as part of an overall consignment to a remote location.

We have concerns regarding removing section 12.8 and integrating it with section 12.9. While there is an element of practicality to this, many of our members use the conditions of Packing Instruction Y963 for transporting items required in the field. For example, a can of WD-40, Epoxy Glue and spray paint are all items one may find in the "Spares Kit" of a helicopter, required for in the field repairs or daily maintenance of the rotorcraft. Most of these items can currently be transported under section 12.8, but the concern is that amalgamation of 12.8 into 12.9 may place undue restrictions upon the carriage of these industry essential items.

Comments on Discussion Paper #4: Aerial Work

The Helicopter Association supports the Directorate's goal of aligning the section 12.12 Aerial Work regulations with those of CARS Subpart 2 of Part 7.

This would simplify the regulatory requirements and eliminate many of the Equivalency Certificates required to balance an operator's TDG activities with those listed on the operator's approved 702 operational specification.

An area of great concern for our members is the inability to pre-position assets to the initial site of the Aerial Work under the revised section 12.12.

While most operators will endeavour to use the 12.9 and 12.1 provisions to pre-position assets as much of the time as possible, there are many times when the pre-positioning of dangerous goods by non-limited access means is not a viable option. There are situations where time is of the essence and the conditions of a multi-leg trip could delay a process for days or weeks. In some cases with non-limited access locations, variable such as location, personnel, weather, fuel supply, etc. can be adversely affected.

Also of concern is the limiting of the dangerous goods that can be transported under 12.12 to those that are necessary for conducting the specific aerial work activity. The most obvious questions that need to be addressed are: Who is the authority that will determine which dangerous goods and quantities are required for a specific Aerial Work situation? What are the criteria for how to determine which items will be required? What type of documentation will be required for this to happen? Are the TDG Inspectors experienced enough to be able to evaluate these requirements?

Given that so many of our operators derive their income in a large part from 702 operations, HAC would like the opportunity to be part of the discussion on the revisions to the operating conditions that would be changed with the revision to section 12.12 of the TDGR.