



Containment of Explosives – Re-issued

CAGC INFORMATION ALERT

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Information Alert

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The following information is not a definitive guide to government legislation and does not release users of this document from their responsibilities under applicable legislation.

In order to avoid further confusion this Information Alert will supersede the re-issue of the safety alert released by the CAGC in December 2006 called “Explosives Containment Re-Issued”, which will no longer be available for viewing online. Changes in this alert include the correct fines as stated in the Transportation of Dangerous Goods Act.

According to the Transportation of Dangerous Goods Act, Part 4-4.9, states, “the person who neutralizes the contents of the means of containment (box) or who unloads, unpacks, cleans or purges it must cover or remove the dangerous goods safety marks....” As well, the Explosives Act, under 46 (2), states “when the explosives contained in an outer package are removed there from, the outer package shall be destroyed or disposed of in such a manner that it cannot be re-used for any purpose.”

The theory behind this is as follows; when a container no longer holds the product, outside sources (such as RCMP, NRCAN and MOT) have no assurance that the product is no longer inside the container or being transported. In an emergency, TDG response procedures will be put into place even though they may not be necessary. Garbage piles of empty containers can also be mistaken by a first responder as being full. If the first responder retrieved the magazine license from one of the containers, an ERAP could be implemented unnecessarily. There is also a dilemma with those transporting the empty containers as they can be seen in contravention of the Transportation of Dangerous Goods Act.

In order to meet compliance, it is the responsibility of all personnel involved to comply with the TDG and Explosives Act. Once the explosives have been removed from the containment box; please break down the box. By doing this, the box will no longer be considered a means of containment and thus the garbage piles and transporter (driver) of the empty containers will not be in contravention of these Acts.

In order to make this process easier and more compliant for all involved, we ask all members involved with dangerous goods to simply break down the containers before putting them in a garbage pile or passing them off to a third party for disposal.

In Alberta, the fines are as followed:

- \$200 – Failure to produce a valid training certificate;
- \$400 – Any document offense (including incorrect information & failing to produce)
- \$600 – Any safety mark offense or inappropriate packaging (not breaking down boxes, using produce boxes as containment etc)

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A 15% Victim Surcharge will also be added to fines (\$30, \$60 or \$90).

Fines are normally administered per offense; however, in the case of mislabeling (safety mark offense) and depending on various circumstances this fine may be administered per box.

As of November 2007 the Federal fines for explosive infractions that you may see in other jurisdictions for are:

Regulations Amending the Contravention Regulations

Schedule XV (Sections 1 to 3)

Transportation of Dangerous Goods Act, 1992

Provision of TDG Act, 1992	Short Form Description	Fine Amount (\$)
5(a)	(a) Handle dangerous goods without complying with all applicable prescribed safety requirements	700
	(b) Offer for transport dangerous goods without complying with all applicable prescribed safety requirements	700
	(c) Transport dangerous goods without complying with all applicable prescribed safety requirements	700
	(d) Import dangerous goods without complying with all applicable prescribed safety requirements	700
5(b)	(a) Handle dangerous goods that are not accompanied by all applicable prescribed documents	500
	(b) Offer for transport dangerous goods that are not accompanied by all applicable prescribed documents	500
	(c) Transport dangerous goods that are not accompanied by all applicable prescribed documents	500
	(d) Import dangerous goods that are not accompanied by all applicable prescribed documents	500

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Provision of TDG Act, 1992	Short Form Description	Fine Amount (\$)
5(c)	(a) Handle dangerous goods in a means of containment or by a means of transport that does not comply with all applicable prescribed safety standards or that does not display all applicable prescribed safety marks	500
	(b) Offer for transport dangerous goods in a means of containment or by a means of transport that does not comply with all applicable prescribed safety standards or that does not display all applicable prescribed safety marks	500
	(c) Transport dangerous goods in a means of containment or by a means of transport that does not comply with all applicable prescribed safety standards or that does not display all applicable prescribed safety marks	500
	(d) Import dangerous goods in a means of containment or by a means of transport that does not comply with all applicable prescribed safety standards or that does not display all applicable prescribed safety marks	500
6	Display a prescribed safety mark on a means of containment or transport or at a facility if the mark is misleading in respect of specified matters	500
8	(a) Sell a standardized means of containment that does not display all applicable prescribed safety marks	500
	(b) Offer for sale a standardized means of containment that does not display all applicable prescribed safety marks	500
	(c) Deliver a standardized means of containment that does not display all applicable prescribed safety marks	500
	(d) Distribute a standardized means of containment that does not display all applicable prescribed safety marks	500

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Provision of TDG Act, 1992	Short Form Description	Fine Amount (\$)
8	(e) Import a standardized means of containment that does not display all applicable prescribed safety marks	500
	(f) Use a standardized means of containment that does not display all applicable prescribed safety marks	500
18(1)	Fail to report to a prescribed person the occurrence or imminence of an accidental release of dangerous goods	1,000
18(2)	Fail to take all reasonable emergency measures to reduce or eliminate any danger to public safety that results or may result from the occurrence or imminence of an accidental release of dangerous goods	1,000