

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 7 of the provisional agenda

MISCELLANEOUS PROPOSALS OF AMENDMENTS TO THE MODEL REGULATIONS ON THE TRANSPORT OF DANGEROUS GOODS

Overpacks

Comments on ST/SG/AC.10/C.3/2006/18

Transmitted by the International Air Transport Association (IATA)

Introduction

The document produced by the International Federation of Freight Forwarders Associations (FIATA), ST/SG/AC.10/C.3/2006/18, certainly identifies some of the challenges for freight forwarders and carriers when dealing with overpacks and the handling and loading of multiple packages. However, the approach taken by the Joint Meeting in amending the text of RID/ADR/ADN, and proposed amendments to the UN Model Regulations, will create potential confusion regarding the consignor's responsibilities and liabilities and cause significant disharmony with the air transport regulations and for this reason IATA does not support the proposals contained in the FIATA paper. It's also a little disappointing that the Working Party on the Transport of Dangerous Goods should amend the provisions of RID/ADR/ADN with effect 1 January 2007 given the extensive discussion on multi-modal harmonisation that has taken place at the Subcommittee over the last year.

Remarks

At the present, only a consignor can create an overpack. As defined in the Model Regulations an overpack is:

“an enclosure used by a single consignor to contain one or more packages and to form one unit for convenience of handling and stowage during transport. Examples of overpacks are a number of packages either:

(a) Placed or stacked on to a load board such as a pallet and secured by strapping, shrink wrapping, stretch wrapping, or other suitable means; or

(b) Placed in a protective outer packaging such as a box or crate;”

The consignment procedures of Part 5 then identify in 5.1.2 the specific actions that a consignor must undertake when using an overpack. The consignor then acknowledges by signing and dating the certification on the dangerous goods transport document that these actions, when applicable, have been correctly applied.

With respect to the particular issue raised in the FIATA paper regarding the problems for freight forwarders and carriers being able to secure multiple packages for convenience of handling, it is the IATA opinion that, subject to the specific restrictions of Part 7 of the Model Regulations, there is nothing that precludes the carrier from securing packages of dangerous goods by use of shrink-wrap or other means to facilitate the securing and loading of dangerous goods into a transport unit and/or a conveyance. This would appear to be completely within the scope of 7.1.1.7 and in doing so would not constitute an “overpack” as defined.

For freight forwarders, to allow their employees assemble multiple packages of dangerous goods into an overpack and then apply markings as per 5.1.2.1 takes on actions intended only for consignors. If the freight forwarder assembled an overpack that was subsequently found to be out of compliance with the regulatory requirements, it would be the consignor that would potentially be held liable, as there is nothing in the FIATA proposal that the freight forwarder has to sign or otherwise indicate on documentation that this work had been undertaken by the freight forwarder and not the consignor.

For air transport, the ICAO Technical Instructions include in Part 5;4.1.5.8 additional requirements on the dangerous goods transport document to those contained in the Model Regulations. The requirement with respect to overpacks is that:

The dangerous goods transport document must also contain an indication that an overpack has been used, when appropriate.

ICAO has adopted this additional requirement to facilitate the operator’s (carrier’s) completion of the acceptance checklist for consignments of dangerous goods by ensuring that, when used, the shipper (consignor) clearly identifies on the dangerous goods transport document that the consignment includes an overpack(s). Industry practice is that packages within overpacks must be listed first on the dangerous goods transport document and that the words “overpack used” must be inserted on the dangerous goods transport document immediately after all the relevant entries relating to the packages within each overpack. In this way the consignor clearly identifies to all parties in the transport chain:

- (a) that an overpack(s) has been used; and
- (b) the packages that are contained in the overpack(s).

IATA believes that the addition of an indication by the consignor on the dangerous goods transport document that an overpack has been used would remove some of the confusion and uncertainty that currently exists. IATA would be prepared to bring a formal proposal to the next meeting of the Subcommittee should there be an indication of support for such an approach.
