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**ECONOMIC COMMISSION FOR EUROPE**

INLAND TRANSPORT COMMITTEE

Working Party on the Transport of Dangerous Goods

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

Bern, 22-26 March 2010  
Item 8 of the provisional agenda

**OTHER BUSINESS**

Self – classification of environmentally hazardous substances

Transmitted by the Government of Belgium<sup>1,2</sup>

**Introduction**

1. The current paragraph 2.2.9.1.10 and its transitional measure 1.6.1.17 (based on the principle of self – classification by industry of substances as being “environmentally hazardous” according to the test criteria taken from GHS) have, since their introduction in ADR/RID in 2009, been met with significant scepticism and reluctance from industry and have given rise to numerous disputes and problems.

2. Even though the classification of any otherwise non-dangerous substance that might fall under UN 3077 or 3082 should already have been done before the 1 July 2009, the companies concerned took little or no action. Up till now, no test results have been presented for any substance whatsoever. Companies are reluctant or lack the resources to perform the expensive test series on their entire product portfolio, or are even not aware of this obligation (contained in a regulation they have otherwise nothing to do with). Furthermore, imposing these

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<sup>1</sup> In accordance with the programme of work of the Inland Transport Committee for 2006-2010 (ECE/TRANS/166/Add.1, programme activity 02.7 (c)).

<sup>2</sup> Circulated by the Intergovernmental Organisation for International Carriage by Rail (OTIF) under the symbol OTIF/RID/RC/2010/29.

tests to be done not only on every possible substance but also separately by every company producing that substance, is a measure doomed to fail given the enormous resources this would require.

3. Companies are also reluctant to invest in testing for self-classification because they realise that by placing the environmentally hazardous mark on positively tested substances they reveal this information, which was costly to obtain, to their competitors producing the same products.

4. In most cases, self-testing will be avoided and the self-classification will be based on prior knowledge (R50; R50/53; R51/53) or on an educated guess, resulting in a large percentage of incorrect markings.

### **Proposal**

5. Replace, for the above-mentioned reasons, the principle of self-classification with a closed system, comparable to the one set out in paragraph 2.2.9.1.10 of the 2007 edition of RID/ADR:

*"Notwithstanding the provisions of 2.3.5, substances which cannot be assigned to other classes of ADR or to other entries of Class 9, and which are not identified in Council Directive 67/548/EEC of 27 June 1967 on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances<sup>\*</sup>, as amended, as substances to which letter N "Environmentally hazardous" (R50; R50/53; R51/53) has been allocated, are not subject to ADR.*

*Notwithstanding the provisions of 2.1.3.8, solutions and mixtures (such as preparations and wastes) of substances to which letter N "Environmentally hazardous" (R50; R50/53; R51/53) has been allocated in Directive 67/548/EEC, as amended, need only be assigned to UN Nos. 3077 or 3082 if, according to Directive 1999/45/EC of the European Parliament and of the Council of 31 May 1999 concerning the approximation of the laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous preparations<sup>\*\*</sup>, as amended, they are also allocated letter N "Environmentally hazardous" (R50; R50/53; R51/53) and they cannot be assigned to one of classes 1 to 8 or to any other entry of Class 9."*

6. If the principle of this proposal is accepted, Belgium is willing to present the necessary text amendments in an official document for the next meeting.

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<sup>\*</sup> Official Journal of the European Communities No.196, of 16 August 1967, pp. 1 – 5.

<sup>\*\*</sup> Official Journal of the European Communities No. L 200, of 30 July 1999, pp. 1 – 68.