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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-ninth session  
Geneva, 3-12 (a.m.) July 2006  
Item 12 of the provisional agenda

**ISSUES RELATING TO THE GLOBALLY HARMONIZED SYSTEM  
OF CLASSIFICATION AND LABELLING OF CHEMICALS**

Hazards to the aquatic environment

Transmitted by the expert from the Netherlands

**Background**

1. In December 2003, the Sub-Committee decided that all substances hazardous to the aquatic environment, either falling under classes 1 to 8 or under Class 9 only should be identified as such by a GHS mark or label under transport regulations (see ST/SG/AC.10/C.3/48, paragraph 72).
2. In July 2004, the Sub-Committee made some further decisions concerning substances hazardous to the aquatic environment (see ST/SG/AC.10/C.3/50 ) and adopted a text (see ST/SG/AC.10/C.3/50/Add.1) which was incorporated in document ST/SG/AC.10/C.3/2004/80 of the secretariat with the consolidated texts for adoption by the Sub-Committee.

3. The International Maritime Organization (IMO) was asked if the proposed text in document ST/SG/AC.10/C.3/2004/80 was acceptable. IMO informed the Sub-Committee in informal document UN/SCETDG/26/INF.16 that it indeed could accept the text as adopted by the Sub-Committee.
4. Despite this, in December 2004, the Sub-Committee decided, on the basis of an oral proposal, to reverse its decision of December 2003 and to apply the GHS criteria for substances dangerous to the aquatic environment to UN numbers 3077 and 3082 only. The text was adapted accordingly and published in the fourteenth revised edition of the UN Model Regulation. The experts from the Netherlands, Belgium and Germany made a reservation at that time against this decision (refer also to ST/SG/AC.10/C.3/52, para. 86-103).
5. Before discussing this issue once again in the Sub-Committee, the expert from the Netherlands preferred to wait for the decisions of the modal bodies in this respect.

### **Decisions of the modal bodies**

#### ***Sea transport, IMO***

6. In September 2004, the IMO Sub-Committee on Dangerous Goods, Solid Cargoes and Containers (DSC9) instructed its Editorial and Technical Group (E and T Group) to prepare the incorporation of the UN text in the IMDG Code on the basis of the consolidated document ST/SG/AC.10/C.3/ 2004/80. However before the work in the E&T group could start, the UN Sub-Committee, in December 2004, reversed its decision as described above. The E&T group was faced with this new decision in March 2005 which was contrary to the original assignment of DSC9 and decided it could not fulfil the assignment of DSC9 and gave the work back to DSC for a new decision in DSC10.
7. In September 2005, DSC10 acknowledged the decision of MEPC 51 to incorporate the GHS criteria in the IMDG Code and DSC10 confirmed that once incorporated in Annex III of the MARPOL convention, the criteria would be applicable to all classes of dangerous goods and not only to UN Nos. 3077 and 3082.
8. The report of DSC10 was submitted to the Sub-Committee as informal document UN/SCETDG/28/INF.48 (see ST/SG/AC.10/C.3/56, para. 125).

#### ***Inland transport, UNECE, OTIF and European Union***

9. The RID/ADR/ADN Joint Meeting decided in March 2005 that the text concerning environmentally hazardous substances in the fourteenth edition of the UN Recommendations should not be followed.
10. It was considered that according to the GHS, all substances meeting the criteria of aquatic pollutants, whatever their class, should be subject to the marking and documentation requirements of the Model Regulations for aquatic pollutants allocated to UN Nos. 3077 and 3082. Furthermore it was considered that the prescription of conditions of carriage for

these two entries alone would not be acceptable to the IMO and that harmonization with the United Nations Model Regulations was liable to perpetuate the existing discrepancy with the IMDG Code, which was not desirable for multimodal transport. This would also in part perpetuate the existing discrepancy with European Directives 67/548/EEC and 1999/45/EC which prescribed labelling as aquatic pollutants for all substances or preparations that met the criteria.

11. As a result of this discussion, it was decided not to deal with new texts concerning aquatic pollutants for entry into force 1 January 2007 (see TRANS/WP.15/AC.1/98, para. 31-38).

### *Air transport, ICAO*

12. The ICAO Dangerous Goods Panel (ICAO DGP) decided to make the classification of substances as environmentally hazardous optional for air transport and not to align at this moment with the new provisions of the UN Model Regulations.

### **Conclusion**

13. The decisions of the IMO/DSC, the RID/ADR/ADN Joint Meeting and the ICAO DGP make clear that these bodies did not follow the new decision of the Sub-Committee in December 2004. The expert from the Netherlands considers this as a confirmation that her reservation in conjunction with those of the experts from Belgium and Germany in December 2004 was appropriate.
14. In this light, the expert from the Netherlands is of the opinion that the Sub-committee should reconsider its decision of December 2004 in the sense that the GHS criteria should apply to all substances including those of classes 1 to 9.

### **Proposals**

15. The Netherlands proposes to reconsider the decisions taken in December 2003 and July 2004 by the Sub-Committee and thus to apply, in accordance with the GHS system, the criteria for hazards to the aquatic environment to all dangerous goods of classes 1 to 9.
16. If an indicative list of aquatic pollutants is needed, the expert from the Netherlands proposes to use the list as provided by the secretariat in informal document UN/SCETDG/26/INF.9.
17. Based on the already adopted text in ST/SG/AC.10/C.3/2004/80 of July 2004 the below mentioned consequential amendments to the fourteenth edition of the UN Model Regulations are proposed:

## **VOLUME 1**

### **Chapter 2.0**

2.0.1.2 In the first sentence, delete ", without additional labelling,".

### **Chapter 3.2**

Consequential amendment: For UN Nos. 3077 and 3382, delete "331" in column (6).

### **Chapter 3.3**

Delete special provision 331.

## **VOLUME 2**

### **Chapter 5.2**

5.2.1.6.1

Delete in 5.2.1.6.1, in the first sentence: "(UN Nos. 3077 and 3082)".

### **Chapter 5.3**

Delete in 5.3.2.3, in the first sentence: "(UN Nos. 3077 and 3082)".

### **Chapter 5.4**

5.4.1.4.3 (e) Add a new sub-paragraph (e) to read as follows:

- "(e) Substances meeting the criteria in 2.9.3.3 shall be identified as such by adding the words "AQUATIC POLLUTANT" immediately following the dangerous goods description. An example is: "UN 2218 ACRYLIC ACID, STABILIZED 8 (3) II, AQUATIC POLLUTANT"."
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