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COMMITTEE OF EXPERTS ON THE TRANSPORT OF DANGEROUS GOODS

Sub-Committee of Experts on the
Transport of Dangerous Goods

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GLOBAL HARMONISATION OF SYSTEMS OF CLASSIFICATION AND LABELLING OF CHEMICALS

Environmentally Hazardous Substances Comment to UN/SCETDG/18/Inf. 8 of United Kingdom

Transmitted by the Expert from Germany

General

1. Comparing Inf. 8 to the previous document ST/SG/AC.10/C.3/1999/27 the United Kingdom has made improvements in the text and brought it more in line with the paper of OECD "HARMONISED INTEGRATED HAZARD CLASSIFICATION SYSTEM FOR HUMAN HEALTH AND ENVIRONMENTAL EFFECTS OF CHEMICAL SUBSTANCES". This is welcomed and supported by the Expert from Germany.

2. However due to the process of global harmonisation, where a proposals for criteria of mixtures and a proposal for harmonised labelling and hazard communication are not yet finished, some general concerns remain.

3. Introducing a classification system in the Model Regulation, which is only addressing substances, would lead to an incomplete system, which will have to be modified in a relatively short period to take into account the results of the OECD Working Group on mixtures. As the current provisions of the IMDG Code, ADR and RID as well as other international or national transport provisions already address mixtures and solutions of environmentally hazardous substances, it is not to be expected that such provisions will be harmonised with the Model Regulation in this area, before the system is complete and includes criteria for mixtures and solutions. Otherwise it would be a step backwards in transport safety and environmental protection world-wide.

4. Several times in Inf. 8 one can find reference to a – planned but not yet existing – guidance document to be developed by OECD. This should develop guidance how to interpret test results and apply the classification scheme to assist responsible authorities and industry to use the system consistently and to ensure correct classification. But without this document being available, misinterpretations may occur leading to differing classifications of environmentally hazardous substances which may jeopardise harmonisation efforts in this area and which may have adverse effects on competition.

5. the proposed way of implementation of criteria would also fix for years a difference between sea transport on the one hand and land transport on the other. But it is a clear aim of the harmonisation process to harmonise criteria, classification and labelling of environmentally hazardous substances and mixtures throughout all areas including all modes of transport – at least for packed goods including transport in tanks and containers and only excluding transport in tank ships and bulk ship loads. So harmonisation is also envisaged for the marine pollutants regime in the IMDG Code (see report of the meeting in London, 2-4 May 1995 – ST/SG/AC.10/C.3/R635).

6. Discussions have started in the ILO Working Group on Hazard Communication to harmonise labelling (including symbols and pictograms) for various hazards including environmental hazard. The outcome of this discussion is expected to be available by the end of 2001. So a further amendment to the requirements proposed in Inf. 8 would be necessary at a time where the next revised edition of the Model Regulation will have just been published.

7. The proposed scheme does not deal with environmental hazards of substances which are classified in the Model Regulation in class 1 to 8 or other entries in class 9. But it is a clear aim of harmonisation to communicate environmental hazards for all substances and mixtures presenting this hazard, whether they are classified according to the criteria for other hazards or not. And the ILO Working Group clearly envisages that symbols and pictograms used in labelling requirements based on the GHS should mean the same and should not be used differently in different systems. So the proposal in Inf. 8 is not solving a hazard communication problem, therefore leaving a lack of safety and is not in line with the principles of global harmonisation of hazard communication.

General Proposal

8. Therefore the Expert from Germany is proposing to continue discussions with the aim to include a complete and harmonised system in the Model Regulation in the 13th edition of the Model Regulation rather than in the 12th and to continue to work on the issue also in the next Biennium.

Detailed proposals.

9. The flowchart attached to Inf. 8 is in some details not in line with the agreed criteria in the OECD document. Linked to the chronic toxicity value of ≤ 1 mg/l is the NOEC value of ≤ 1 mg/l, not ≤ 10 mg/l. Furthermore the category chronic I of OECD does not take into account the NOEC. Only category chronic II refers to "unless box 7" which means that if the NOEC is definitely > 1 mg/l, then the substance will not be classified, even if the other criteria (Box 2+5+6, Box 2+5 and Box 2+6) are met.

10. So the NOEC is not correctly assigned in the flowchart. An amended version is shown in the annex to this Inf. Paper. The Sub Committee is invited to amend the flowchart accordingly.

11. In 2.9.2.6 the heading shows the procedure, "...when transported in packages." It is unclear whether this should rely only to packages meaning packagings and IBC and Large Packagings or if this would also cover tanks (e.g. portable tanks, tank container) and containers for solids in bulk. So the heading should be reworded to make this clear.

12. Paragraph 8 of Inf. 8 suggests to amend the proper shipping name of UN 3077 3082. As far as the limitation to "aquatic environmentally hazardous" is concerned, the Expert from Germany does not support this at this stage. The outcome of the discussions on so called product identifiers in the ILO Working Group should be taken into account before accepting this amendment for the Model Regulation.

13. As far as a distinction is suggested to create a separate UN number for wastes, falling under the Basle Convention and not covered by the Model Regulation, is concerned, the Expert from Germany would welcome such a clarification. As it can be taken from annex II of this Inf. Paper, already more than 300 substances are to be classified as environmentally hazardous according to the proposed criteria in Inf. 8.

14. The list in Annex II is given for information. According to the current criteria of marginal 2002 (14) the listed 315 substances are to be classified as environmentally hazardous substances due to available published data; these criteria are almost identically proposed in Inf. 8. Additionally the substances listed in class 9, items 11 and 12, of ADR are classified according to these criteria.