

The Honourable Pablo Rodriguez  
Minister of Transport  
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Via: [TC.MinisterofTransport-MinistredesTransports.TC@tc.gc.ca](mailto:TC.MinisterofTransport-MinistredesTransports.TC@tc.gc.ca)

September 6, 2024

**Re: Regulations Amending the Transportation of Dangerous Goods Regulations**

Dear Minister Rodriguez:

We are writing to express our concerns about the proposed amendments to the Transportation of Dangerous Goods Regulations involving anhydrous ammonia. The undersigned associations represent farmers who grow cereals, oilseeds, and pulses across Canada, many of whom rely on anhydrous ammonia as a nitrogen fertilizer to feed crops.

Transport Canada is proposing to change how farmers transport anhydrous ammonia. Currently, farmers can haul a nurse tank 10,000 litres or less while travelling up to 100 kilometers on public roads without the requirement of holding an Emergency Response Assistance Plan (ERAP). The proposed changes (i.e., section 1.24 of Transportation of Dangerous Goods Regulations [TGDR]) would require an ERAP if the distance travelled is greater than three kilometers or if the nurse tank size is larger than 3,000 litres.

We support practical measures that improve the safe handling of anhydrous ammonia for farmers. However, consideration of the measures currently in place for farmers should be evaluated before imposing additional regulations. For example, more than 15 years ago Fertilizer Canada developed the Anhydrous Ammonia Code of Practice that has improved the safe handling of anhydrous ammonia. Section C10.5 of the code requires that all multi-tank configurations, regardless of volume, require an emergency discharge control. As a result, all tanks without this control had to be retrofitted to comply with the code. Under current regulations, many nurse tanks already have a 24-hour emergency phone number listed on the tank in case of a release; adding another number to the ERAP may confuse first responders or people at the scene of the incident and delay action.

Furthermore, producers are required to comply with Canadian Standards Association standards B6202 and 6223 for transporting and handling tanks. The proposed amendments to the current regulations by Transport Canada will only contribute to increasing the cumulative regulatory burden placed on farmers. Transport Canada should seek updated data to understand if the implementation of the Anhydrous Ammonia Code of Practice has resulted in a decrease of releases.

Another shortcoming of the proposed amendments involves the cost of an ERAP for farmer-owned nurse tanks that exceed the exemption limit, which is expected to be all farmer-owned nurse tanks (estimated by Transport Canada at 2,300 tanks). Drafting an ERAP requires a consultant due to the complex and technical nature of the document with this cost ranging between \$2,500 to \$3,000. The plan also requires the identification and contracting the services of a hazardous response provider. These providers require an annual retainer fee between \$3,500 to \$4,500. Furthermore,

each time the producer renews their ERAP, they will have to use consulting services, adding an additional cost of \$500 to \$1,000 for each renewal period, which can be one, three, or five years.

Some farmer-owned nurse tanks have been safely operated for over 40 years. Using this timeframe, we estimate that the proposed amendments would cost farmers—who own their own nurse tanks—between \$142,500 to \$183,000 over 40 years (not adjusted for inflation). Although Transport Canada suggested that farmers could have the option of using the approved ERAP of a supplier, they also acknowledged that this would not be a general rule. Most suppliers would be unwilling to approve extending their ERAP use to the farmers who transport anhydrous ammonia themselves because of increased liability. These extra costs come at a time when farmers are already struggling financially to keep-up with elevated input prices and high interest rates.

Nurse tanks by themselves are a significant investment (e.g., a new twin nurse tank costs \$120,000), that farmers have incurred under the current system. Farmers require a regulatory environment that provides predictability and consistency. Our concern is that farmers will either incur the additional costs of the proposed amendments or switch to an alternative, usually more expensive, nitrogen source. This would be unfortunate given the significant capital investments farmers have already made in their anhydrous ammonia system and the benefits associated with the product (e.g., high nitrogen content, cost-effective, and lower runoff potential).

The industry supports the safe handling of anhydrous ammonia through the Code of Practice. But, at present, there is no evidence suggesting that change to the current regulations is warranted, or that forcing farmers to have and maintain an expensive ERAP will reduce the number of incidents involving anhydrous ammonia.

Given these concerns, we request that Transport Canada rescind their proposed amendments to section 1.24 of Transportation of Dangerous Goods Regulations. Thank you for allowing us to provide feedback on this topic. We look forward to working with your department on this important issue.

**Sincerely,**

