

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-fifth session
Geneva, 5-14 July 2004
Item 5 of the provisional agenda

Limited Quantities and Consumer Commodities

Submitted by the expert from the United States of America

1. The expert from the United States of America has reviewed the proposal by the experts from France and Canada concerning requirements for limited quantities and consumer commodities and has considered the two options indicated in the annex of ST/SG/AC.10/C.3/2004/44. Limited quantity and consumer commodity shipments account for the largest volume of dangerous goods shipments and it is essential that a framework for harmonization be provided through the UN requirements so as not to disrupt international trade of these commodities.
2. The current limited quantity and consumer commodity requirements that exist in the UN Model Regulations, IMDG Code and ICAO TI are extremely important to transporters of dangerous goods and are considered to provide a high level of safety. Experience using the exceptions afforded to limited quantities and consumer commodities has proven that the exceptions are practical, useful, and do not pose an unreasonable risk to safety in transport. It is important to note that hundreds of millions of packages of consumer goods that meet the conditions of paragraph 3.4.7 of the current IMDG Code and the applicable requirements of the ICAO TI are offered for international transport annually. We are not aware of any incident reports or anecdotal information indicating that a problem exists with these requirements or that there is reason to question the safety of transporting these dangerous goods according to the currently established exceptions.
3. While multimodal harmonization is clearly the goal, additional requirements applicable to air and sea transport currently apply to limited quantity and consumer commodity shipments and it is anticipated that these additional requirements will continue to be necessary to ensure an appropriate level of safety. For instance, the ICAO TI restricts the substances that are permitted to be transported as consumer commodities (see ICAO TI special provision 112) and the packing instruction includes detailed packaging conditions that must be met (see ICAO TI packing instruction 910).
4. The expert from the United States of America sees no benefit in an informal transport document. This will only lead to additional confusion and will likely reduce the effectiveness of conveying hazard information through the documentation. The objective of the Model Regulations should be to establish a framework of requirements that provide an adequate level of safety for land transport while acknowledging that the modal agencies will need to impose additional requirements commensurate with the safety needs for the particular mode. This framework is for the most part in place.

5. The expert from the United States of America is opposed to changing the wording of Chapter 3.4 and departing from use of the words “limited quantity”. The wording "dangerous goods packed in small quantities" is not appropriate as a proper shipping name or package marking and can have many meanings to many different people. It will also be more difficult to translate into many languages and it is questionable whether it will fit or be comprehensible when printed on packages. The current terminology is well understood and has been incorporated into numerous training programs. To avoid unnecessary changes that will result in requiring retraining of consignors and emergency responders, it would be preferable to maintain the current terminology which is used and well understood worldwide. Maintaining the current framework with only minimal amendments will preclude unnecessary and burdensome amendments to requirements such as those in the IMDG Code particularly with respect to package and transport unit markings and those in the ICAO TI where “Consumer Commodity” is used as a proper shipping name which will necessitate extensive retraining of individuals.
6. The expert from the United States of America is opposed to the proposal that would impose a transport unit mark on the basis of an arbitrary total load threshold (i.e. a figure between 3 to 10 tons). Establishing a marking requirement on the basis of a weight restriction per container could possibly cause improper declarations, undeclared cargoes or other difficulties. We are content with the current requirement in the IMDG Code for the marking in the IMDG Code that requires the words “Limited Quantities” or “LTD QTY” to be marked on transport units. This approach appears to work well as evidenced by the fact that is applied on a mandatory basis worldwide and more than 130 countries approved its adoption into the IMDG Code. Changes to the transport unit marking requirement will lead to significant costs for the industry without apparent safety benefits.
7. The expert from the United States of America is aware of the concerns of other experts regarding the definition of consumer commodities. We agree that the term “consumer commodity” should be better defined. In this paper a definition for “consumer commodities” is proposed for incorporation in 1.2.1 of the Model Regulations.
8. Requirements for excepted quantities have proven useful for transport by air according to the ICAO TI and by all modes according to U.S. Regulations. The expert from the United States of America supports either including provisions for excepted quantities into the Model Regulations or authorizing shipments prepared in accordance with the ICAO TI, particularly when they are transported by air as part of the transport from origin to destination for transport by land. A new paragraph is proposed at the end of Chapter 3.4 to accomplish this as follows:

"3.4.X Dangerous goods that meet the excepted quantities requirements of the ICAO Technical Instructions (see ICAO TI 1; 2.4) are acceptable for transport by road, rail and sea."
9. While the expert from the United States of America prefers option 1 over option 2 because it maintains the concept of consumer commodities, we are not entirely in favor of either option in ST/SG/AC.10/C.3/2004/44. On this basis, a third option is provided in Annex 1 of this paper for consideration by the Sub-Committee.
10. The Sub-Committee should be extremely cautious in deciding on any option taking account of the importance of these requirements to transport safety and world trade. If the Sub-Committee can not agree on a consensus based decision, the expert from the United States of America would prefer if the Sub-Committee would extend the work on this issue to the next biennium to ensure consensus with all affected parties as opposed to adopting requirements that will result in a lack of harmony in national, regional or modal regulations or that may be subject to further proposals and amendments in the near future.

ANNEX I

OPTION 3

Amendment to Chapter 1.2

It is proposed that a definition for “consumer commodities” be added in alphabetical sequence in 1.2.1 as follows:

Consumer commodities are dangerous goods that:

- (a) are packaged in small quantities in accordance with the requirements of Chapter 3.4;
- (b) are commonly available to consumers for household or personal use through retail sale and are in a form and concentration intended or suitable for such sale or are drugs, medicines and other items administered or sold to or for humans or animals by doctors, medical administrations, veterinary practitioners, pharmacies or retail sales distributors; and
- (c) have consumer use warnings indicated on the packages.

Note: Examples of consumer commodities include aerosols (such as hair spray, deodorant, food stuffs or lubricants), perfumes, cleaning products, paints, adhesives, garden care products, consumer pesticides, pool supplies, hobby and recreational products, health care products and toiletries. Substances that are transported in their pure form that are not suitable for consumer use and those that are transported as raw material for purposes of being used in a manufacturing process are not considered consumer commodities. Consumer commodities are those that meet the applicable consumer protection regulations including hazard warning markings.

Amendments to chapter 3.4

CHAPTER 3.4

No amendments are proposed for paragraphs 3.4.1 through 3.4.7 although we can agree to changing the words “vehicle or freight container” to “*transport unit*” in 3.4.6 as proposed in –C.3/2004/44.

3.4.8 Dangerous goods packed in accordance with the requirements of this chapter need not be marked with the proper shipping name of the contents, but shall be marked with the UN number of the contents preceded by the letters "UN" placed within a diamond that has a minimum dimension of 100x100 mm (if the size of the package so requires, the dimensions may be reduced, provided the marking remain clearly visible). The width of line forming the diamond shall be at least 2 mm; the number shall be at least 6 mm high. Where more than one substance is included in the package and the substances are assigned to different UN numbers, then the diamond shall be large enough to include each relevant UN number. The mark shall be applied on at least one side or end of the package and conform to the provisions of paragraphs 5.2.1.2(a) to (d).

3.4.9 Dangerous goods that meet the definition of consumer commodities (see 1.2.1) may be transported using the description “CONSUMER COMMODITY – AIR”, UN 8000 or CONSUMER COMMODITY”, UN 8001, as appropriate.

3.4.9.1 Except for air and sea transport, a dangerous goods transport document is not required for consignments of consumer commodities.

3.4.9.2 As an alternative to the marking in 3.4.8, packages containing consumer commodities may be marked with the UN number 8000 or 8001, as appropriate, preceded by the letters "UN" and the proper shipping name “CONSUMER COMMODITY” or “CONSUMER COMMODITY-AIR”, as

appropriate. The markings shall be at least 6 mm high and shall be clearly visible. The marks shall be displayed on at least one side or end of the outer packaging.

2. Consequential amendments

1. Add the following entries in the Dangerous Goods List

UN No. (1)	Name and Description (2)	Class or Div. (3)	Sub-risk (4)	UN packing group (5)	Special provisions (6)	Limited quantities (7)	Packagings and IBCs	
							Packing Instruction (8)	Special Provisions (9)
8000	CONSUMER COMMODITY–AIR	9			XXX	See chapter 3.4 and paragraph 3.4.9. See ICAO TI Packing Instruction 910		
8001	CONSUMER COMMODITY	See chapter 3.4 and paragraph 3.4.9.			XXX	See chapter 3.4 and paragraph 3.4.9.		

2. In Chapter 3.3 add the following new special provision:

"XXX Consumer commodities are defined in section 1.2.1. The entry UN 8000 shall be used for consumer commodities that are transported by air, and for land or sea transport associated with such air transport. Dangerous goods transported under this entry shall only be those that are permitted to be transported as consumer commodities in the ICAO Technical Instructions and that conform with the applicable requirements of the Technical Instructions. The entry UN 8001 may only be used for consumer commodities transported by road, rail or sea."
