

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

27 November 2014

Forty-sixth session

Geneva, 1-9 December 2014

Item 2 (b) of the provisional agenda

**Recommendations made by the Sub-Committee on its forty-third, forty-fourth
and forty-fifth sessions and pending issues: listing, classification and packing**

Proposed amendments to the Model Regulations and Guiding Principles based on the informal discussion group on document ST/SG/AC.10/C.3/2014/23 – classification inconsistencies – Comments on ST/SG/AC.10/C.3/2014/74

Transmitted by the expert from the United Kingdom

Introduction

1. The process of classifying and assigning UN Numbers and Proper Shipping Names to dangerous goods according to their hazard classification and their composition is probably the keystone in the process of transporting dangerous goods. These Regulations are clear in making classification the responsibility of the consignor.

It is acknowledged that the information contained within the Dangerous Goods List (DGL) and associated special provisions are the primary source of information for the correct classification of dangerous goods.

2. Due to other regulatory changes over recent years, consignors have been reviewing their data on which the transport classification for their product is based. In some cases consignors have found that existing, long standing DGL entries do not fully identify the new hazards identified as part of the review. It is not believed that this scenario applies to a large number of products, however, as the timescale in bringing the new data to the attention of the sub-committee to make an amendment to DGL can be up to four years before the change is made in the modal Regulations, this process has resulted in consignors being faced with both a legal and moral dilemma as to which UN Number and PSN to use.

3. The United Kingdom expert welcomes the proposal given in the Belgium/United States paper ST/SG/AC.10/C.3/2014/74 to address this important issue which has challenged both regulators and industry to find an appropriate solution to this dilemma.

4. The United Kingdom expert concurs with the proposal to add the new sentences in paragraph 2.0.0 and supports the initial sentence but proposes the re-ordering of the bullet points as follows; (renumber existing 2.0.0 to become 2.0.0.1).

2.0.0.2 "A consignor who is aware, on the basis of test data, that a substance listed by name in column 2 of the Dangerous Goods List in Chapter 3.2 meets other classification criteria for a hazard class or division that is not identified in the list may consign the substance:

(a) under the most appropriate generic or N.O.S. entry reflecting all known hazards; or

- (b) with the approval of the Competent Authority

under the same UN number and name but with additional hazard communication information, as appropriate, to reflect the additional subsidiary risk(s) (documentation, label, placard) provided that the primary hazard class remains unchanged and that any other transport conditions (e.g. limited quantity, packaging and tank provisions) that would normally apply to substances possessing such a combination of hazards are the same as those applicable to the substance listed.”

5. The UK believes that the use of “the most appropriate generic or N.O.S. entry reflecting all hazards” best mirrors the method that a consignor, when using the scenario given in paragraph 2, would use for selecting the appropriate entry in the DGL, as given in paragraph 2.0.2.8 of the Model Regulations. However, in cases where a suitable generic N.O.S. entry is not available an alternative, a “Competent Authority” approved entry would be necessary.

6. However, a consignment(s) may undergo either a physical check, or an automated or operator data entry check which may identify a difference between the “Product Name” given in the DGL and the declared appropriate generic or N.O.S. entry for that “Product” based on new classification data. These situations would both result in confusion and delayed transport whilst the matter is resolved. In addition, from an enforcement and carrier perspective, as this classification process is a deviation from the DGL it would need to be communicated by the consignor to others within the transport supply chain through a consequential change in the documentation in Chapter 5.4. This would be similar to the existing approach taken for self-reactive substances and organic peroxides in 5.4.1.5.5.2.

The UK proposes the following text is inserted to inform the transport chain appropriately.

“5.4.1.5.x *Classification where new data is available (see 2.0.0.2)*

For transport in accordance with 2.0.0.2, a statement to this effect shall be included in the transport document, as follows “Classified in accordance with 2.0.0.2”

7. The UK has a number of comments on the proposed Guiding Principles text. For the reasons given in paragraph 4 above it is proposed that the text is rearranged to reflect the proposal given in paragraph 4. Secondly, the following text is more appropriate to the body of the Model Regulations and the UK therefore proposes that it should be added as a Note to the proposed text for 2.0.0.2.

“NOTE *When a competent authority grants such approvals, it should inform the United Nations Sub-Committee of Experts on the Transport of Dangerous Goods accordingly and submit a relevant proposal of amendment to the list of substances. Should the proposed amendment be rejected, the competent authority should withdraw its approval.”*
