

Economic Commission for Europe

Inland Transport Committee

Working Party on the Transport of Dangerous Goods

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Joint Meeting of the RID Committee of Experts and the
Working Party on the Transport of Dangerous Goods

Geneva, 17–27 September 2019

Item 5 (b) of the provisional agenda:

**Proposals for amendments to RID/ADR/ADN
new proposals**

Proposal for amendment of the exemption 1.1.3.1

Transmitted by the Government of Luxembourg

Summary

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| Executive summary: | The proposed amendments target a clarification of the actual text of 1.1.3.1 and an enhancement of the safety, it's proposed to add a reference to the general requirements for packaging to the exemption of 1.1.3.1 a) and c), to add a remark concerning the obligation of training according to 1.3 and to modify the first sentence of 1.1.3.1 for reasons of clarification. |
| Action to be taken: | Discuss about the proposed amendments, in order to issue a Working Document for the next session of the Joint Meeting. |

Introduction

1. During roadside checks, inspection authorities frequently observe that during carriage of dangerous goods, exempted from the ADR application according to 1.1.3.1, packaging are used which are not suitable for safely enclosing dangerous goods, as the current text of the regulation does not impose any requirements on the used packaging.

Often packaging are used that, by its nature or condition, are not in compliance with the general essential safety requirements, and do not conform to an approved design type nor have undergone the required inspection.

Although 1.1.3.1 is an exemption to avoid potential hazards, basic requirements for the use and selection of the packaging should be indicated.

2. The references in 1.1.3.1., i.e. under point (c) to the maximum quantities specified in 1.1.3.6 of ADR or the classification of the goods in Chapter 2.2, allows the conclusion that an extensive knowledge is required, as otherwise the exempted quantity could not be determined and subsequently to know if the exemption does apply.

3. The initial formulation of exemption 1.1.3.1 ADR leads to confusions due to a systematic breach.

Currently 1.1.3.1 reads:

“1.1.3.1 Exemptions related to the nature of the transport operation

The provisions laid down in ADR do not apply to:

...”

This sentence states that the provisions of ADR do not apply at all.

However, in 1.1.3.1 (c) the subsequent reference to the text of ADR, in particular to the maximum quantities specified in 1.1.3.6, as well as the definitions of packaging, IBC and large packaging defined in Chapter 1.2 and the goods of Class 7 (referring to Chapter 2.2) shows nevertheless that some related chapters and paragraphs are still applicable.

4. The subjects have been submitted as an informal document during the 106th session of the working party on the transport of dangerous goods. The delegations that spoke considered that the text of 1.1.3.1 should be clarified and that it should be submitted to RID/ADN/ADR Joint Meeting. (see ECE/TRANS/WP.15/2019/R.1/Add.5, paragraph 47)

Proposal

5. “1.1.3.1 Exemptions related to the nature of the transport operation

The provisions laid down in ADR do not apply under the condition that:

(a) the carried dangerous goods are packaged for retail sale and are intended for personal or domestic use or for leisure or sporting activities of private individuals, provided that measures have been taken to prevent any leakage of contents in normal conditions of carriage. When these goods are flammable liquids carried in refillable receptacles filled by, or for, a private individual, the total quantity shall not exceed 60 litres per receptacle and 240 litres per transport unit. The receptacle used, shall be designed for the transport of the carried dangerous goods. Dangerous goods in IBCs, large packaging or tanks are not considered to be packaged for retail sale;

(b) (Deleted)

(c) the carriage undertaken by enterprises is ancillary to their main activity and needed to perform their main activity, such as deliveries to or returns from building or civil engineering sites, or in relation to surveying, repairs and maintenance, in quantities of not more than 450 litres per packaging, including intermediate bulk containers (IBCs) and large packaging, and within the maximum quantities specified in 1.1.3.6. Measures shall be taken to prevent any leakage of contents in normal conditions of carriage. Furthermore, the general packing requirements according to 4.1.1.1, 4.1.1.2, 4.1.1.6, 4.1.1.9, 4.1.1.15 and 4.1.6.8 shall be applied. These exemptions do not apply to Class 7.

Carriage undertaken by such enterprises for their supply or external or internal distribution does not fall within the scope of this exemption. The obligation of training according to 1.3 is not affected by this exemption;

(d) the carriage is undertaken by the competent authorities for the emergency response or under their supervision, insofar as such carriage is necessary in relation to the emergency response, in particular carriage undertaken:

- by breakdown vehicles carrying vehicles which have been involved in accidents or have broken down and contain dangerous goods; or
- to contain and recover the dangerous goods involved in an incident or accident and move them to the nearest appropriate safe place;

(e) it's an emergency transport intended to save human lives or protect the environment provided that all measures are taken to ensure that such transport is carried out in complete safety;

(f) the carriage of uncleaned empty static storage vessels which have contained gases of Class 2, groups A, O or F, substances of Class 3 or Class 9 belonging to packing group II or III or pesticides of Class 6.1 belonging to packing group II or III, fulfil the following constraints:

- All openings with the exception of pressure relief devices (when fitted) are hermetically closed;

- Measures have been taken to prevent any leakage of contents in normal conditions of carriage; and
- The load is fixed in cradles or crates or other handling devices or to the vehicle or container in such a way that they will not become loose or shift during normal conditions of carriage. This exemption does not apply to static.”

Justification

6. The exemption according to 1.1.3.1 (a) and (c) in practice often leads to a careless handling of dangerous goods. In particular, the lack of requirements for the used packaging represents a high potential hazard. The incontinence of the users towards a risk, such as product leakage and damage to people and the environment, could be significantly reduced already in the selection and use of suitable packaging.

7. By using the term "packaging" in 1.1.3.1 (c) it can not be concluded, that "packaging" at this point is to be understood as a „terminus technicus“ of the dangerous goods regulations that contains corresponding basic requirements and that a usage of any other possibly unsuitable package is not covered by the scope of the exemption.

8. The particular references proposed were chosen, because they were seen as the most relevant one to be taken into account in practice.

9. The proposed amendment clarifies the situation on the requirements for the packaging to be used and the additional remark to the training obligation enhances safety. It clarifies the current contradiction between the first sentence of 1.1.3.1 and the content described in 1.1.3.1 (c) and (f) which refers to the annexes of ADR.
