

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

Comments on ST/SG/AC.10/C.3/2002/65 (Transport and Security)

Transmitted by the expert from Germany

1. General

Germany welcomes the initiative for the introduction of security provisions to the UN Model Regulations. In view of the risk that dangerous goods can be misused for carrying out terrorist attacks, provisions have to be established in order to reduce those risks. However, these provisions have to be limited to a reasonable extent. This means in particular that no provisions are established which cannot be reasonably complied with by those to whom they apply. In addition to this, the provisions must not place a burden on those who have to comply with them in such a way that the transport of dangerous goods is impeded beyond an extent that can be dealt with by our economic systems and without achieving benefits in respect of security.

2. Proposals

In consideration of these general remarks expert from Germany proposes the following amendments:

Amendments to Chapter 1.4

1. Delete 1.4.2.

Justification: Germany considers the aim of such a provision to be that transport is permitted only if the carrier is registered. For this purpose registration would have to be mandatory and national registers would have to be established. Furthermore, criteria for carrying out or refusing registrations would have to be defined. For international transport the national registers would have to be published or at least made accessible to the competent authorities of other states. This would cause an enormous administrative expense.

Apart from that, the question arises why only the carriers are registered instead of registering the other participants in transport as well, in particular the consignors.

Additionally it has to be considered that the register could be of use to terrorists when planning attacks. For this reason the provision could cause exactly the opposite effect.

2. Delete the words "and associated security risk assessments" in 1.4.3.2 (b).

Justification: The security risk assessments for substances can under certain circumstances be performed by the consignor, but in general the carrier and other participants in transport do not have the necessary specialized knowledge about these substances. There also seems to be no necessity for such an assessment since it has already been carried out by the regulatory body establishing the provisions by specifying the groups of substances listed in Table 1.

3. Add the words "as far as this is required for the fulfilment of the obligations under Chapter 1.4" to 1.4.3.2 (b).

Justification: This amendment serves clarification.

4. Amend 1.4.3.2 (c) as follows: "review of current operations from the security point of view".

Justification: In document ST/SG/AC.10/C.3/2002/65 it remains unclear what "security risk assessment of current operations" means. Those involved in the operations cannot do more than carrying out a review of the operations with regard to security deficiencies. This should be clarified accordingly.

5. Amend 1.4.3.2 (d) as follows: "clear statements of measures taken to reduce security risks".

Justification: The specification of measures in the proposal of the United Kingdom gives rise to a whole series of questions and does not seem to be necessary since the measures to be taken result from the other provisions in Chapter 1.4.

6. Amend 1.4.5 as follows: "carriers, consignors and others engaged in the transport of dangerous goods indicated in Table 1 shall carry out appropriate checks before employing new staff and verify all references given."

Justification: In many states the extensive security check proposed in document ST/SG/AC.10/C.3/2002/65 requires a special legal basis. Possibly such a legal basis cannot be created for constitutional reasons. In particular data protection raises a problem if data, such as for example criminal records, are to be made accessible to private individuals. The carrier etc. does neither have the means nor the knowledge to carry out extensive security checks. He can only verify the references and documents which are required for the employment. Further checks, where necessary, have to be initiated by the competent security authorities.

7. Delete 1.4.6.

Justification: The security of the existing data transfer, in particular electronic data transfer, seems to be sufficient in view of the fact that absolute security cannot be achieved. If, however, improvements are deemed to be necessary, it should be stated in more detail in respect of which aspects these improvements should be achieved.

Furthermore, we would like to point out that many carriers meanwhile offer the consignors an online tracking of their goods. This would no longer be admissible due to the proposal made in 1.4.6 in document ST/SG/AC.10/C.3/2002/65.

8. Delete 1.4.7.

Justification: In our view procedures for the report of suspicious activities are covered by 1.4.3.2 (e) and have to be part of the security plan.

9. Delete 1.4.8.

Justification: In our view the risk analysis proposed in document ST/SG/AC.10/C.3/2002/65 for every single transport route involves a very detailed and complicated analysis of the risk of terrorist attacks and the consequences for the containment and for the substances and their possible reactions. In view of the great variety of possible actions, such analyses will in many cases not lead to any useful results. In any case, if they are carried out properly, they are so complicated that they impede transport and economic procedures to an unacceptable extent. Furthermore, the information required for security analyses is in general only accessible to the national security authorities and not intended for public use.

10. Delete 1.4.10.

Justification: It remains unclear in which way and for what purpose the identification is to take place.

11. Amendments to Table 1 –PARTICULARLY SENSITIVE DANGEROUS GOODS

According to the opinion of Germany the proposed Table 1 in document ST/SG/AC.10/C.3 /2002/65 is not consequent. It should be replaced by the following new Table:

Table 1: PARTICULARLY SENSITIVE DANGEROUS GOODS

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
Class 2.1,	Flammable gases
Class 2.3,	Toxic gases
Class 3,	Flammable liquids of Packing group I and Packing group II in bulk
Class 3,	Liquid desensitized explosives
Division 4.1,	Self-reactive substances, solid desensitized explosives and UN Nos. 2956, 3241, 3242 and 3251
Division 4.2,	Pyrophoric substances of packing group I and packing group II in bulk
Division 4.3,	Substances which in contact with water emit flammable gases of packing group I and packing group II in bulk
Division 5.1,	Oxidizing substances of packing group I and packing group II in bulk
Division 5.1,	All Ammonium nitrate fertilisers
Division 5.2,	Organic peroxides
Division 6.1,	Toxic substances of packing group I and packing group II with corrosive or flammable subsidiary risk
Division 6.2,	Infectious substances of risk group 4 [Category A] in any quantity
Class 7,	Radioactive material in quantities greater than A ₁ or A ₂ in Type B and Type C packagings
Class 8,	Corrosive substances of packing group I and packing group II with toxic or flammable subsidiary risk

Justification:

1. If a load of aerosols of Division 2.1 is brought to ignition this leads to severe damage (explosion, fragmentation of metal particles etc.). Therefore aerosols with flammable content should be treated similar to gases of Division 2.1
2. The new group of substance, liquid desensitized explosives" of Class 3 reflects to some extent similar dangerous properties as that of the group „solid desensitized explosives" of Class 4.1. However the flammable liquid being used for desensitization bears the additional risk of forming

an explosive atmosphere while a homogeneous solid mixture used to suppress the explosive properties is less dangerous.

3. Dangerous goods of Divisions 4.2 and 4.3 should be implemented in table 1. Division 4.2 includes metal alkyls (e.g. UN Nos. 1366 and 1370) packing group I, subsidiary risk 4.3. Those substances shall be transported in bulk under a nitrogen blanket. Getting rid of the nitrogen blanket leads to spontaneous ignition within five minutes (fire, explosion).

For the hazard of Division 4.3, packing group I sodium, UN-No. 1428, is a good example (explosion, development of high-pressure, evolution of hydrogen, a flammable gas).

Divisions 4.2 and 4.3, packing group II being transported in bulk should also be inserted as these substances are much more dangerous than those of Division 5.1, packing group II which are already taken into account in table 1.

4. Organic peroxides, self-reactive substances and substances related to self-reactive substances (UN Nos. 2956,3241,3242 and 3251)- independent of being transported under temperature control or not or being transported in bulk or not- should be treated similarly.

Temperature controlled organic peroxides and self-reactive substances imply the same hazard as not temperature controlled substances of these groups. They can undergo a violent decomposition leading to an explosion by adding metal powders, acids (catalytic decomposition).

The exclusion of "packagings" for self-reactive substances of Division 4.1, packing group I and II means that a maximum mass of e. g. of 200 kg for solids and a maximum content of 225 l for liquids will be regarded as harmless. Decomposition of such amounts e. g. under confinement could lead to a severe explosion and packagings could be ruptured under fragmentation.

5. Classes 6.1 and 8 should be treated similarly.
6. For class 7 only fissile material should be subject to the regulations in accordance with the provisions of IAEA.
7. As for division 6.2 to the expert from Germany the current text in table 1 means that cultures of Category B are not included.

Amendments to Chapter 7.2

1. Delete 7.2.4.1.

Justification: The way in which the identification takes place depends on the peculiarities of the mode of transport. Therefore, this matter should be regulated by the specific provisions for the individual modes of transport.

2. Delete the brackets in Note 1.

Justification: Consequential amendment.
