

**Committee of Experts on the Transport of Dangerous Goods
and on the Globally Harmonized System of Classification
and Labelling of Chemicals**

25 June 2019

**Sub-Committee of Experts on the
Transport of Dangerous Goods**

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Item 3 of the provisional agenda

Listing, classification and packing

**Comments on: “Carriage of packagings for disposal or
recycling” ST/SG/AC.10/C.3/2019/28**

**Transmitted by the International Confederation of Container
Reconditioners (ICCR)**

1. The proposal from Switzerland is to facilitate the transport of packagings containing residue of dangerous goods “even if they are not in compliance with the provisions of the Model Regulations.”
2. In 2012, ICCR opposed the adoption of a new UN number and series of provisions into the Model Regulations having global applicability, in order to address what appeared to be an issue primarily affecting a single market and a single mode of transport, notably the handling of emptied packaging by highway within Europe. We believed then and contend today that European dangerous goods transport codes should have been utilized for this regional problem. As a result of this adoption into the UN, ICAO, IMO, and national codes such as those in the United States had to be amended to *exclude* this provision of the Model Regulations. ICCR continues to believe UN 3509 and related provisions should be removed from the Model Regulations.
3. In the meantime, European transport codes have been amended to impose further limitations on this UN number. The Swiss paper proposes even further but different limitations, this time in the Model Regulations instead of European transport codes. We urge that UN 3509, if not removed from the Model Regulations, at least be no longer the subject of additional adjustments that should appear in European codes.
4. In addition, in the years since the 2012 adoption of UN 3509, that shipping description is having unintended consequences. Special provision 374 says this shipping description should not include packagings consigned for reconditioning, repair, routine maintenance, remanufacturing, or reuse. Reconditioning, remanufacturing and reuse of packaging is the highest expression of the principles of circular economy and, therefore, should be encouraged ahead of recycling and disposal.
5. Major industries that empty packaging, however, have begun to use UN 3509 for all their emptied packaging, a practice that discourages reuse and encourages environmentally less advantageous practices of recycling and disposal. It appears the phrasing of Special provision 374 may be subject to varying interpretations. We encourage the Sub-Committee to recognize circular economy principles when examining UN 3905. If UN 3509 and Special provision 374 continue to appear in the Model Regulations, ICCR proposes this clarifying amendment to Special provision 374:

374 This entry ~~may~~ shall only be used, as authorized by the competent authority, for packagings, large packagings or intermediate bulk containers (IBC), or parts thereof, which have contained dangerous goods, other than radioactive material, which are transported for disposal, recycling or recovery of their material, ~~other than reconditioning, repair, routine maintenance, remanufacturing or reuse~~, and which have been emptied to the extent that only residues of dangerous goods adhering to the packaging parts are present when they are handed over for transport. This entry shall not be used for packagings, large packagings or intermediate bulk containers (IBC) which are transported for reconditioning, repair, routine maintenance, remanufacturing or reuse.
