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PROPOSALS OF AMENDMENTS TO RID/ADR/ADN

Definition of the safety obligations of unloaders
Revision of document ECE/TRANS/WP.15/AC.1/2006/32

Transmitted by the Government of Austria

Summary:	Several proposals have been submitted with the intention of clarifying the safety obligations of unloaders in Chapter 1.4. The principle of introducing a new participant – the unloader – with a definition and obligations has been approved (see ECE/TRANS/WP.15/AC.1/102, par. 52). Bearing in mind the most recent comments made, this paper tries to find an acceptable compromise.
Action to be taken:	Add a new definition in 1.2.1 as well as a new 1.4.3.x and adapt 1.4.2.3.

Introduction

1. Having in mind

- the principles of ECE/TRANS/WP.15/AC.1/2006/32
- its discussion in INF 23, 27 and 31 of the previous session
- the definitions and obligations of other participants
- the duties in connexion with unloading already determined by RID/ADR

Austria proposes a compromise in an additional option for the definition of the unloader and his obligations. The obligations of the consignee should be amended according to ECE/TRANS/WP.15/AC.1/2006/32 anyway.

2. The aim of ECE/TRANS/WP.15/AC.1/2006/32 is to define the unloader as the opposite to the filler and the loader.

- "Loader" means any enterprise which loads dangerous goods into a vehicle or large container;
- "Filler" means any enterprise which loads dangerous goods into a tank (tank-vehicle, demountable tank, portable tank or tank-container) and/or into a vehicle, large container or small container for carriage in bulk, or into a battery-vehicle or MEGC;

Following September 2006/INF.23 the design of the definition could be better and loading is not restricted to packaged dangerous goods. However, placing a container, bulk-container, tank-container or portable tank onto a vehicle is not included.

3. The obligations of the unloader should on the one hand correspond to the respective ones of the loader

- (a) (...)
- (b) he shall, when handing over for carriage packed dangerous goods or uncleaned empty packagings, check whether the packaging is damaged. He shall not hand over a package the packaging of which is damaged, especially if it is not leakproof, and there are leakages or the possibility of leakages of the dangerous substance, until the damage has been repaired; this obligation also applies to empty uncleaned packagings;
- (c) he shall, when loading dangerous goods in a wagon/vehicle, or a large or small container, comply with the special requirements concerning loading and handling;
- (d) he shall, when he hands dangerous goods over for carriage directly, comply with the requirements concerning placarding on a wagon or large container or the orange plates on the wagon or large container / he shall, after loading dangerous goods into a container comply with the requirements concerning danger markings conforming to Chapter 5.3;
- (e) he shall, when loading packages, comply with the (...) requirements concerning the separation of foodstuffs, other articles of consumption or animal feedstuffs.

and the filler

- (a) he shall ascertain prior to the filling of tanks that both they and their equipment are technically in a satisfactory condition;
- (b) - (e) (...)
- (f) he shall, after filling the tank, check the leakproofness of the closing devices;
- (g) he shall ensure that no dangerous residue of the filling substance adheres to the outside of the tanks filled by him;
- (h) he shall, in preparing the dangerous goods for carriage, ensure that the orange plates and placards or labels prescribed are affixed on the tanks, on the vehicles

and on the large and small containers for carriage in bulk in accordance with the requirements;

- (i) (...);
- (j) he shall, when filling vehicles or containers with dangerous goods in bulk, ascertain that the relevant provisions of Chapter 7.3 are complied with.

and on the other hand take over the adequate obligations of the consignee

- (a) carry out in the cases provided for by ADR the prescribed cleaning and decontamination of the vehicles and containers;
- (b) ensure that the wagons and containers once completely unloaded and cleaned, degassed and decontaminated, no longer bear danger markings conforming to Chapter 5.3.

4. Moreover RID and ADR have many provisions concerning unloading and discharging (and the following transport), e.g.:

1.3: Training

1.7.2, 1.7.3 : Radiation protection programme, Quality assurance

1.8.3: Safety adviser

4.1.1.11, 4.2.1.5: empty packagings and UN-Tanks be treated like full ones

4.3.2.3.3: prevent the release of dangerous quantities of gases and vapours

4.3.2.4.1: no dangerous residue at the outside of the tank

4.3.2.4.2: empty uncleaned tanks, battery-vehicles and MEGCs closed and leakproof as full

4.3.4.2.2: empty pipes

TP32: time limit

TU1, TU2, TU4: inert gas in empty tank

TU11: pressure check and inert gas prior to discharge

TU12: cleansing of all residues after the carriage

TU13: valves and external piping have to be empty too

TU14: protective caps of closures shall be locked

TU16: N₂ or H₂O in empty tank

TU39: time limit

4.5.2.3: maximum allowed pressure

5.3.1.1.5: removing or covering of Placards not relating to the dangerous goods or residues

5.3.2.1.4(RID), 5.3.2.1.8 (ADR): removing or covering of orange-coloured marking

7.3.1.11: measures against explosion of dust or evolved flammable vapours

7.5.1 visual inspection of vehicle, large container and tank before unloading

7.5.4 precautions with respect to foodstuffs, other articles of consumption and animal feeds

7.5.7: handling and stowage

7.5.8.1: cleaning after unloading

CV1: unloading in a public place

CV2: prohibition of fire and naked flame

CW/CV9: handling and stowing of packages

CW/CV13: cleaning and disinfection

CV14: storage of packages

CV21: maintain control temperature

CW/CV23: avoid contact with water

CV25: maintain temperature

CV27: functioning of the cooling chain shall be ensured

CW29: upright storage of packages

CW31: check for residues of the load

CW/CV33 (5.1): damaged or leaking Class 7-package

8.3.4: portable lighting apparatus

8.3.5: prohibition on smoking

8.3.6: running the engine during loading or unloading

S1 (3), (4): prohibition of fire and naked flame, places of loading and unloading

S2: Portable lamps, combustion heaters, electrostatic charges

Part 1 obligations are not listed in 1.4.2 and 1.4.3. Most of the other ones can be addressed generally.

Proposals

(a) **Add a new definition in paragraph 1.2.1:**

““*Unloader*” means any enterprise which

- unloads dangerous goods from a wagon/vehicle or a large container or
- discharges dangerous goods from a tank (tank-vehicle, demountable tank, portable tank or tank-container) or from a battery-vehicle or MEGC and/or from a vehicle, large container or small container for carriage in bulk;“

or (meaning exactly the same):

““*Unloader*” means any enterprise which unloads or discharges dangerous goods from a

- tank (tank-wagon/tank-vehicle, demountable tank, portable tank or tank-container) or from a battery-wagon/battery-vehicle or MEGC
- small container for carriage in bulk
- vehicle/wagon or a large container;“

(b) **Add a new paragraph 1.4.3.x:**

“1.4.3.x *Unloader*

1.4.3.x.1 In the context of 1.4.1, the unloader shall in particular:

- [(a) check, before unloading, the goods concerned and their documentation;]
- (b) check whether any leakage of the dangerous substances carried occurs or whether the packagings, the tank[(tank-wagon/tank-vehicle, demountable tank, portable tank or tank-container) or the battery-wagon/battery-vehicle or MEGC], the vehicle/wagon or container have been damaged to an extent which would endanger the unloading or discharging operation. In these instances the unloading or discharging shall not be carried out until the appropriate emergency measures have been taken;
- (c) carry out in the cases provided for by RID/ADR the prescribed cleaning and decontamination of the wagons/vehicles or containers;

- (d) comply with the [special] requirements concerning unloading and handling;
- (e) immediately following the discharging of the tank, vehicle/wagon or container:
 - (i) ensure that no dangerous residue of the filling substances adhere to the outside of the tank, vehicle/wagon or container;
 - (ii) ensure the closure of valves and inspection openings;
- (f) ensure that the wagons[/vehicles], containers or tanks, once completely unloaded, cleaned and decontaminated, no longer bear danger markings conforming to Chapter 5.3.

[1.4.3.x.2 The unloader may, however, in the case of 1.4.3.x.1 (c) (i) and (ii), rely on information and data made available to him by other participants.]

1.4.3.x.3 If the unloader makes use of the services of other participants (cleaner, decontamination facility, etc.) he shall take appropriate measures to ensure that the requirements of RID/ADR have been complied with.”.
