

Economic Commission for Europe

Inland Transport Committee

Working Party on the Transport of Dangerous Goods

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Item 6 (b) of the provisional agenda

**Proposals for amendments to Annexes A and B of ADR:
miscellaneous proposals**

Smoking prohibition

Transmitted by the Government of Luxemburg

Summary

Executive summary: The aim of this proposal is to clarify how the usage of electronic cigarettes can be regulated in the ADR and if the prohibition of smoking might also be applicable for electronic cigarettes.

Decision to be taken: Amend the requirements of the prohibition of smoking in the ADR by the extension to the usage of electronic cigarettes.
Finally it is important to mention that the term “electronic cigarette” applies also to all technical devices that can be used for smoking.

Introduction

1. In the ADR the prohibition of smoking during the handling operations with dangerous goods is mentioned several times.

2. In ADR 7.5.9 and 8.3.5 smoking is prohibited during handling operations in the vicinity of vehicles or containers or inside the vehicles or containers.

In 8.5 S1 (3) smoking shall be prohibited on vehicles carrying substances and articles of class 1, in their vicinity and during the loading and unloading of these substances and articles.

Furthermore a prohibition of smoking is laid down in the instructions in writing in 5.4.3.4 in an event of an accident or emergency.

3. Other than a common cigarette an electronic cigarette is considered as a technical device which consist 3 components: the atomizer- a battery-driven resistance wire t responsible for vaporizing liquid; a tank containing the liquid, and the battery. All components are part of the enclosure of the cigarette.

4. As the risk of ignition cannot be excluded, it is appropriate to extend the regulation of the smoking prohibition in the ADR to the usage of electronic cigarettes.

5. As the inspection authorities already had to face this problem it is considered justified to raise this issue in WP.15

Proposition

6. The prohibition of smoking in 7.5.9, 8.3.5, 8.5. S1 (3) and in the instructions in writing in 5.4.3.4 lit.2 should be modified as follows:

“7.5.9 Prohibitions of smoking

Smoking shall be prohibited during handling operations in the vicinity of vehicles or containers and inside the vehicles or containers.” This prohibition is also applicable for the use of electronic cigarettes¹.

“8.3.5 Prohibitions of smoking

Smoking shall be prohibited during handling operations in the vicinity of vehicles and inside the vehicles.” This prohibition is also applicable for the use of electronic cigarettes¹.

“8.5 S1 (3) Prohibitions of smoking, fire and naked flame

Smoking, the use of fire or of naked flames shall be prohibited on vehicles carrying substances and articles of Class 1, in their vicinity and during the loading and unloading of these substances and articles.” This prohibition is also applicable for the use of electronic cigarettes¹.

“5.4.3.4 INSTRUCTIONS IN WRITING ACCORDING TO ADR

Avoid sources of ignition, in particular, do not smoke or switch on any electrical equipment. This prohibition of smoking is also applicable for the use of electronic cigarettes¹.

¹“electronic cigarette” applies also to all technical devices that can be used for smoking.

Justification

7. The proposed amendment clarifies that in future a consistent treatment of the use of electronic cigarettes - regarding the prohibition of smoking- in the ADR is clarified

Safety: This proposal contributes to ensuring the safety and avoids any risk of ignition which could eventually occur by using an electronic cigarette.

Actual application: This proposal offers greater legal certainty and clarity for the supervisory bodies and end users of ADR.