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Innovative Training Regulation - A Dialogue

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Benoit Turcotte

Executive Director, Regulatory Frameworks & International Engagement

Transport Canada



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Objectives

To provide an update on Transport Canada's (TC) proposed approach to amend Part 6 (Training) of the *Transportation of Dangerous Goods Regulations* (TDGR).

Overview

- Context
- Actions to date
- Proposed approach to amend Part 6
- Next Steps

Context

Key Drivers for Regulatory Review

- Current provisions of Part 6 are largely administrative in nature, where a valid certificate does not guarantee that a holder has the knowledge and skills to adequately perform their job functions.
- Some employers may not fully understand the importance of DG training.
 - Are not aware of the training an employee needs or how to assess the quality of training courses provided by training institutions.
 - Do not have the necessary tools or guidance needed to assess whether an employee is well trained, even after receiving training.
 - Do not invest sufficient resources for training.
- All DG training is not created equal.
 - Some trainers and training institutions provide short, low cost and/or poor quality training courses that may not result in knowledgeable and competent employees.
 - Those providing better quality training lose business.

Actions to Date

Consultations

- Phase 1 targeted stakeholder consultations took place in Fall 2015 to Winter 2016.
- Phase 1 stakeholder comments were reviewed and analyzed. A White Paper laying out TC's proposals was developed in Fall 2016.
- Phase 2 online public consultations took place in Fall 2016 to Winter 2017:
 - Replace the term “adequately trained” with what it means to be a “competent person”;
 - Develop:
 - a competency framework to identify the skills needed for particular job functions
 - standards and guidelines to help training institutions/employers; and
 - a general TDG 101 test (a basic level test).
- Over 60 responses were received from industry (67%), government (17%), trainers (10%) and “others” (6%).

Actions to Date

Phase 2 Consultations – Fall 2016 to Winter 2017

Some stakeholders supported TC amending Part 6:

- “Part 6 needs to be modernized given the changes in the transportation of dangerous goods, training methods and technology”;
- “There has been a dilution of effective training over the past decades and employers need to provide better training to employees”; and
- “TC needs to make an attitudinal shift from simply verifying certificates to ensuring individuals understand risks and are able to minimize risks.”

While others questioned the reasons for amending Part 6:

- “How broken is the current system? Where is the gap in training? Address gaps before establishing a new training regime”;
- “There is nothing in the TDGR that precludes an inspector from questioning an employee to assist in demonstrating that the employee is knowledgeable”; and
- “Just modifying the definition will do nothing if we do not start to influence and modify the behavior of the employee and the employer when it comes to TDG training and competency.”

Proposed Approach to Amend Part 6 on Training

Two key components would need to be met to satisfy the requirements in the TDGR for a “competent person”:

- (1) General online TDG awareness training with a pass mark on a TDG 101 test; and
- (2) Job specific competency-based training and ongoing assessment by employers.

Proposed Approach to Amend Part 6 on Training

General Awareness Course and TDG 101 Test

- Part 6 would introduce provisions requiring that those who handle, offer for transport, transport or import dangerous goods (HOTI DGs) would be required to take both a general awareness course and successfully pass a TDG 101 multiple choice online test.
- The TDG 101 test would be comprised of randomly selected questions on core topics that will assess general and basic knowledge of the *Transportation of Dangerous Goods Act* (TDGA) and the TDGR.
- These questions would be made independent and would aim to ensure solid knowledge of the TDGA and the TDGR.
- Employees would be expected to obtain a pass mark of 80% and could repeat the test twice before having to wait 30 days.

Proposed Approach to Amend Part 6 on Training

General Awareness Course and TDG 101 Test

- Employees achieving a pass mark of 80% or more on the TDG 101 test would be issued a TDG 101 certificate of completion with a unique identifier number.
- Certificates would be considered valid for 3 years from the test date.
- A copy of the certificate of completion bearing the unique identifier number, date of validity and expiry must be sent to the employer who requested the training.
- Certificates of completion and unique identifier numbers would be stored in a database. During inspection, federally designated TDG inspectors could verify the validity of the certificate and unique identifier number by placing a call to a person who has access to the database or by logging into the database themselves.

Proposed Approach to Amend Part 6 on Training

General Awareness Course and TDG 101 Test

Topics that would be covered by the multiple choice test include:

- General structure of the TDGA and the TDGR;
 - Key terminology under the TDGA and TDGR;
 - Responsibilities and penalties for violating the TDGR;
 - Identification of the classes and divisions of dangerous goods and understanding their associated hazards; and,
 - Identification of shipping names, UN numbers, documentation, packaging and safety marks, Emergency Response Assistance Plans (ERAPs) and reporting requirements etc.
- This proposed approach will ensure consistency in application as well as a common baseline education.

Proposed Approach to Amend Part 6 on Training

CBTA and Standard Development

- TC would implement a Competency Based Training Approach (CBTA) requirement in Part 6 for employers and employees that HOTI DGs.
- The CBTA would require:
 - Standards settings body along with a committee (regulated community) to develop the standard;
 - Employers to use this standard to develop specific job function training;
 - Employers to perform ongoing assessment of their employees to ensure continued “competence”, which includes identifying any new employee responsibilities/duties;
 - Employers, upon request from a federal TDG inspector, to demonstrate records of their CBTA and ongoing assessment;
 - Employees to engage in their own learning as a required part of their employment/duties; and
 - Employees, upon request from a federal TDG inspector, may need to demonstrate specific job function competencies on site.

Proposed Approach to Amend Part 6 on Training

CBTA and Standard Development

The CBTA standard would:

- Be developed by a standards settings body with input from the regulated community through the standard development process;
- Identify specific functions (classifying, handling, transporting) and describe the specific tasks that need to be done for each function; and
- Describe the observable outcomes for each task and the criteria used to judge whether the required level of performance has been achieved for the observable outcome.

Proposed Approach to Amend Part 6 on Training

CBTA and Standard Development

For example, if a specific job function at Company ABC is to offer for transport flammable liquids, the competency-based training would be expected, at minimum, to include:

- Determine if it is a dangerous good;
- Classify the flammable liquids;
- Determine if it is forbidden under any circumstances;
- Determine class or division and packing group, if applicable;
- Determine proper shipping name and UN number;
- Assess if special provision(s) is applicable; etc.

Proposed Approach to Amend Part 6 on Training

CBTA and Standard Development

- The International Civil Aviation Organization (ICAO) is currently considering the CBTA for the transport of dangerous goods by air.
- In summer 2017, the Dangerous Goods Training Association brought forward a formal proposal (ST/SG/AC.10/C.3/2017/26) to the United Nations Sub-Committee of Experts on the Transportation of Dangerous Goods for the consideration on the applicability of CBTA for all modes of transport.
- The Sub-Committee agreed to further discuss the work at a future session.

Next Steps

- Develop the general awareness course and TDG 101 online test as well as the CBTA standard.
- Continue regulatory development with proposed amendments planned for publication in the *Canada Gazette*, Part I for public consultation in Summer 2018, and final publication in *Canada Gazette*, Part II in Winter 2019.

Any questions?

