
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, 17-21 September 2012

Item 9 of the provisional agenda

Any other business

Amendments to section 5.5.3

Transmitted by the Government of Switzerland

Introduction

1. The provisions in 5.5.3 which will come into force in 2013 have already caused some questions from users who carry out the delivery of cooled consignments. The questions will be presented at the Sub-Committee of Experts on the Transport of Dangerous Goods at its next session (document ST/SG/AC.10/C.3/2012/59). Nevertheless considering that these provisions come into force on 1 January 2013 it seems important to us that before this date the Joint Meeting discusses the interpretation to give to these provisions in order to avoid a useless avalanche of markings on vehicles and wagons on our roads and railroads.
2. This is why we present in annex the text of ST/SG/AC.10/C.3/2012/59 in which the difficulties are described and some draft amendments of the text are made.
3. As these are texts of the Model Regulations no proposal of text can be adopted at the level of the Joint Meeting. The Joint Meeting should, however, at least give advice on the principle stated in the draft presented in annex. If the draft amendment of the texts could at the same time be supported by the Joint Meeting we believe this could help to convince the Sub-Committee of Experts on the Transport of Dangerous Goods of the need to amend the text.

Annex

Introduction

1. The provisions in 5.5.3 which will become applicable in 2013 in accordance with the international regulations based on the UN Model Regulations, have already caused some questions from users who carry out the delivery of cooled consignments. The wording of this section is such that independently of the quantity of cooling agent carried, the vehicles will have to bear the mark envisaged in 5.5.3.6. In the opinion of users this measure seems exaggerated. It concerns a disproportionate number of consignments without really bringing any additional safety. The useless multiplication of this mark on the roads is likely to alarm the population unnecessarily. If it happens that it must be placed even in cases where no risk of asphyxiation exists, this mark will lose any credibility and the goal will not be reached.

2. For the moment, the wording of the 5.5.3 does not offer any other possibility. The heading indicates: **“Special provisions applicable to packages and cargo transport units containing substances presenting a risk of asphyxiation ...”**. By definition, the substances concerned present a risk of asphyxiation. There is thus no loophole, and in the presence of these substances as a cooling agent or for conditioning purposes, and independently of the quantity present, the mark of 5.5.3.6 will have to be affixed on the vehicle.

3. The expert from Switzerland has consulted the competent authorities of other countries, in particular countries applying ADR. Some consider that if the risk of asphyxiation is not given then 5.5.3 is not applicable. We can agree with this interpretation subject to the condition that the texts also reflect it. Currently it is not the case. For this reason, the expert from Switzerland asks the Sub-Committee to define a scope for 5.5.3 which makes sense from the point of view of safety and which can be interpreted in a uniform way by those who must apply it.

Proposal 1

4. Amend the heading of 5.5.3 as follows:

“Special provisions applicable to packages and cargo transport units presenting a risk of asphyxiation caused by containing substances ~~presenting a risk of asphyxiation~~ when used for cooling or conditioning purposes (such as dry ice (UN 1845) or nitrogen, refrigerated liquid (UN 1977) or argon, refrigerated liquid (UN 1951))”.

Justification

5. This wording does not bind the applicability of the provisions to the fact that the substances are asphyxiating, which is always the case for these products, but with the fact that there is a risk of asphyxiation in the cargo transport unit. If the risk of asphyxiation does not exist, for example due to the volumes involved or because the means to avoid the risk are present on the transport unit, then the provisions of 5.5.3 do not apply.

6. Moreover it seems necessary to us to specify the scope of 5.5.3.6 in a NOTE under the title of 5.5.3.6 according to proposal 2 hereafter:

Proposal 2

7. Add a Note in 5.5.3.6 as follows:

"NOTE: The marking of the cargo transport unit according to this sub-section is not necessary when the risk of dangerous accumulation of asphyxiating gas is excluded, for example when the maximum volume of asphyxiating gas which can evolve is low in comparison with the volume of the cargo transport unit or in case this is opened or has sufficient ventilation to prevent any dangerous accumulation of asphyxiating gases."
