



FERTILIZER CANADA

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February 28, 2023

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Executive Director  
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Via email: [TC.TDGRegulatoryProposal-TMDPropositionReglementaire.TC@tc.gc.ca](mailto:TC.TDGRegulatoryProposal-TMDPropositionReglementaire.TC@tc.gc.ca)

**Re: Canada Gazette, Part I, Volume 156, Number 48: Regulations Amending Certain Regulations Made Under the Transportation of Dangerous Goods Act, 1992 (Part 12 and International Harmonization Update)**

Thank you for this opportunity to submit comments on the proposed *Regulations Amending Certain Regulations Made Under the Transportation of Dangerous Goods Act, 1992 (Part 12 and International Harmonization Update)*, as published in Canada Gazette, Part 1 on November 26, 2022. We appreciate the extended timeline that Transport Canada has provided for stakeholders to review the proposed changes and compile feedback.

Fertilizer Canada represents the manufacturers, wholesale, and retail distributors of nitrogen, phosphate, potash, and sulphur fertilizers – the backbone of Canada’s agri-food economy. Our industry contributes approximately \$24 billion annually to Canada’s economic activity and supports the employment of over 76,000 individuals throughout the supply chain. For Fertilizer Canada and our member companies, the safety and security of our products is paramount, and we are committed to upholding high safety standards throughout each stage of the supply chain.

We strongly support the intention of Transport Canada’s International Harmonization Update of the *Transportation of Dangerous Goods Regulations (TDGR)*, as closer alignment with international practices will help Canadian companies increase efficiency and reduce administrative burden. To ensure that the intention of the update is met, we have provided feedback and recommendations below regarding the consultation and engagement process for industry under the new regulations, clarifying the compatibility of urea and ammonium nitrate, and the proposed transition period.

*Consultation and engagement process for industry*

As proposed, the UN Recommendations would be incorporated by reference into the *TDGR*. Fertilizer Canada has some concerns with how this would function in practice and what the implications are for Canadian industry. In particular, it appears that Canadian



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industry stakeholders would have limited or no opportunities to provide feedback or engage in consultation about many potential regulatory changes because changes to the UN Recommendations would be made outside of the standard regulatory development process in Canada. We deeply value consultation with government and the chance to provide feedback on policy and regulatory proposals, and it is greatly concerning that the current amendments could create a situation where our industry has no clear path to share input on changes that impact our members. **We ask Transport Canada to specify a process for stakeholder engagement and consultation when there are changes to the UN Recommendations.**

We would also appreciate clarity on how any updates to the UN Recommendations will be communicated to industry stakeholders and how Transport Canada anticipates these updates to take effect. **Fertilizer Canada strongly recommends that Transport Canada set timeframes for transitional periods following updates to allow Canadian stakeholders the time necessary to come into compliance with any new requirements. We also recommend that Transport Canada set clear expectations for how the Transportation of Dangerous Goods Directorate will notify stakeholders about changes to the UN Recommendations.**

#### *Clarity on urea and ammonium nitrate (AN) compatibility*

In a previous round of consultation, Fertilizer Canada raised concerns with the lack of clarity around urea and AN compatibility. Under section 39 of the Manual of Tests and Criteria, which contains the classification procedure and criteria for solid ammonium nitrate based fertilizers, 39.3.5 states the following:

*39.3.5 Materials that may be incompatible with ammonium nitrate include urea, acids, superphosphates with free acid, elemental sulphur, sulphides and most transition metals, including heavy metals (e.g. copper), and chlorides. Note however that this listing is not exhaustive.*

The inclusion of urea in this list without further explanation is a concern because the incompatibility is specifically between solid AN and solid urea; however, there is a commonly manufactured liquid fertilizer product, urea ammonium nitrate (UAN), that is not considered a hazardous material under the *TDGR*. **Fertilizer Canada recommends that a clarifying note within the regulations be added that specifies that the solid AN-urea melting reaction is the reason for incompatibility, and that this is not applicable to UAN.**

#### *Transition period*

Due to the need to update administrative and training materials to fully reflect the proposed amendments, **Fertilizer Canada recommends that the transition period be extended from 6 months to 12 months.** This would ensure that industry has sufficient time to update materials and train employees on the new requirements.



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### *Concluding remarks*

We greatly appreciate this opportunity to review and share input on the proposed amendments in the International Harmonization Update. Should there be any questions related to this submission, please do not hesitate to contact us. Fertilizer Canada and our member companies are committed to the safe and secure handling and transportation of fertilizer products, and we stand ready to work with Transport Canada as the amendments are developed and implemented.

Sincerely,

Katherine Kennedy  
Manager, Policy & Regulatory Affairs  
Fertilizer Canada