

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

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Item 6 (a) of the provisional agenda

Miscellaneous proposals for amendments to the Model Regulations

on the Transport of Dangerous Goods: dangerous goods in machinery, apparatus or articles, N.O.S.

Remarks on ST/SG/AC.10/C.3/2016/34 Dangerous goods in machinery, apparatus or articles, N.O.S

Transmitted by the expert from the Netherlands

Introduction

1. Reference is made to documents ST/SG/AC.10/C.3/2016/34 and informal document INF.17 (49th session) submitted by the United Kingdom. This delegation appreciates the amount of work done by the United Kingdom in the development of general provisions for dangerous substances contained in articles.
2. Currently, the appropriate conditions for safe transport of dangerous goods contained in articles is often achieved by means of assigning specific UN numbers, special provisions or packing provisions that are tailored to the specific type of hazard and article in question. When generic provisions using generic packing instructions are used for the transport of dangerous goods in all classes and divisions (excluding Class 1, Division 6.2 and Class 7), comprising hazards ranging from PG I through PG III, in quantities that can be well above the limited quantities, in articles that can vary greatly in robustness, such tailor-made provisions are not possible. Therefore, the generic provisions and packing instructions must be sufficient to ensure that the transport of this large variety of articles is safe, and consistent with other requirements of the regulations.
3. This delegation has identified several aspects of the current proposal where further considerations and clarifications are needed before these general provisions are adopted.

The packing instructions

4. *The choice of packaging performance level.* The default packing group II is proposed for the wide range of articles falling under the scope of these provisions. The justification for this choice is not clear. The proposed provisions use the precedence of hazard table in 2.0.3.3 to determine the primary and secondary hazards of the goods contained in the article. Therefore, all the information is available that is necessary to use the current system of choosing packaging performance level (PG I, II or III) for the articles. This would ensure the same safety level for articles as for packaged substances.
5. It is the opinion of this delegation that the current method of determining the packaging performance level for packaged substance can be used for articles as well when the article is considered to be an inner packaging for solids or liquids, as appropriate.

6. *Testing of packaging performance in P00X and LP00X.* In the current proposal, packagings shall conform to the packing group II performance level, and shall meet the general provision of 4.1.1 and 4.1.3. However, with the exception of 6.1.5.1.7 on “V” packaging, the current provisions of Chapter 4.1 and Chapter 6.1 are not clear with regard to articles and the testing of packaged articles. For example, as the proposed packing instructions P00X do not mention inner packagings, it is not clear whether inner packagings are not allowed, or whether the article itself is considered to be an inner packaging. Also, which testing regime should be used for the required performance tests? If an article contains liquids, should the testing regime for liquids be used or the testing regime for solids? And which marks of 6.1.3 should be used? This should be explicitly mentioned.

7. This delegation believes that the article could be considered as an inner packaging for the dangerous goods contained in the article, and would support editorial clarifications to Chapter 4.1 and Chapter 6.1 to clarify this.

8. *Special transport conditions.* The safe transport of substances with specific hazard properties, such as organic peroxides and self-reactive substances, may require specific measures such as temperature control. These additional measures are currently missing from the proposed transport provisions for dangerous goods in articles.

9. *The alternative packing instructions.* The alternative packing instructions presented in the Annex give more flexibility to take into account the specific conditions required for each hazard class or division. However, they only describe subjective performance criteria. We therefore prefer to modify the existing provisions rather than use the alternative packing instructions. This does not exclude further work on packing provisions for articles that are robust enough to be transported safely unpackaged.

Definition of an article

10. Chapter 1.2 does not contain a definition of an article. For the purpose of these provisions, we suggest a clarification of the definition by revision of Note 1, which would necessitate a revision of the proposed 2.0.5.1 as shown below with additions underlined and deletions in ~~strike through~~. Alternatively, this note could be included as regular text in 2.0.5.

“NOTE 1: For the purpose of this section, ~~The term an~~ ‘article’ includes means machinery, ~~and~~ apparatus or other device containing one or more dangerous goods (or residues thereof) or as an integral element of the article, which are necessary for its functioning and cannot be removed for the purpose of transport. ~~which~~ Articles may in addition contain batteries. Lithium batteries that are integral to the article shall meet the requirements of 2.9.4, except when otherwise specified by these Regulations (e.g. for prototype batteries and small production runs under special provision 310 or damaged batteries under special provision 376). Inner packagings shall not be considered as articles.”

2.0.5.1 This section ~~only applies to articles containing dangerous goods as a residue or an integral element of the article~~ shall not be used for articles for which a more specific proper shipping name already exists in the Dangerous Goods List of Chapter 3.2. Mass produced articles containing dangerous goods shall be manufactured under a quality management programme (see 2.9.4 (e)).”

Labelling

11. *Labelling of articles and packaged articles.* The proposed 5.2.2.1.13.1 requires labelling of the article itself for transport purposes. This is appropriate for articles transported without packaging but appears to have limited value for hazard communication of packaged articles. We suggest adding provisions to 5.2.2.1.13.1 requiring labelling of the package containing articles to 5.2.2.1.13.1 as shown in paragraph 6.

12. *Labelling of packages with articles containing lithium batteries.* The current provisions allow the transported article to contain a lithium battery in addition to the other dangerous goods. However, there are no provisions communicating the presence of the lithium battery in such articles. Given the recent adoption of a mark and a label to identify lithium batteries, including those packed in equipment and transported under UN 3091 and 3481, the question rises whether such marking and labelling should also be required for lithium batteries in articles. An option would be to require provisions similar to those for lithium batteries in equipment, or use marking provisions of 5.2.1.9. This requires further work and would also require consequential amendments in other sections of the Model Regulations.

~~“5.2.2.1.13 Labelling for articles containing of packages containing dangerous goods substances in articles transported as UN Nos. 35AA, 35BB, 35CC, 35DD, 35EE, 35FF, 35GG, 35HH, 35II, 35JJ, 35KK and 35LL~~

5.2.2.1.13.1 Packages ~~Articles~~ containing dangerous goods in articles, and dangerous goods in articles that are transported unpacked shall be labelled according to 5.2.2.1.2 reflecting the primary hazard and subsidiary risks established according to 2.0.5. If a lithium battery is contained in the article [provisions 5.2.1.9 and special provision 384 shall apply] [or another appropriate provision yet to be developed].”
