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COMMITTEE OF EXPERTS ON THE TRANSPORT OF DANGEROUS GOODS AND ON THE GLOBALLY HARMONIZED SYSTEM OF CLASSIFICATION AND LABELLING OF CHEMICALS

Sub-Committee of Experts on the Transport of Dangerous Goods

(Twenty-third session, 30 June -4 July 2003,
agenda item 4(b))

PACKAGINGS

Comments on ST/SG/AC.10/C3/2003/10

Transmitted by the expert from Canada

Canada does not support deletion of test requirements for packaging from the Model Regulations, nor does Canada support the adoption by reference of ISO16104 in the Model Regulations. Our view on this matter is based on several factors including: the inappropriateness of delegating responsibility for these requirements to interests outside this Subcommittee, the practicability for users and the Subcommittee of dispersing container performance requirements among potentially many documents, and the specific provisions within the ISO16104 itself. We will address these factors in turn.

We believe that responsibility for establishing the performance criteria for packagings and the associated test protocols that demonstrate compliance with these performance criteria should remain directly with this Subcommittee. We have supported in the past, and continue to support, the use of standards to prescribe highly technical manufacturing or design requirements such as those for the manufacture of cylinders. We submit, however, that deciding the performance criteria intended to simulate conditions of transport as well as methods of demonstrating compliance to these performance criteria, are regulatory in nature and must remain for the competent authorities to decide via the Model Regulations. We believe, as do all of our stakeholders, who have commented on this issue, that to delegate this responsibility to non-governmental interests would raise perceived issues of impartiality as well as safety.

To disperse some container performance requirements to reference documents or to call in only parts of the ISO standard clause by clause, as proposed in the information paper submitted by the Expert from France would, in our view, be adding needless complexity and would make the Model Regulations more costly and cumbersome to implement for little benefit. We note that it is proposed to replace 8 pages of text in the Model Regulations with 47 pages in the ISO Standard. Proceeding in this manner would also create the ongoing issue of maintaining harmonization between the Model Regulations and the referenced document.

We understand that the CEN/ISO committee has made an attempt to clarify and interpret certain of the requirements in the Model Regulations. We agree that there is a need for such clarification in certain respects. Unfortunately, from our perspective, the interpretations made in the Standard in many cases are not compatible with our interpretations or methods of implementing the Model Regulations. Notable among these differences is the requirement for testing laboratories to be capable of meeting ISO/IEC17025, the determination of packing method changes that would require retesting, the description of maximum capacity, the use of information drops, and there are others. We emphasize that while many but not all of the interpretations made in the ISO Standard in our view, satisfy the Model Regulations, there may be other approaches that equally satisfy the requirements. Provisions of the Model Regulations that accommodate varied regional approaches to accomplishing the objectives of the Regulations, should be maintained or should be subject to due consideration by this Subcommittee where changes are proposed.

Any identified need to clarify or augment the package testing provisions of the Model Regulations should be brought before this Subcommittee and, where agreed, should become part of the text of the Model Regulations.

We believe it to be appropriate at this time to review the package testing and marking provisions of the Model Regulations in view of the experience that has been gained and we are ready to support practicable changes for the advancement of safety and consistency. To accomplish this goal, we support the review proposal presented by the Expert from the Netherlands in Paper 2003/16. We note that the subject CEN/ISO standard would likely itself require consequential amendments following this review of the Model Regulations.
