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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-sixth session
Geneva, 29 November-7 December 2004
Item 2 of the agenda

PROVISIONS ADOPTED BY THE SUB-COMMITTEE FOR AMENDMENTS TO THE RECOMMENDATIONS ON THE TRANSPORT OF DANGEROUS GOODS

Transport of Waste Aerosols Sent for Disposal and Recycling

Comments on ST/SG/AC.10/C.3/2004/105 (USA)

Submitted by the International Vessel Operators Hazardous Materials Association, Inc. (VOHMA)

1. At the 25th session, the proposal presented by the expert from the United Kingdom, ST/SG/AC.10/C.3/2004/53 (United Kingdom) to permit the transport of waste aerosols in non-bulk and large packagings was presented. Several delegations, in addition to the NGO representative from VOHMA expressed concerns regarding compromising safety if the authorizations were to go forward as proposed.

2. Document: ST/SG/AC.10/C.3/2004/53 adopted, with some modifications, a new packing instruction that authorizes AEROSOLS, UN1950 to be transported in large packagings for the purpose of reprocessing or disposal. The packaging provision will state that “The packaging shall be adequately ventilated to prevent the creation of flammable atmosphere and the build-up of pressure."

3. The proposal as adopted also includes a new special packing provision "L2" to which states that “Inner packagings are not required. The large packaging shall meet the Packing Group III performance level. Large packagings shall have a means of retaining any free liquid that might escape during transport e.g. absorbent material. The large packaging shall be adequately ventilated to prevent the creation of flammable atmosphere and the build up of pressure."

4. One of the provisions for transporting these waste aerosols in large packagings when packed in a cargo transport unit (CTU) is that the CTU must be well ventilated to prevent a build-up of concentrations of flammable vapours or gases.

5. Although the proposed provision require that large packagings be “adequately ventilated” and cargo transport units be “well ventilated” The Model Regulations do not include a definition of “adequately ventilated” or “well ventilated”. Under the provisions of SOLAS, a vessel transporting flammables or toxics stowed below deck must be in an approved hold with a minimum of six complete air changes per hour with provisions to remove vapours from both upper and lower areas. The small vents at the corners of a freight container would be inadequate to provide similar ventilation.

6. The text of the proposed amendment authorizes the transport of packages that no longer meet the containment requirements of the UN Performance Packaging Standards and are leaking dangerous goods from the packaging. And, further the packaging instructions for the leaking packagings are less restrictive than the packing instruction for the intact aerosol packagings that previously complied with the performance standards. Nowhere in the UN Model Regulations are there authorizations for transporting leaking or non-conforming packagings containing dangerous goods other than in salvage packaging.

7. VOHMA would like to again reiterate our concerns as stated in our comments at the 24th and 25th Sessions of this Sub-committee, which were shared by several delegations and now addressed in the proposal of the United States. When transported in freight containers on a container-ship or vehicles in RO/RO vessel traffic the possibility of leaking aerosols with escaping propellant from ventilated packagings and ventilated CTUs present significant hazards. Propane and butane, and other common propellant gases in aerosols, are heavier than air and "adequate ventilation" to prevent a build-up of pressure or flammable atmospheres may not be possible. Volatile concentrations of vapours and air could readily form within the CTU. The hatch covers on cellular container ships are not vapour-tight and many of the common propellant gases being heavier than air may migrate to low-lying areas on a ship. Concentrations of such gases and vapours escaping from these ventilated freight containers laden with large packagings containing waste aerosols and accumulating in the hold of a ship could form an explosive atmosphere.

8. Aerosols UN1950 of 1000 ml or less shipped as a limited quantity are classified and described as a Class 2 and are currently authorized by the IMDG Code to be stowed and segregated as a Class 9. In paragraph (g) of the UK proposal it is stated that waste aerosols would not be shipped under the provisions of Chapter 3.4 and the requirements of Chapter 5.4 would apply. Assuming that shipments of waste aerosols in the large packagings and in the CTUs may contain a variety of aerosol products, with varying dangerous goods including both flammable and non-flammable propellants it may be difficult to classify these shipments previously authorized as simply "Class 2". If aerosols meeting the definition of multiple hazard classes were shipped together in a large packaging the shipper, and ultimately the carrier, would be faced with even more problematic concerns, including but not limited to placarding and stowage. Currently aerosol packagings are authorized for many different hazard class contents and propellants such as class 2.1, 2.2, 3, 6.1 PG II and PG III, and Class 8. They include garden products, insect repellents, insecticides, bee and wasp killers, oven cleaners, paints, lubricants, and a myriad of other products. When packing and shipping these damaged, leaking, or obsolete aerosols that will no longer be classified simply as Class 2, the limited quantity exception is no longer applicable to these shipments and SP 63 requires the appropriate hazard class to be identified. It may be difficult to meet the regulatory responsibility to identify the proper hazard class or classes based on limited data available for use in reclassification.

9. Large packagings are currently authorized for packing group III dangerous goods only, demonstrating an inconsistency within the proposed amendment that would authorize packaging of aerosols with inner components meeting the definition of packing group II.

10. There exists a high probability that these shipments could not be transported in aircraft which means that these waste aerosols would certainly be offered for transport by vessel. If these waste aerosols continued to meet the performance packaging standard of the regulations and are being disposed of due to obsolescence or similar reasons, they should be offered and transported in the same manner as when they were originally shipped as required for all other dangerous goods, with the exception that 5.4.1.4.3 (c) would require that the word "WASTE" precede the proper shipping name. The IMDG Code is in harmony with the UN Model Regulations for these shipments and no amendments are necessary to authorize their transport for recycling or disposal.

11. The IMDG Code at 7.9.1 includes provisions for competent authorities to issue written exemptions if they are satisfied that such provisions of the exemption provide at least an equivalent level of safety as that of the Code requirement. The competent authority of the port State of departure, port State of arrival, and flag State may authorize such exemption and other competent authorities may recognize transport under the exemption at their discretion. A copy of the exemption must be submitted to IMO who should then take action, if appropriate to include the provisions of the exemption in the Code. A copy of the exemption must accompany each consignment and must be maintained on-board the vessel. The exemption provisions of the Code would authorize the issuance of an exemption, permitting transportation of shipments at issue in this amendment, if an equivalent level of safety could be ensured, thus permitting additional time to explore and identify options for safe packaging and transport provisions for shipments of these waste aerosols. The accompaniment of the exemption would also serve to provide ready identification of these shipments by the transporting ocean carrier and would include specific conditions to be followed for safe transport.

12. VOHMA would thus support the proposal of the United States in submission ST/SG/AC.10/C.3/2004/105 and would encourage the subcommittee to not include the amendment to the text of the Model Regulations at this time and to continue discussion on additional provisions that might be incorporated to ensure an adequate level of safety in transportation of these shipments.

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