This form has been provided to assist stakeholder in making a submission on the Draft Code for the land transport of dangerous goods – Consultation Regulatory Impact Statement (C-RIS)

Submissions close on Tuesday 10 December 2024.

**Details of person submitting comments**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Name:** | Nwakamma “Karma” Ahubelem | | | |
| **Email:** | nwakamma.ahubelem@yahoo.com | | **Mobile** (optional): |  |
| If you are submitting comments on behalf of an association or organisation, please provide the following details. | | | | |
| **Organisation name:** | |  | | |

Thanks to the Review team for this update, particularly for all Sections in 1.8, *Attachment D – Draft Code Under Option 4*.

Personally, I think DGSA role should be made mandatory mainly due the process involved in assessing, classifying and identifying if an item is a DG and allocating the proper UN number(s), description, and PG. Getting this first step wrong (misdeclaration/undeclaration) can have ripple effects on other DG transportation steps. Examples: wrong package material and quantity selections, segregation issues, package damages and escapes, DG interactions.

Some questions/feedback:

1. In 1.8.5.5 Model for Report Form, under item 6 “Dangerous Goods Involved”, the Footnote number 2 reads *For Class 7, indicate values according to the criteria in 1.8.5.3*. Is that supposed to read *For Class 7, indicate values according to the criteria in 1.8.5.1 paragraph 9*?
2. Also, in 1.8.5.5 *Model for Report Form*, under item 5 *Description of occurrence*, should *imminent risk of release or loss* not be included? According to 1.8.5.1, imminent risk of release/loss is included as a “dangerous situation” depending on the quantity and transport category involved. 1.8.5.1 also indicates that imminent risk of loss is assumed if/where the means of containment is no longer suitable for further carriage or if a sufficient level of safety is no longer ensured. It seems here that “imminent risk of loss” would be applicable to a situation where, though there was no release, the means of containment was no longer suitable for further carriage, or a sufficient level of safety was no longer ensured during transportation involving a DG quantity and transport category stated in 1.8.5.1.
3. Just confirming Dangerous situation reporting requirements only apply to transport category 0 (any quantity), 1 (≥250kg or L) and 3 (≥ 1000kg or L). It does not apply to transport category 2 as defined in 1.1.3.6.5 (pg. 7 of 958)? E.g. Does this mean that no quantity of escape or imminent loss of DG Class 3, 5, and 8 is reportable?

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| **Email:** | nwakamma.ahubelem@yahoo.com | | **Mobile** (optional): |  |
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**Sections in 1.8, *Attachment D – Draft Code Under Option 4*.**

**Section 1.8.3 Safety Adviser (Page 66 of 158):** Note 1 advised that appointment of a DGSA is not mandatory but recommended. Does that also mean that the requirements in 1.8.3.1 - 1.8.3.9 are not mandatory but recommended?

My interpretation of 1.8.3 is that, appointment of a DGSA is recommended (not mandated). However, companies are mandated to fulfil their DG safety compliance obligations listed in 1.8.3.1 - 1.8.3.9. Up to companies to decide who/how they go about meeting the requirements. Can you please clarify?

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| **Email:** | nwakamma.ahubelem@yahoo.com | | **Mobile** (optional): |  |
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US DOT and Transport Canada (TC) now requires person(s) and organizations that import, offer for transport, handle, or transport dangerous goods in commerce to register their site in the government’s online database.

*\*Site: Permanent locations where DGs are imported, offered for transport, handled or transported.*

﻿Specific information on who needs to register, how to register and the information to be provided can be obtained below:

[Transport Canada](https://click-177118.icptrack.com/icp/relay.php?r=22592022&msgid=317503&act=0CF8&c=177118&pid=3099352&destination=https%3A%2F%2Ftc.canada.ca%2Fen%2Fdangerous-goods%2Fclient-identification-database-cid&cf=2239&v=33933bc3be08ce8d418430ee0ec03a0ef233dc62036dafb224c78127819f3a15)

[US DOT PHMSA](https://click-177118.icptrack.com/icp/relay.php?r=22592022&msgid=317503&act=0CF8&c=177118&pid=3099352&destination=https%3A%2F%2Fwww.phmsa.dot.gov%2Fregistration%2Fregistration-information&cf=2239&v=23228e6f63bd0d05f3ed7c6192004f5de5cb7d28b18070efe6b2213fadf655a6)

**Exceptions**: Exempted quantities, Agencies of the government and their employees, person(s) that offer DG for transport to US and Canada from overseas.

**Why**: *Public safety depends on Authorities knowing who is importing, offering for transport, handling, or transporting (hereafter referred to as “DG Activities”) dangerous goods in the country, what, when, and how, so we can mitigate risks. The database will allow persons or organizations to register and will collect information about their DG activities. It will be used to better assess risk, enhance overall safety measures, and facilitate effective communication and collaboration between Authorities and registered persons or organizations*.

**Question/Feedback**: If we don’t have a similar requirement/platform in Australia, I would suggest/ask we consider if something similar needs to be implemented and if that requirement needs to be included in this ADG Code Revision or perhaps next revision?

The challenge though is which level of government would own/manage the database. In the US & Canada, the database is a centralized Federal Platform which then flows through to other levels where required.