

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-fourth session
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Item 4 (b) of the provisional agenda

PACKAGINGS

Comments on ST/SG/AC.10/C.3/2003/37 (United Kingdom)

Transmitted by the Expert from Canada

At the twenty-third session of the Sub-Committee, Canada submitted informal paper UN/SCETDG/23/INF.33 which commented on the formal paper submitted by the Expert from the United Kingdom, ST/SG/AC.10/C.3/2003/10, and the informal paper submitted by the Expert from France, UNSCETDG/23/INF. 21.

In commenting on the paper submitted by the Expert from the United Kingdom, the Expert from Canada stated that Canada did not support deletion of test requirements for packaging from the Model Regulations and the replacement of those requirements by a reference in the Model Regulations to ISO 16104:2003. Our view was based on several factors: the inappropriateness of delegating responsibility for these requirements to interests outside the Sub-Committee, the practicality for users and the Sub-Committee of dispersing container performance requirements among potentially many documents, and some of the specific provisions in ISO 16104.

A number of the concerns the Expert from Canada itemized in INF. 33 were first submitted to the Sub-Committee for consideration at its Nineteenth session in UN/SCETDG/19/INF.9. In addition, the Canadian representative to the ISO working group considering ISO 16104 stated the same concerns to the working group. Those concerns have not been addressed in a manner that would allow Canada to support 16104 at ISO.

We believe that responsibility for establishing the performance criteria for packagings and the associated test protocols that demonstrate compliance with these performance criteria should remain directly with the Sub-Committee. Having said that, we have supported in the past, and continue to support, the use of standards to prescribe highly technical manufacturing or design requirements such as those for the manufacture of cylinders.

We believe, however, that deciding the performance criteria to simulate conditions of transport as well as methods of demonstrating compliance to these performance criteria, are regulatory in nature and must remain for the competent authorities to decide via the Model Regulations. We believe, as do all of our stakeholders who have commented on this issue, that to delegate this responsibility in any way to non-government interests is inappropriate.

We do not support dispersing some container performance requirements to referenced documents nor do we support referencing only parts of ISO 16104 as now proposed in the paper submitted by the Expert from the United Kingdom. In our view, this proposal adds needless complexity, creates the ongoing issue of maintaining harmonization between the Model Regulations and the ISO standard, and may add to the cost of implementation of the Model Regulations for little benefit .

The CEN/ISO committee has made an attempt to clarify and interpret certain of the requirements in the Model Regulations and we agree that, in some respects, there is a need for such clarification. Unfortunately, from our perspective, the interpretations made in ISO 16104, in many cases, are not compatible with our interpretations or methods of implementing the Model Regulations. In addition, it is not clear to us what a user of the Model Regulations is to do when confronted with numerous references such as "See ISO ... " and "Note ISO ...". Does this mean that the reference must be followed?

We believe that while many, but not all, interpretations made in ISO 16104 satisfy the Model Regulations, there may be other approaches that equally satisfy the requirements. In addition, provisions of the Model Regulations that accommodate varied approaches to accomplishing the objectives of the Regulations should be maintained or should be subject to due consideration by this Sub-Committee where changes are proposed. Any identified need to clarify or augment the package testing requirements of the Model Regulations should be brought before this Sub-Committee and, where agreed, should become part of the text of the Model Regulations.

We think that it would be appropriate to review the packaging provisions of the Model Regulations in view of the experience that has been gained and we are ready to support practical changes to advance safety and consistency. Indeed, this work was included in the work plan for this biennium (see ST/SG/AC.10/C.3/44, paragraph 55).

Consequently, we support the review proposal presented by the Expert from the Netherlands in ST/SG/AC/10/C.3/2003/57. We note that the Expert from the Netherlands has included in his proposal the task of identifying the parts of ISO 16104 that may be considered for incorporation into the Model Regulations. We also note that ISO 16104 may require consequential amendments following this review of the Model Regulations.
