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Working Party on the Transport of Dangerous Goods

**Joint Meeting of the RID Safety Committee and the
Working Party on the Transport of Dangerous Goods**
(Geneva, 1-10 September 2003)

**HARMONIZATION WITH THE UN RECOMMENDATIONS
ON THE TRANSPORT OF DANGEROUS GOODS**

**Report of the Ad hoc Working Group on the Harmonization of RID/ADR/ADN with the
UN Recommendations on the Transport of Dangerous Goods */**

ATTENDANCE

1. The Ad hoc Working Group on the Harmonization of RID/ADR/ADN with the UN Recommendations on the Transport of Dangerous Goods met in Geneva, Palais des Nations, from 26-28 May 2003 under the chairmanship of Mr. C. Pfauvadel (France).
2. Representatives of France, Germany, the Netherlands, Norway, Spain, United Kingdom, Switzerland, the intergovernmental organization: International Organization for International Carriage by Rail (OTIF) and the following non-governmental organizations: the European Chemical Industry Council (CEFIC) and the International Union of Railways (UIC) participated in the session.

ADOPTION OF THE AGENDA

3. It was recalled that the Ad hoc Working Group had been established to review draft proposals prepared by the secretariat for harmonization of RID/ADR/ADN with the thirteenth

*/ Circulated by the Central Office for International Carriage by Rail (OCTI) under the symbol OCTI/RID/GT-III/2003/56.

revised edition of the UN Recommendations, mainly to avoid lengthy discussions on editorial matters during the forthcoming September session of the Joint Meeting of the Working Party on the Transport of Dangerous Goods and the RID Safety Committee, and thus to increase the working efficiency of the Joint Meeting. Since participation in the Ad hoc Working Group session was open to all members of the Joint Meeting and since all Joint Meeting delegations had had the opportunity to provide comments on the proposals, in writing, prior to the session, the Working Group expressed the wish that no discussion on editorial matters would take place during the Joint Meeting session, and that the Joint Meeting discussions would focus on substantial problems of harmonization, if any.

4. As agreed, the session was held in English, without interpretation. The documentation prepared by the secretariat, including the agenda, was issued as informal documents which were made available in English, and partly in French, on the website of the UNECE Transport Division, and in German by OCTI, as follows:

TRANS/WP.15/AC.1/HAR/1: Agenda

INF.30 and Adds 1-8: Proposals for harmonization (see also TRANS/WP.15/AC.1/92, para.95).

5. The background documents were the report of the UN Economic and Social Council's Committee of Experts on the Transport of Dangerous Goods and on the Globally Harmonized System of Classification and Labelling of Chemicals and annexes thereto, circulated by the secretariat as documents ST/SG/AC.10/29 and -Adds.1-2, and ST/SG/AC.10/29/Add.1/Corr.1.

6. The Working Group adopted the provisional agenda prepared by the secretariat.

HARMONIZATION OF RID/ADR/ADN WITH THE UN RECOMMENDATIONS ON THE TRANSPORT OF DANGEROUS GOODS, MODEL REGULATIONS

7. The draft amendments to RID/ADR/ADN proposed by the Ad Hoc Working Group are reproduced in Adds.1-7 to this report. The Working Group agreed that the comments below should be brought to the attention of the Joint Meeting, and some texts were placed between square brackets for decision by the Joint Meeting.

PART 1

1.7.6

8. The Working Group noted that the new provisions of 1.7.6 (1.1.2.6 in the UN Model Regulations) were related to the safety obligations of participants according to Chapter 1.4. However, it was felt that all provisions relating to Class 7 should remain grouped in Chapter 1.7, and a paragraph referring to 1.7.6 was added as 1.4.1.4.

1.2.1 Portable tanks and tank-containers

9. The Working Group noted that the lower capacity limit of 450 litres for portable tanks had been deleted in the UN Model Regulations except for portable tanks intended for the carriage of gases. It was felt that the same should apply to RID/ADR tank-containers and the Working Group proposed a corresponding amendment to the definition of tank-containers in 1.2.1.

1.2.1 Elevated temperature substances

10. The Working Group considered that it would be misleading to introduce a definition of elevated temperature substances in 1.2.1 as in the UN Model Regulations because paragraph 5.3.3 applies only to elevated temperature substance of Class 9 (UN Nos. 3257 and 3258) and not to those of Class 3 (UN No. 3256). Furthermore, the proper place for including such definitions appeared to be Part 2, and the definitions are already properly reflected in 2.2.3.1.1 and 2.2.9.1.13. Nevertheless, the Working Group felt that it would be logical to require the mark for elevated temperature substances for UN No.3256 as well, and that this inconsistency should be brought to the attention of the UN Sub-Committee of Experts on the Transport of Dangerous Goods.

1.1.3

11. The Working Group noted that a new 1.3.3 had been included in the UN Model Regulations on the basis of a similar provision in the existing RID/ADR/ADN. However, RID/ADR/ADN presently requires details of the training undertaken to be kept by both the employer and the employee, while the UN Model Regulations only requires them to be kept by the employer and to be made available to the employee if requested. The Joint Meeting may wish to decide whether RID/ADR/ADN should be amended in this respect.

PART 2

2.2.2.3

12. The representative of UIC considered that, for UN No.1010, the existing description “having a vapour pressure at 70 °C not exceeding 1.1 MPa (11 bar) and a density at 50 °C not lower than 0.525 kg/l” should be kept after “BUTADIENES AND HYDROCARBON MIXTURES, STABILIZED containing more than 40% butadienes” because these physical characteristics correspond to those of the mixtures of 1,3-Butadiene and hydrocarbons which are most commonly carried in large quantities and to the test pressure and filling ratio required for such mixtures in packing instruction P200 in Chapter 4.1, tank instruction T50 in Chapter 4.2 and the table of 4.3.3.2.5.

13. The Working Group noted that this would imply a divergence between RID/ADR/ADN and the IMDG Code/ICAO Technical Instructions since the entry would not cover those mixtures with a different density or vapour pressure, which would not be desirable for multimodal transport. Furthermore, the test pressure and filling ratio in P200 and T50 have been amended in the UN Model Regulations and they have now to be calculated in accordance with

special provision z of P200 or according to 6.7.3.1 and 4.2.2.7 for T50. A corresponding change to the table of 4.3.3.2.5 should also be considered.

14. Nevertheless, it was pointed out that this subject was also on the agenda of the July 2003 session of the Sub-Committee of Experts on the Transport of Dangerous Goods (Document ST/SG/AC.10/C.3/2003/12 of EIGA) and therefore the Joint Meeting might wish to align RID/ADR/AND on the latest decisions taken by the Sub-Committee in this respect.

Organic peroxides in tanks

15. The representative of UIC noted that formulations which were allowed for carriage in tanks were no longer identified by the letter M in the list of 2.2.52.4 and that they were now listed only in portable tank instruction T23 of 4.2.5.2.6. He suggested that, for reasons of user-friendliness, they should also be listed in 4.3.4.1.3 (e).

16. The Working Group considered that this was not necessary and that a reference to T23 in the first sentence of 2.2.4.1.1.12 and the NOTE under the title of 2.2.52.4 would suffice.

Toxic by inhalation liquids

17. The Working Group noted that, since no distinction has been made for organic and inorganic liquids, both classification codes T1 and T4 are relevant for UN Nos.3381 and 3382, and classification codes TC1 and TC3 for UN Nos 3389 and 3390. This should also be reflected in table A of Chapter 3.2.

18. The representative of UIC suggested that a new code should be assigned to these toxic by inhalation liquids, because the transport conditions are different. However, since this would affect also other substances presently listed by name, the Working Group considered that such a change could be made only on a basis of an official written comprehensive proposal including all possible consequential amendments such as those which would be needed in Chapter 4.3.

Infectious substances

19. The representative of the United Kingdom regretted that the new lay-out of the provisions for Class 6.2 in the UN Model Regulations, which had been closely reflected in the IMDG Code and the ICAO Technical Instructions, had not been reflected in the secretariat proposal to RID/ADR/ADN. The fact that paragraphs 2.6.3.2.3, 2.6.3.2.4 and 2.6.3.2.5, appearing after the provisions for Category B substances in the UN Model Regulations had been replaced by NOTES at the beginning of 2.2.62.1.4 under "Classification" was of particular concern to him. He felt that this would alter the legal scope of these paragraphs. Furthermore, he said that the World Health Organization (WHO) was preparing guidelines for practical implementation of these new provisions, and that not observing scrupulously the numbering system of the UN Model Regulations would create problems for the interpretation of the WHO guidelines in relation to ADR/RID/ADN.

20. A member of the secretariat explained that, when restructuring RID/ADR/ADN, it had been decided, on purpose, not to follow the lay-out of Part 2 of the UN Model Regulations and to

adopt a different systematic approach, according to which criteria are laid down in sections 2.2.X(Y).1, substances not accepted for carriage in 2.2.X(Y).2, and the list of collective entries in 2.2.X(Y).3. The fact that substances are not subject to RID/ADR/ADN is always reflected in NOTES under 2.2.X(Y).1, placed under the most appropriate paragraph, and/or by special provisions in Chapter 3.3, and not in specific paragraphs. He said that it would not be possible anyway to reflect exactly the numbering of the UN Model Regulations. To his knowledge, although the legal value of footnotes had sometimes been questioned in the context of using the legal amendment procedure for their updating, notes included in the main text of a legal instrument, such as those which may be found in the annexes to ADR, have the same legal value as the paragraphs of such instruments.

21. Some delegations felt that it would be preferable to follow to the extent possible the layout of the UN Model Regulations. On the other hand, it was felt that the UN layout for Class 6.2 was not particularly user-friendly, and that the fact that certain substances, in particular blood or blood components collected for the purpose of transfusion, are not subject to the requirements should be expressed at the beginning of the Chapter rather than in the middle or at the end.

22. It was agreed to maintain the numbering proposed by the secretariat, but to propose two alternatives for decision by the Joint Meeting as regards the location of UN paragraphs 2.6.3.2.3 to 2.6.3.2.5, i.e. either as NOTES 1 to 3 under 2.2.62.1.4, or as paragraphs 2.2.62.1.5 to 2.2.62.1.7.

Genetically modified organisms/microorganisms

23. The Working Group considered that existing footnote 11/ to NOTE 2 under 2.2.9.1.11 should be kept but with a new wording, to be developed, referring to the Cartagena Protocol on Biosafety to the Convention on Biological Biodiversity, and in particular to the European Directive concerning its implementation which should be available by the end of 2003.

Pollutants to the aquatic environment

24. The Working Group noted that a firm decision on the inclusion of the new GHS criteria for pollutants to the aquatic environment in the IMDG Code had not yet been taken by IMO since this was also linked to the revision of Annex III of MARPOL 73/78.

25. It also noted that the implementation of these new criteria, in particular their application to substances in classes 1 to 8, was still in the programme of work of the UN Sub-Committee of Experts on the Transport of Dangerous Goods for 2003-2004, and that their implementation in the European Union through Council Directives 67/548/EEC and 88/379/EEC on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances had not yet been decided.

26. However, it was noted also that the present situation in RID/ADR/ADN was not satisfactory since the existing criteria in 2.3.5 do not address adequately the case of mixtures and the list in 2.2.9.4 is not up-to-date. This situation had led Contracting Parties to conclude multilateral agreement M80, which would have to be renewed soon, and therefore it was felt that the inclusion of the new criteria for inland transport in Europe is urgent.

27. The representative of Germany indicated that he would submit a consolidated list of about 300 substances to be considered as pollutants to the aquatic environment (Risk phrases R50, R50/53 and R51/53 according to the European directives), which could be published by the secretariat and made available on the Transport Division website.

28. The sub-section 2.2.9.5.4.6.5 (finally numbered 2.3.5.4.6.5) concerning "Classification of mixtures with components without any useable information" (2.9.3.4.6.5 of the UN Model Regulations) was placed between square brackets because the Working Group felt that this sub-section might not be necessary for RID/ADR/ADN. In any case, the end of the last sentence "with the additional statement that x per cent of the mixture consists of component(s) of unknown hazards to the aquatic environment" were deleted because they appeared to be relevant only for safety data sheets but not for transport documents.

PART 3

Chapter 3.2

Carriage of blasting explosives and ANEs in tanks

29. The representative of Norway indicated that he would submit a proposal for carriage of UN No 0331, 0332 and 3375 in RID/ADR tanks.

UN No.1057

Lighters and lighter refills

30. The Working Group noted that the packing conditions for UN No.1057 were covered, in the UN Model Regulations, by packing instruction P002 and special packing provision PP84 of Chapter 4.1 as well as special provision 201 in Chapter 3.3, while they were covered by P205 in RID/ADR. Since this question was specifically on the agenda of the next Joint Meeting session, it was agreed to place the proposed changes to RID/ADR between square brackets.

UN No.1793 Isopropyl acid phosphate

31. Since UN No.1793 is a substance of packing group III, the Working Group considered that the correct IBC instruction is IBC 03 and not IBC 02 as in the UN Model Regulations. The Joint Meeting may wish to bring this inconsistency to the attention of the UN Sub-Committee of Experts.

Infectious substances in tanks

32. The Working Group noted that no tank instruction had been assigned to UN Nos 2814, 2900 and 3373 in the UN Model Regulations. The Working Group also noted that, although category A substances are deemed too dangerous for carriage in tanks, it could be envisaged that some wastes contaminated with infectious substances, such as blood, classified in category B, might have to be carried in tanks and in such a case UN No.3373 would be the only appropriate

entry, even though the proper shipping name “CLINICAL SPECIMENS” or “DIAGNOSTIC SPECIMENS” does not correspond to such products.

33. It was agreed that a proposal intended to allow the carriage of such products in RID/ADR tanks under UN No.3373 should be submitted to the Joint Meeting, including consequential amendments for the transport category and 1.1.3.6.

Calcium hypochlorite (UN Nos. 1748 and 2880)

34. The Working Group noted that, to be consistent with the systematic approach, LP02 should have been assigned to these substances in packing group III. However, since the carriage of calcium hypochlorite is of particular concern to IMO and the issue is still on the agenda of the UN Sub-Committee of Experts, the Working Group suggests to follow the UN Recommendations and not to assign LP02.

35. The Working Group considered that special packing provision PP85 is related to the storage of calcium hypochlorite bags in vehicles, wagons and containers and therefore should be included as a “W”/“V” special provision in column (16) and section 7.2.4 rather than as a special packing provision under P002.

Organometallic substances and toxic by inhalation liquids in tanks

36. The representative of Spain observed that the tank conditions for substances to which portable tank instruction T20 or T21 is assigned in RID/ADR tanks are much less stringent than those for UN tanks, because to obtain a minimum shell thickness of 8 mm or 10 mm as required by portable tank instruction T20 or T21 for UN tanks a calculation pressure of 15 bar would be needed for RID/ADR tanks, while actually only 10 bar were required for RID/ADR tanks.

37. The Working Group considered that the assignment of codes for RID/ADR tanks should be done in accordance with the systematic approach of Chapter 4.3, even though this might result in less stringent conditions for RID/ADR tanks.

Special provision 179

38. The Working Group noted that the European Union and many countries Contracting Parties to ADR or RID are also Contracting Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, which requires that Hazardous Wastes be packaged, labelled and carried in conformity with generally accepted and recognized international rules and standards in the field of packagings, labelling and transport, and that due account be taken of relevant internationally recognized practices. Furthermore, the IMDG Code requires that hazardous wastes which do not otherwise meet the criteria for classes 1 to 8 or those for marine pollutants of Class 9 be carried under UN Nos.3077 or 3082 as appropriate. Therefore, the Working Group recommends that the part of the special provision 179 of the UN Model Regulations concerning the Basel Convention be added to Chapter 3.3 and assigned to UN Nos 3077 and 3082.

Bulk containers

39. The provisions for bulk containers in the UN Model Regulations are new and differ from the existing provisions of RID/ADR in that:

- (a) The list of substances which may be carried in bulk is generally more restrictive than in ADR/RID;
- (b) For substances which are authorized for carriage in bulk, the special provisions (BK provisions) are less detailed than in ADR/RID/(V V/VW provisions);
- (c) The definition of bulk containers in the UN Model Regulations cover all kinds of containers, including the load compartment of vehicles/wagons, while RID/ADR contains specific definitions for closed or sheeted vehicles/wagons, large containers, small containers, etc. applicable to the carriage in bulk or in packages;
- (d) The UN Model Regulations contain provisions for the design, construction, inspection and testing of bulk containers (Chapter 6.8) and their use (Chapter 4.3) which do not exist in RID/ADR.
- (e) The provisions for use of bulk containers may be found in Chapter 4.3 of the UN Model Regulations, while they are included in Chapter 7.3 of RID/ADR.

40. Due to the number of differences, and to the fact that European countries have a long experience of the RID/ADR provisions regulating the carriage in bulk of solid substances, the secretariat had based its harmonization proposal on the following principles:

- (a) The replacement of existing RID/ADR provisions by the new UN provisions for bulk containers would represent a substantial change with far-reaching consequences, which was not likely to be accepted immediately at the next Joint Meeting session;
- (b) The provisions concerning design, construction, inspection and approval of bulk containers could be introduced in a new chapter 6.11 of RID/ADR, at least for CSC containers and if necessary with transitional provisions for other containers and for the load compartment of vehicles/wagons;
- (c) The general provisions of the new UN Model Regulations Chapter 5.3 concerning the use of bulk containers could be included in Chapter 7.3 of RID/ADR;
- (d) The existing special provisions of RID/ADR concerning permitted use and conditions of use (chapter 7.3 and VV/VW provisions) should remain unchanged but, taking account of the fact that the UN provisions would be made mandatory for maritime transport, alternative provisions reflecting the new UN/special provisions should be included in Chapter 7.3.

41. For principle (d), certain delegations felt that the solution proposed could be confusing and it would be simpler to use the BK1 and BK2 codes to indicate those substances which may

be carried in bulk (for substances authorized according to the UN Model Regulations) and specific RID/ADR BK codes (e.g. BK 10/BK 20) for those authorized according to RID/ADR only and to use the VV/VW provisions for the specific conditions of carriage if any. It was recognized, however, that this solution would require a comprehensive review of all RID/ADR entries authorized for carriage in bulk, and could result in more than editorial changes.

42. Due to the number of details and consequential amendments that would have to be checked, the Working Group considered that it could not work on a different basis without written proposal, and agreed to work on the basis of the secretariat approach.

43. The representative of the United Kingdom said that he would submit an alternative proposal to the Joint Meeting for discussion next September.

44. For principle (b) above, the Working Group noted that the application of Chapter 6.8 of the UN Model Regulations to RID/ADR would imply new administrative measures for approving not only containers which do not comply with the CSC but also the load compartment of all vehicles or wagons intended for the carriage of solid dangerous substances in bulk, and the development of requirements for inspection and testing.

45. Certain delegations felt that this would be an unnecessary bureaucratic requirement, since they did not believe that such measures in RID/ADR would significantly increase safety. It was noted, however, that these provisions will be made mandatory for maritime transport, and the Working Group agreed to propose that these new construction/approval provisions be applicable only when carriage is done according to the "BK" alternative.

46. The Working Group considered that it was not necessary to add a definition for "freight container" in 1.2.1 because this terminology is not used in RID/ADR.

Part 4

47. The Working Group noted that 4.1.6.1.4 of the UN Model Regulations (4.1.6.2 of RID/ADR) now requires compliance with ISO 11621:1997 for the change of service for compressed and liquefied gases, therefore the compatibility of EN 1795:1997 referred to in 4.1.6.10 should be checked. Similarly, compliance with ISO 11 117:1998 and Annex B of ISO 10 297:1999 is required in 4.1.6.1.7 of the UN Model Regulations (4.1.6.4 of RID/ADR), and 4.1.6.1.7 (d) [RID/ADR 4.1.6.4 (d)] has been deleted, therefore the relevance of the reference to Annex A of EN 849:1996/A2:2001 in 4.1.6.10 should also be checked.

ACTION TO BE TAKEN BY THE JOINT MEETING

48. The Joint Meeting is invited to consider the report of the Ad hoc Working Group and the proposals for harmonization contained in the Addenda thereto, and to decide as appropriate.
