

**COMMITTEE OF EXPERTS ON THE TRANSPORT OF  
DANGEROUS GOODS AND ON THE GLOBALLY  
HARMONIZED SYSTEM OF CLASSIFICATION  
AND LABELLING OF CHEMICALS**

**Sub-Committee of Experts on the  
Transport of Dangerous Goods**  
(Twenty-second session, 2-6 December 2002,  
agenda item 4(a))

**NEW PROPOSALS**

**Outstanding Issues**

**Transport and Security**

**Comments on ST/SG/AC.10/C.3/2002/65**

**Transmitted by the Expert from Canada**

1. The Expert from Canada appreciates the work undertaken by the Expert from the United Kingdom on this sensitive subject and commends him for doing so under a very tight deadline and through correspondence which is always a difficult method of consultation.
2. Basically, when everyone involved in a transportation event tries to do the right thing by complying with the relevant regulations and there is an accidental release of dangerous goods there is a safety problem. When at least one person tries to do the wrong thing and there is a deliberate release of dangerous goods there is a security problem. Whether the release of the dangerous goods is safety or security related the hazards the goods pose do not change.
3. Since 1985, Canada's *Transportation of Dangerous Goods Act and Regulations* have required those who offer for transport or who import particularly sensitive dangerous goods – similar to those listed in Table 1 - to have an approved Emergency Response Assistance Plan (ERAP). Within a short time of the terrorists attacks on September 11, Transport Canada was able, through the ERAP system, to determine which dangerous goods that require an ERAP were in transport, where those dangerous goods were within the transport system and who the carriers were. The plans must provide information about the dangerous goods to which the plan relates, the geographic area covered by the plan, emergency response capabilities and a potential accident assessment. The reference number of the plan and a telephone number to call to activate the plan must be included on all shipping documents related to the "ERAP" dangerous goods. As a result of this requirement, an effective industrial emergency response network and infrastructure has been developed throughout Canada. The network consists of emergency response teams with specialized knowledge and equipment who provide assistance to local authorities and first responders at the scene of transportation incidents involving dangerous goods that require an ERAP.
4. That portion of Canada's Chemical, Biological, Radiological and Nuclear Programme (CBRN), operated by the Transport Dangerous Goods Directorate in Transport Canada builds on the existing ERAP emergency response network and infrastructure to provide a first response capability throughout Canada to deal with any terrorist incidents involving chemicals, biological, radiological or nuclear substances. In the event of a terrorist attack, the first stage of emergency response ends

when it is certain that the incident site is secure, that is, there are no bombs or other substances such as radiological or biological agents present. Transport Canada's involvement is in the second stage which is the more traditional emergency response stage and this is undertaken by the CBRN industry/Transport Canada response partnership.

5. In addition, Canada has created a crown agency, the Canadian Air Transport Security Authority, whose sole responsibility is the screening of passengers and goods at airports.
6. The Expert from Canada supports in principle the inclusion of multi-modal security requirements in the UN Model Regulations. The Expert from Canada has the following comments on ST.SG.AC.10/C.3/2002/65.

### **Comments on Specific Proposals**

1. The need for section 1.4.1 is questioned. The wording is vague and open to interpretation of what constitutes a viable consideration of security requirements. If it is retained it is recommended that the words "commensurate with their responsibilities" be removed.
2. Section 1.4.2 requires the registration of all carriers who transport the dangerous goods listed in Table 1. The Expert from Canada believes that this section should not be restricted to carriers. The following wording is suggested as an alternative:

"1.4.2 For the sensitive dangerous goods listed in Table 1, competent authorities shall establish a programme (such as an emergency response assistance plan programme, or carrier or consignor registration) that will allow them to readily identify what sensitive dangerous goods are in transport."

In the opinion of the Expert from Canada, a requirement for Canada to register carriers, in addition to the ERAP system already in place in Canada, would not enhance security. Although it is recognized that such registration may be appropriate in other jurisdictions.

It is noted that in Canada, as in other countries, aircraft and ships are already registered through other programmes and regulatory requirements. There are a limited number of railroads in Canada and these are regulated by the federal government. However, road transport presents a challenge. There are thousands of independent truckers operating in Canada. These truckers do not work for established transport companies nor do they necessarily belong to transport associations. Registering these independents and enforcing registration represents a significant cost, including the creation of an administration infrastructure, for very little gain and absolutely no guarantee that all road carriers would be registered. Nor would it guarantee that such registrations would be kept up-to-date. While the comments of the Expert from the United Kingdom on the cost of security versus the cost of terrorist attacks is well made, the cost of security must carry with it value for the expenditure.

3. Section 7.2.4.2 proposes that "security plans shall be complemented by the use of transport telemetry or tracking methods or devices to monitor the movement of particularly sensitive dangerous goods where this would clearly enhance their security."

It is the experience in Canada that most shipments of dangerous goods are already tracked and monitored whether or not they are the Table 1 dangerous goods and the basic reason for that is financial. It would be premature for the proposed requirement in section 7.2.4.2 to lead to a level of enthusiasm that would entrench electronic tracking until and unless such electronic tracking could be guaranteed absolutely secure. In other words, so that terrorists could not hack into the system and have an easy time of determining exactly where such shipments are.

**General Comments**

1. The following comments are provided for future consideration. It is anticipated that the work of future bienniums will include refinements to any security requirements that may be adopted by the Sub-Committee:
    - consideration could be given to the ease of opening containers, which could be viewed as the security parallel of the safety characteristic of package robustness;
    - risk assessments should begin with the assumption that the dangerous goods have been released;
    - expediting shipments could reduce terrorist action and, perhaps for some of the Table 1 dangerous goods, the requirements could include that the goods not be picked up at origin unless arrangements have been made for direct delivery or, if temporary storage cannot be avoided, that this only be permitted in areas designated as secure by a competent authority.
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