



# Bulletin

Category: <b>COMMODITY</b>	Bulletin: <b>C-03 (rev. 4)</b>	Page: <b>1 of 3</b>
Document(s): <b>W&amp;M Act, sections 9 &amp; 33; W&amp;M Regulations, sections 46(a), 48(3), 49(2) &amp; Schedule II</b>	Issue Date: <b>2010-06-17</b>	Effective Date: <b>2010-10-01</b>
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## Filling of Liquified Propane Gas Cylinders

### 1.0 Purpose

The purpose of this bulletin is to outline the policy concerning the filling of portable propane cylinders that are subject to the [Weights and Measures Act](#).

### 2.0 Safety

This bulletin describes the methods of sale of propane cylinder refills that are acceptable to Measurement Canada but does not supersede nor is it intended to contradict or circumvent any other government or industry rules governing safety, installation or usage related to propane filling systems.

### 3.0 Methods of Sale

**3.1** The use of any filling methods that meet the requirements of the *Weights and Measures Act* are acceptable. The following three methods currently used in the sale of propane for portable cylinders are accepted by Measurement Canada:

**3.1.1** Cylinder exchange programs, where an empty cylinder is exchanged for a cylinder which has been filled and marked with a net weight prior to being offered for sale.

**3.1.2** Propane sold with the net weight of the propane added to the cylinder stated to the customer. Retailers must use approved and inspected scales to determine the net weight of propane delivered. The net weight is determined by subtracting the before filling weight from the after filling weight.

**3.1.3** Propane sold with the volume of the propane added to the cylinder stated to the customer. Retailers must use approved and inspected meters to determine the volume of propane delivered.

**3.2** As per the *Weights and Measures Act, Regulations* and Specifications, scales and meters used for cylinder filling must be suitable for their intended application and must be adequately protected from adverse climatic conditions. Furthermore, the use of any filling systems that meet Measurement Canada requirements are acceptable.

**3.3** Retailers may, if they wish, sell propane at a fixed price when refilling a cylinder.

### 4.0 Applicable Legislation

**4.1** Cylinders destined for **retail** cylinder exchange programs (section 3.1.1) are subject to the [Consumer Packaging and Labelling Act](#).

Category: <b>COMMODITY</b>	Bulletin: <b>C-03 (rev. 4)</b>	Page: <b>2 of 3</b>
Document(s): <b>W&amp;M Act, sections 9 &amp; 33; W&amp;M Regulations, sections 46(a), 48(3), 49(2) &amp; Schedule II</b>	Issue Date: <b>2010-06-17</b>	Effective Date: <b>2010-10-01</b>
	Supersedes: <b>C-03 (rev. 3)</b>	

**4.1.1** Under the retail cylinder exchange programs, propane is sold as a prepackaged product and as such the cylinders must be filled within prescribed limits of error and labelled in accordance with the *Consumer Packaging and Labelling Act*.

**4.1.2** For detailed information regarding the *Consumer Packaging and Labelling Act*, the Fair Business Practices Branch of Industry Canada should be contacted.

**4.2** The methods of sale described in sections 3.1.2 and 3.1.3, as well as **non-retail** cylinder exchange programs, are subject to the requirements prescribed by the *Weights and Measures Act and Regulations*.

## **5.0 Limits of Error**

**5.1** Whenever propane is sold under cylinder exchange programs, the stated quantity must be accurate, subject to the limits of error prescribed by:

**5.1.1** the [Consumer Packaging and Labelling Regulations](#), in the case of cylinders destined for retail cylinder exchange programs;

**5.1.2** the [Weights and Measures Regulations](#), in the case of non-retail cylinder exchange programs.

**5.2** Whenever propane is sold on the basis of weight, the stated quantity must be accurate, subject to the limits of error for individually measured commodities prescribed by subsection 49(1) of the *Weights and Measures Regulations*.

**5.3** Whenever propane is sold on the basis of volume, the stated quantity must be accurate, subject to the limits of error prescribed by subsection 49(2) of the *Weights and Measures Regulations*.

**5.4** With respect to cylinders that are subject to the *Weights and Measures Act*, any quantity shortage in excess of the prescribed limits of error constitutes a violation of sections 9 and/or 33 of the Act.

## **6.0 Written Statement of Quantity**

**6.1** A written or printed statement of quantity must be provided to meet the requirements of section 9 of the *Weights and Measures Act*.

**6.2** Although section 46(a) of the *Weights and Measures Regulations* outlines an exemption from section 9 of the Act when commodities are measured in the presence of the purchaser, this exemption is not applicable to the propane cylinder refill transactions described in this bulletin. This is because propane purchasers are restricted from entering the area where propane is measured and as a result they can not see the quantity indications on the measuring equipment. Consequently, a written statement of quantity shall be provided.

**6.3** Pursuant to subsection 48(3) of the *Weights and Measures Regulations*, if the price of propane is based on a unit of measurement, the statement of quantity must be expressed using the same unit of measurement (e.g., the statement of quantity must indicate kilograms when the propane is sold by \$/kilogram, litres when the propane is sold by \$/litre and pounds when the propane is sold by \$/pound).

Category: <b>COMMODITY</b>	Bulletin: <b>C-03 (rev. 4)</b>	Page: <b>3 of 3</b>
Document(s): <b>W&amp;M Act, sections 9 &amp; 33; W&amp;M Regulations, sections 46(a), 48(3), 49(2) &amp; Schedule II</b>	Issue Date: <b>2010-06-17</b>	Effective Date: <b>2010-10-01</b>
	Supersedes: <b>C-03 (rev. 3)</b>	

## 7.0 Enforcement Action

Enforcement Actions taken by Measurement Canada will be commensurate with the type of infraction that has been identified. Measurement Canada generally uses a graduated or progressive enforcement approach (information, warning, prosecution). Furthermore, it may often be appropriate to meet with non-complying traders to ensure that they fully understand the problem and the different options available to them.

## 8.0 Revisions

The purpose of revision 4 is to:

- (a) insert a statement concerning other government requirements and safety;
- (b) clarify the acceptable methods of sale previously found in section 2, now section 3;
- (c) re-number the sections to be more consistent;
- (d) add the requirement for a written statement of quantity; and
- (e) make revisions to text and format to clarify the content.

The purpose of revision 3 was to:

- (a) clarify the requirements contained in sections 2 and 4;
- (b) incorporate the previous section 4 requirements into section 2;
- (c) renumber the previous sections 5 to 9; and
- (d) make minor revisions to the text.

The purpose of revision 2 was to:

- (a) remove previous sections 2.4, 2.4.1, 2.4.2, 2.4.3, 4.3, 5.3 and 5.3.1 in order to reflect current requirements and to replace them with a short explanatory paragraph;
- (b) clarify the requirements applicable to cylinder exchange programs; and
- (c) make minor revisions to the text.

The purpose of revision 1 was to:

- (a) indicate that the "fill" method of sale would no longer be acceptable as of January 1, 2000; and
- (b) combine bulletins C-3 and C-4 (rev. 1) into a single bulletin.

## 9.0 Additional Information

For additional information regarding this bulletin, please contact the Senior Program Officer responsible for commodity measurement. Further information regarding Measurement Canada can be found on our web site located at <http://mc.ic.gc.ca>.

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