



Secretariat

Distr.
GENERAL

ST/SG/AC.10/C.3/2002/65
9 September 2002

ORIGINAL: ENGLISH

**COMMITTEE OF EXPERTS ON THE TRANSPORT OF
DANGEROUS GOODS AND ON THE GLOBALLY
HARMONIZED SYSTEM OF CLASSIFICATION
AND LABELLING OF CHEMICALS**

**Sub-Committee of Experts on the
Transport of Dangerous Goods**
(Twenty-second session, 2- 6 December 2002,
agenda item 4(a))

NEW PROPOSALS

Outstanding issues

Transport and Security

**Transmitted by the expert from the United Kingdom, the observer from Namibia, the
European Commission and the International Association of the Soap, Detergent and
Maintenance Products Industry (AISE)**

Background

1. The co-sponsors refer to the discussions during the July session of the Sub-Committee of Experts on the Transport of Dangerous Goods concerning the security of dangerous goods in transport and to the papers that were submitted by the Secretariat (2002/56), the United States of America (INF.19) and the United Kingdom (INF.53).
2. Several delegations expressed the wish that measures related to the security of the transport of dangerous goods be harmonised at international level and considered that, in the absence of other relevant international instruments, they should become a subset of the transport safety regulations which could be addressed to governments and international organisations through the UN Model Regulations on the Transport of Dangerous Goods.
3. The United Kingdom was given the task of leading an e-mail correspondence working group to develop suitable multi-modal proposals for inclusion in the Model Regulations to be discussed at the December 2002 session of the Sub-Committee, based on the draft European Commission measures identified in paper INF 53. The United

Kingdom wrote on 18 July to all participants in the Sub-Committee (voting and non-voting Members, UN specialized agencies, intergovernmental organizations and non-governmental organizations) inviting them to nominate a focal point if they wished to contribute to the Working Group. Those offering to participate in the Working Group are listed in Annex 1. A first draft of possible proposals was produced by the United Kingdom and distributed on 8 August for comment no later than 28 August. It was recognised by all participants that this was a very demanding deadline for such an important topic, particularly over what for many is a traditional holiday period, but was unavoidable if a paper was to be submitted to the Secretariat for translation by the due date of 6 September.

4. The proposed text was based on that presented to the Sub-Committee in July as an Annex to the United Kingdom's INF paper 53. This in turn reflects current draft European Commission action points for land transport, subsequently endorsed by the G8 group as a suitable basis for international provisions. These were amplified to produce multi-modal provisions. In doing so, regard was paid to other work currently undertaken in the International Civil Aviation Organization (ICAO), the International Maritime Organization (IMO) and European rail transport to address security measures (not specifically in transporting dangerous goods) to seek to ensure that they would not conflict with current or proposed mode specific provisions.
5. Comments were received by the United Kingdom by the due date from Canada, Germany, Netherlands, Norway, Portugal, Spain, Sweden, United States of America, Namibia, New Zealand, Switzerland, ICAO, European Commission, AISE, DGAC, CEFIC, FIATA, IATA, IRU and UIC. These were considered carefully by the United Kingdom and a re-draft of the proposals, taking into account those comments so far as possible, was circulated on 30 August for final comment by 5 September.
6. The expert from the United Kingdom wishes to place on record his gratitude to those who made such efforts to contribute positively to this work in such difficult circumstances. It should be recognised, however, that the proposals made below cannot be represented as a consensus view of a Working Group. They should be seen as a synthesis of ideas on which Working Group participants will no doubt wish to elaborate further. Nevertheless, the co-sponsors believe that the proposals represent a sound basis for addressing this difficult subject and are sufficiently well developed to merit adoption by the Sub-Committee this December.

Justification

7. Some Working Group participants queried the need for a complete raft of measures when the risk of terrorist acts was assessed to be very low in their countries or where a cost benefit analysis had apparently not been undertaken. Others were concerned about the level of costs of compliance to industry or the cost of application and enforcement to competent authorities. International terrorism is not new and regrettably many countries have some experience of it. But September 11th. changed some of the assumptions over the degree of moral constraint shown by terrorists and their desire for self-protection and escape. It follows that governments must review their response approach. Security

precautions will have a cost, but the cost of terrorism should also be borne in mind. Regrettably, the United Kingdom has direct experience of the costs, running into hundreds of millions of Euros, of even a moderate scale explosive device detonated in the heart of a city, to say nothing of the cost in loss of life and human suffering. In the view of the co-sponsors the consequences of one successful abuse of the global supply chain for terrorist purposes may far outweigh the cost and disruption of taking anticipatory, preventative measures. Security precautions cannot guarantee the prevention of future terrorist atrocities, but it must make sound economic, as well as social, sense to identify and pursue effective and proportionate security precautions, which can substantially reduce the risks. It will, of course, be for individual competent authorities to determine the level, and resourcing, of enforcement activity that is appropriate, perhaps commensurate with the level of threat at the time.

8. The United Kingdom has undertaken a risk analysis for a number of scenarios involving the transport of dangerous goods with the potential to cause mass casualties or mass destruction or environmental damage. It is partly the results of those risk analyses that have convinced the United Kingdom of the need for prompt action in this area. The question of who should bear the costs of improving security can be answered by saying “all of us”. As we are all customers of global distribution networks, of dangerous goods or any other commodity, any costs absorbed into the supply chain will be passed on to us, as consumers, in the end through increased prices. In most cases the distribution cost is such a small component of the retail price of consumer goods that we are unlikely to notice much difference from the introduction of improved security measures. It should also be recognised that a number of the measures now proposed are already existing good practice in industry.
9. The Sub-Committee agreed to consider suitable multi-modal provisions during its December session. These are presented as a consolidated new Chapter – Chapter 1.4 – in order that users can readily identify them. Some limited cross-referencing from other parts of the Model Regulations may be necessary, but this has been kept to a minimum. The alternative would have been to include provisions in more specific parts. For example training provisions could go to Chapter 1.3, whilst draft regulation 1.4.6 might have been located in Chapter 5.4. Other provisions may have no immediately identifiable ‘home’. On balance, almost all Working Group participants agreed that a new Chapter was appropriate. The draft text of Chapter 1.4 remains as faithful as possible to existing UN text and has avoided introducing new terms needing further definition. Existing wording has been replicated wherever possible.
10. Table 1 is intended to be an indicative list of dangerous goods that might need particular consideration. In preparing this list, consideration has been given to the need to make it clear and simple to use, simple to enforce and restricted to those substances and articles in those quantities that have the potential to cause mass casualties or mass destruction. Inevitably such a list could be the subject of considerable debate and, ideally, risk assessment. However, most members of the Working Group were willing to accept the current list as proposed, at least as an interim starting point, in order to enable agreement to be reached in the current biennium to provide a harmonised international approach.

11. More importantly, there was divergent opinion on whether the proposed measures as a whole should be applied to the transport of all dangerous goods above limited quantity thresholds, to only those dangerous goods shown in the indicative list or even to given quantities per transport unit of dangerous in limited quantities. On the basis of the majority comments received, the current proposal seeks to address application of most security measures only to those high hazard level dangerous goods identified in the Table. There are some simple measures, however, that should apply readily to all dangerous goods.

12. Finally, it was recognised during the July Sub-Committee session that some of the measures in the Annex to INF 53 were relevant to land transport only and might be considered by the Sub-Committee during the next biennium. However, having regard to the fact that no global international land transport body exists which might readily accommodate measures for the security of dangerous goods in transport and the need for the world community to address such matters with a degree of urgency, the United Kingdom prepared possible suitable text for inclusion in Chapter 7.2 – Modal Provisions – of the Model Regulations on the same basis as draft Chapter 1.4. Views were fairly evenly split, with a small majority wishing to adopt modal provisions in the Model Regulations now and others wishing to revert to the subject in the next biennium. The current proposal retains those modal provisions, as amended by suggestions from the Working Group, in order that the Sub-Committee can decide whether to adopt now or hold over to the next biennium.

Proposal

13. The co-sponsors propose the adoption of the following new Chapter 1.4 in Part 1 of the Model Regulations:

CHAPTER 1.4

SECURITY PROVISIONS

Introductory notes

***NOTE 1:** This Chapter provides requirements intended to address the security of dangerous goods in transport in all modes. [It should be noted that other mode specific security provisions may be found in Chapter 7.2.]*

***NOTE 2:** For the purposes of this Chapter security means measures or precautions to be taken to minimise theft or mis-use of dangerous goods which may endanger persons or property.*

1.4.1 All persons engaged in the transport of dangerous goods shall consider security requirements for the transport of dangerous goods commensurate with their responsibilities.

1.4.2 Competent authorities shall keep a register of all carriers of particularly sensitive dangerous goods indicated in Table 1.

1.4.3 **Security plans**

1.4.3.1 Carriers, consignors and others (including infrastructure managers) engaged in the transport of dangerous goods indicated in Table 1 shall adopt a security plan that addresses at least the elements specified in 1.4.3.2.

1.4.3.2 Elements of a security plan shall comprise at least all of the following:

- (a) specific allocation of responsibilities for security to appropriately senior, competent and qualified persons;
- (b) records of dangerous goods transported and associated security risk assessments;
- (c) security risk assessments of current operations, including inter-modal transfer, temporary transit storage, handling and distribution;
- (d) clear statements of measures, including training, policies (including response to higher threat situations, employee verification etc.), operating practices (e.g. choice/use of routes where known, access to dangerous goods in temporary storage etc.), equipment and resources which are to be used to reduce security risks;
- (e) effective and up to date contingency plans for reporting and dealing with security incidents;
- (f) procedures for the audit and testing of contingency plans.

1.4.3.3 Carriers, consignors and consignees shall co-operate with each other and with appropriate authorities to exchange threat information, apply appropriate security measures and respond to security incidents.

1.4.4 **Security training**

1.4.4.1 The training specified for individuals in 1.3.2 (a), (b) or (c) shall also include elements of security awareness.

1.4.4.2 Security awareness training shall address the nature of security risks, recognising security risks and methods to address and reduce such risks. It shall include awareness of security plans commensurate with individuals responsibilities and their part in implementing security plans in the event of a security incident.

- 1.4.4.3 Such training shall be provided or verified upon employment in a position involving dangerous goods transport and shall be periodically supplemented with retraining as deemed appropriate by the competent authority.
- 1.4.5 Carriers, consignors and others engaged in the transport of dangerous goods indicated in Table 1 shall carry out appropriate background checks (including criminal records where possible) before employing new staff. Identity documents, employment references and certificates of professional competence shall be verified.
- 1.4.6 Carriers, consignors and others engaged in the transport of dangerous goods, indicated in Table 1, shall take steps to ensure the appropriate security of written and electronic data relating to those goods. Such steps shall not preclude providing transport documentation required by Chapter 5.4 of the Model Regulations.
- 1.4.7 Carriers, consignors and others engaged in the transport of dangerous goods indicated in Table 1 shall have in place procedures for individuals to report suspicious activity to the appropriate authorities.
- 1.4.8 Carriers and consignors of dangerous goods indicated in Table 1 shall consider security risks when determining the choice of transport route, taking into account potential risks in densely populated areas, vulnerable sea-lanes, harbours, airports, bridges, tunnels and temporary stopping areas.
- 1.4.9 Transit sites, such as airside warehouses, marshalling yards and other temporary storage areas shall be properly secured, well lit and, where possible, not be accessible to the general public.
- 1.4.10 Consignors shall only offer dangerous goods indicated in Table 1 to carriers that have been appropriately identified.

Table 1

PARTICULARLY SENSITIVE DANGEROUS GOODS

Particularly sensitive dangerous goods are those that have been identified as having the potential for mis-use in a terrorist incident and which may, as a result, produce mass casualties or mass destruction. These include:

- Class 1, Division 1.1 explosives
- Class 1, Division 1.2 explosives
- Class 1, Division 1.3 explosives
- Class 1, Division 1.5 explosives in bulk
- Division 2.1 flammable gases (excluding aerosols)
- Division 2.3 toxic gases
- Class 3 flammable liquids in Packing Group I and II in bulk
- Division 4.1 desensitised explosives

Division 4.1 self-reactive substances of Packing Group I and Packing Group II in bulk
Division 5.1 oxidizing substances Packing Group I and Packing Group II in bulk
Division 5.1, all ammonium nitrate fertilisers
Division 5.2, substances subject to temperature control
Division 6.1, toxic substances Packing Group I and Packing Group II in bulk
Division 6.2, infectious substances of risk group 4 [Category A] in any quantity
Class 7, radioactive material in quantities greater than A₁ or A₂ in Type B and Type C packagings_r
Class 8, corrosive substances Packing Groups I and II with toxic or flammable subsidiary risk

NOTE 1: 'in bulk' means transported in portable tanks or in bulk containers or as otherwise defined in modal provisions

NOTE 2 in this Table, all reference to dangerous goods shall mean dangerous goods in quantities above those specified in Column 7 of the Dangerous Goods List in Chapter 3.2.

CONSEQUENTIAL AMENDMENTS

Amend 1.3.1 as follows:

Add second sentence to read "Training requirements specific to security of dangerous goods in Chapter 1.4.4 shall also be addressed."

14. The co-sponsors further propose the adoption of the following new section 7.2.4 in Chapter 7.2 in Part 7 of the Model Regulations:

PART 7

CHAPTER 7.2

7.2.4 Security provisions for transport by road, rail and inland waterway

NOTE: These provisions are in addition to those applicable to all modes of transport as provided in Chapter 1.4.

7.2.4.1 Crews of road vehicles, trains and inland waterway craft transporting dangerous goods shall carry with them identification cards, vocational training certificates or other means of identification, which includes their photograph, during transport.

- 7.2.4.2 Crews of road vehicles, trains and inland waterway craft transporting dangerous goods shall comply with, and report as required by, relevant security plans (*see 1.4.3.2*). Such plans shall be complemented by the use of transport telemetry or tracking methods or devices to monitor the movement of particularly sensitive dangerous goods (*see Table 1 in Chapter 1.4*) where this would clearly enhance their security.
- 7.2.4.3 The carrier shall ensure the application to vehicles and inland waterway craft transporting dangerous goods indicated in Table 1 of Chapter 1.4 of devices, equipment or arrangements to prevent the theft of the vehicle or inland waterway craft or its cargo and shall ensure that these are operational and effective at all times.
- 7.2.4.4 Safety checks on vehicles in transport shall include checks to cover appropriate security measures.
-