

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

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HARMONIZATION WITH THE GLOBALLY HARMONIZED SYSTEM OF CLASSIFICATION AND LABELLING OF CHEMICALS (GHS)

Comments on ST/SG/AC.10/C.3/2004/68 (Netherlands)
and UN/SCETDG/25/INF.25 (United States of America)

Transmitted by the expert from Belgium

Introduction

Belgium appreciates the work done by the expert from the Netherlands in ST/SG/AC.10/C.3/2004/70. Nevertheless this document, and the comments from the United States of America on it, give rise to the comments and proposals indicated below.

Comments and proposals

1. Belgium prefers the GHS name for these substances, as used in the document from the Netherlands (Substances hazardous to the aquatic environment). Contrary to the opinion of the expert from the United States of America, Belgium is convinced that the generic term “Environmentally hazardous substance” will never be used to describe several different environmental hazards in the future : each type of environmental hazard will have its own UN-number(s) and proper shipping name(s).
2. Belgium also favors the inclusion of a list of substances that meet the aquatic toxicity criteria. It does not agree with the arguments put forward by the expert from the United States of America to use the IMDG Code list. Will it be more difficult to correlate the substances listed in the EU N-Class list with the GHS criteria, than the substances in the IMDG Code list ? Will there be less amendments to the initial list (on a case to case basis as data are provided) if the initial list is the one of IMO ? These are the criteria that should be decisive.
3. Belgium is convinced that the above-mentioned list of substances that meet the aquatic toxicity criteria should be limitative. In Europe, it has been proven by experience that it is completely unfeasible to leave to the consignors the responsibility to identify all possible substances or mixtures according to the criteria of chapter 2.10 (as is required in the proposed 2.0.0.2). As a result of this, ADR/RID has decided to introduce a limitative list. Belgium therefore proposes to replace the proposed text of 2.0.0.2 with a new 2.9.3.1.4 :

“Notwithstanding the provisions of 2.9.3.1.3, substances which cannot be assigned to other classes or divisions or to other entries of class 9, and which are not listed in table xxxx, are not subject to these regulations.

Solutions and mixtures (such as preparations and wastes) of substances which are listed in table xxxx, need only be assigned to UN 3077 or 3082 if, according to 2.9.3.4 they are classified as hazardous to the aquatic environment and they cannot be assigned to one of the classes 1 to 8 or to any other entry of class 9.”

4. The word “may” in the proposed 2.0.1.2 is superfluous and can be eliminated.
5. As the United States of America, Belgium is of the opinion that the proposed creation of a chapter 2.10 is very confusing without the existence of a class 10. However, contrary to the United States of America, it would see the creation of a separate class 10 or division 9.2 for the environmentally hazardous substances (with the lowest precedence of hazards) as the best solution. As such a change falls out of the scope of this sub-committee meeting, Belgium is content not to create a new chapter 2.10 and to leave 2.9.3 where it is.
6. The first sentence of the proposed 2.10.5 could be editorially improved as follows : “Substances hazardous to the aquatic environment that fall within the criteria of any of the classes 1 to 8 shall be transported under the appropriate entry according to these criteria. “

The sentence “They shall be assigned to packing group III.” has disappeared. Although it is not absolutely necessary, Belgium prefers it to be maintained.

7. The proposed 3.1.2.8.1.3 (... the proper shipping name shall be supplemented with the name of the component most predominantly contributing to this hazard designation ...) does not fit in with the existing 3.1.2.8.1.2 in the case of mixtures with two or more hazards in addition to “hazardous to the aquatic environment”. Taking into account that not more than the two constituents which most predominantly contribute to the hazard or hazards of a mixture need to be shown (according to 3.1.2.8.1.2), it means that the hazard to the aquatic environment is automatically considered to be the most predominant hazard of all. Belgium is of the opinion that 3.1.2.8.1.2 is sufficient in itself and that the proposed 3.1.2.8.1.3 should not be accepted.
8. Belgium proposes not to accept the NOTE under 3.1.4 in the document from the Netherlands, for the reasons put forward in 3.
9. Belgium is of the opinion that the provisions concerning the “hazardous to the aquatic environment mark” should not differ from the other placarding and marking provisions without good reason.

It proposes therefore to :

- eliminate the second sentence of 5.2.1.7.1 ;
 - replace in 5.2.1.7.2 the last sentence with “Intermediate bulk containers of more than 450 liters capacity shall be marked on two opposing sides.”
 - replace 5.2.1.7.3.1 with : ”The substance hazardous to the aquatic environment marking shall be as shown in Figure 5.2.2. For packagings, the dimensions shall be 100 mm by 100 mm. For transport units (see 5.3.2.3.1) the minimum dimensions shall be 250 mm by 250 mm.”
10. Belgium does not agree to the proposed new sentence for 5.4.1.4.3 (a), for the reasons given in 7.
 11. The proposed 7.1.1.6 is not specific to the substance hazardous to the aquatic environment. It applies to the dangerous substances of all classes. This sub-section should therefore be made applicable to all dangerous products, or eliminated.
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