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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

Thirty-fifth session

Geneva, 22–26 June 2009

Item 5 of the provisional agenda

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

“De minimis” quantities of dangerous goods

Transmitted by the expert from the United States of America¹

Background

1. Over the past several biennia, the Sub-Committee has at various times considered the issue of extremely small quantities of dangerous goods which pose a negligible risk in transport. Examples include environmental samples sent for analysis, pens containing an extremely small quantity of ink, pharmaceutical research production samples sent for evaluation, calibrators for air quality monitoring devices, and other applications. As recently as the last session, in conjunction with several proposals, the expert from the United Kingdom asked the Sub-Committee to consider the need to address practical situations involving very small quantities of dangerous goods.

¹ In accordance with the programme of work of the Sub-Committee for 2009-2010 approved by the Committee at its fourth session (refer to ST/SG/AC.10/C.3/68, para. 118(d) and ST/SG/AC.10/36, para. 14).

2. Currently the Model Regulations provide no quantity threshold below which certain dangerous goods are not regulated. As such, under a strict application of the classification criteria in Part 2, even a small fraction of a gram of a flammable solid for example would be considered a dangerous good. In practice however, were a fire to occur during transport, the packaging for the material itself will contain far more potential energy than such a small quantity of material.

3. Over time the UN Model Regulations have been amended to incorporate specific provisions which are more appropriate to the quantity and nature of goods transported. For example, the current provisions of Chapter 3.4 and 3.5 address dangerous goods in limited and excepted quantities, respectively. However these provisions address substantially larger quantities than those considered in this paper. Even the provisions for excepted quantities still draw in requirements such as training as well as, for certain modes, documentation and a shipper's dangerous goods declaration. Subjecting extremely minute quantities of goods to such requirements is of questionable value, and may also falsely communicate a risk in transport. This in turn can lead to unjustified precautions and unnecessary incident response actions which are unwarranted and have a negative effect on transport safety.

4. It is proposed that the Sub-Committee consider including provisions in the Model Regulations for quantities that are so minute that they do not pose a risk that needs to be considered in transport. A Latin term describing this situation is "de minimis", a common legal term meaning "so small or minimal in difference that it does not matter or the law does not take it into consideration".

Proposal

5. The intent of the present paper is not to present a specific proposal but rather to invite discussion on the issue. The Sub-Committee is invited to consider how best to address dangerous goods that are transported in such minute quantities that the risk in transport is inherently mitigated by the material type and quantity. Issues that the Sub-Committee could consider include:

- (a) **Classification:** The classes and packing groups of materials that would be appropriate to consider under any proposed provisions;
- (b) **Quantity:** The quantity of material that could be considered to pose a negligible risk; and
- (c) **Packaging:** Appropriate packaging provisions for such materials.

6. Once the Sub-Committee has fully discussed the issue and a consensus is reached on the best way forward, the United States is prepared to draft a proposal for consideration by the Sub-Committee at the following session.
