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## Measurement Canada [\(/eic/site/mc-mc.nsf/eng/home\)](http://eic/site/mc-mc.nsf/eng/home)

# C-03 — Filling of liquified propane gas cylinders

Category: Commodity

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## 1.0 Purpose

This bulletin provides guidance with respect to the sale of propane for portable cylinders.

## 2.0 Methods of measurement

2.1 The following three methods, currently used in the sale of propane for portable cylinders, are accepted by Measurement Canada:

2.1.1 Retail cylinder exchange programs, whereby a customer's cylinder is exchanged for a cylinder that has been filled and marked with a net weight prior to being offered for sale.

2.1.2 A weighing method whereby a customer's cylinder is filled at the time of the sale and returned to the customer. The weight of the propane added to the cylinder is provided to the customer. Traders must use approved and inspected scales to determine the weight of propane delivered, which is determined by subtracting the weight of the cylinder before filling from the weight after filling.

2.1.3 A metering method whereby a customer's cylinder is filled at the time of the sale and returned to the customer. The volume of the propane added to the cylinder is provided to the customer. Traders must use approved and inspected meters to determine the volume of propane delivered.

2.2 Measurement Canada does not limit traders to the three methods described above. However, if other methods are used, they must meet the requirements of the **Weights and Measures Act** (<http://laws-lois.justice.gc.ca/eng/acts/W-6/index.html>) (WMA).

2.3 Scales and meters used for filling cylinders must be suitable for their intended application and must be adequately protected from adverse climatic conditions, as per the Weights and Measures Act and Regulations, and related specifications.

## 3.0 Applicable legislation

3.1 Under retail cylinder exchange programs (section 2.1.1 above), propane is sold as a prepackaged product, and as a result, is subject to the **Consumer Packaging and Labelling Act** (<http://laws-lois.justice.gc.ca/eng/acts/C-38/index.html>).

3.1.1 The stated weight must be accurate, subject to the tolerances prescribed by the **Consumer Packaging and Labelling Regulations** (<http://laws-lois.justice.gc.ca/eng/regulations/C.R.C., c. 417/index.html>).

3.1.2 For detailed information regarding the Consumer Packaging and Labelling Act, contact the Competition Bureau (<http://www.competitionbureau.gc.ca/eic/site/cb-bc.nsf/eng/home>).

3.2 Non-retail cylinder exchange programs and the methods of measurement described in sections 2.1.2 and 2.1.3 of this document are subject to the WMA.

3.3 Regarding the sale of propane using the methods outlined in section 3.2 of this document, the stated quantity must be accurate, according to the limits of error prescribed by section 49 of the **Weights and Measures Regulations** (<http://laws-lois.justice.gc.ca/eng/C.R.C.-c.1605/index.html>) (WMR).

3.3.1 Subsection 49(1) authorizes the use of the commodity limits of error in Schedule II of the WMR. Subsection 49(1) applies when propane is sold on the basis of weight or volume using devices or equipment not subject to subsection 49(2).

3.3.2 Subsection 49(2) authorizes the use of the limits of error for propane meters outlined in section 268 of the WMR as the basis for determining the limits of error for propane sold on the basis of volume. Subsection 49(2) applies when propane is sold on the basis of volume and the quantity is determined using a meter that is subject to section 268 of the WMR.

3.3.2.1 In instances when the test standard or the test quantity specified in section 268 of

the WMR is not known, the commodity limits of error prescribed by subsection 49(1) will be used for the sale of propane on the basis of volume.

3.4 With respect to sales of propane subject to the WMA, any quantity shortage in excess of the prescribed limits of error constitutes a violation of sections 9 and/or 33 of the WMA.

## 4.0 Statement of quantity

4.1 When the methods of measurement described in sections 2.1.2 and 2.1.3 of this document are used, a written or printed statement of quantity must be provided to meet the requirements of section 9 of the WMA.

4.2 Although paragraph 46(a) of the WMR exempts commodities weighed and measured in the presence of the customer from the statement of quantity requirement set out in section 9 of the WMA, this exemption does not apply to the measurement methods described in sections 2.1.2 and 2.1.3 of this document. This is because customers are prohibited from entering the area where the propane is measured, and as a result, they are unable to see the quantity indications on the measuring equipment. Consequently, a written or printed statement of quantity must be provided to the customer.

4.3 As required by subsection 48(3) of the WMR, when the price of propane is based on a unit of measurement, that same unit of measurement must be used to state the quantity (e.g., the statement of quantity must indicate kilograms (kg) when the propane is sold by \$/kg, litres (L) when the propane is sold by \$/L and pounds (lb) when the propane is sold by \$/lb).

## 5.0 Pricing

Many commodities are sold on a price per unit of measurement basis (e.g., \$/kg, \$/L).

However, there is no requirement in the WMA or the WMR that a commodity be sold on a price per unit of measurement basis. If propane is sold at a fixed price, it is recommended that a statement of quantity be provided to customers but it is not a requirement.

## 6.0 Inspection and enforcement

Devices used to measure propane must be of a type approved by Measurement Canada and inspected prior to being placed into service. In addition, these devices are subject to mandatory inspection frequencies (Im04707.html). Scales used to weigh propane cylinders must be inspected every two years. Propane meters used for retail sales must be inspected

each year, while those used for commercial/industrial sales must be inspected every two years. Ensuring devices are inspected and measuring accurately is the responsibility of the device owner.

Failure to comply with these legal requirements will result in an enforcement approach appropriate for the type of infraction. In cases where a propane tank is underfilled and, therefore, the quantity of propane is not within the allowable limits of error, enforcement could include issuing information or warning letters to traders, meeting with traders to discuss corrective actions, administrative monetary penalties or initiating prosecution.

Propane meters only used to fill cylinders for the bottle exchange programs, whereby all cylinders are filled to the same net weight, are exempt from approval and inspection.

## 7.0 Safety

This bulletin neither supersedes nor is intended to contradict or circumvent any other government or industry rules governing safety related to propane filling systems.

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