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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-eighth session, 28 November-7 December 2005
Item 9 of the provisional agenda

IMPROVEMENT IN HAZARD COMMUNICATION

Tolerance for labels deviating from the models of Chapter 5.2

Transmitted by the expert from the United Kingdom

1. The expert from the United Kingdom notes that dangerous goods are often consigned either in anticipation that they will travel using more than one mode, or that, at the point of consignment, the consignor not knowing that more than one mode of transport will be used on a particular journey. It is therefore important that the consignor knows what is expected of him/her when labelling packages, and that there are no unjustified differences between the modes in prescribed labelling designs. Lack of clarity as to what the label is saying can be dangerous in terms of handling; but the inverse of this is that minor deviations, not having any safety implications, may nevertheless be subject to unnecessary enforcement action. There are two issues that may contribute to such difficulties: modal differences in label models and individual variation from prescribed designs.

2. Modal variations are as follows (ADN labels/text are as per ADR, RID labels/text are as per ADR except where stated):

Text on general sizing provisions	Labels must be 10cm square. However, the Model Regulations and IMDG clearly allow smaller labels for smaller packages or for Class 2 cylinders. ADR allows this reduction in size for Class 2 cylinders or smaller packages (although the text addressing the latter seems ambiguous--it appears with text specifically about orientation labelling). ICAO allows it only for Class 2 cylinders and small infectious substances packages.
Class 1, Divisions 1.1, 1.2, 1.3	ICAO has compatibility group next to Division. Other texts have these one under the other
Class 5 Division 2	Model Regulations have red/yellow split background with flame symbol. Other texts have full yellow background with 'flame over circle' symbol. However, it is assumed that this will be aligned during the current biennium.
Class 7 Categories II and III	ICAO has "TRANSPORT" and "INDEX" adjacent. Other texts have these words one under the other.
Class 8	ICAO and IMDG Code show a grey hand, the other texts show a white one. No text prescribes in writing what colour the hand should be.
Class 9	ICAO has a black line separating the two halves (other texts do not).
Orientation arrows	ICAO has a red or black border, RID does not, ADR shows both types (other texts do not have a prescribed orientation sign)

3. The expert from the United Kingdom believes that IATA has now also drawn to the attention of ICAO, further minor discrepancies between the ICAO Technical Instructions and UN labels.

4. While these variations may appear trivial, differences in interpretation of the models' prescriptiveness has already caused problems. For example, a UK vehicle on an ADR journey was subject to enforcement action for 'incorrect labelling'. Its Class 8 labels showed a grey hand, in conformity with the requirements of the IMDG code and the ICAO Technical Instructions, rather than a white one. There was no issue of the meaning of the label being rendered ambiguous or unclear by this variation. Indeed, as the journey had included a sea leg, it would have been acceptable to use the IMDG placard/label as per ADR 1.1.4.2, ie a grey hand.

5. The expert from the United Kingdom wonders whether other members of the Sub-Committee have experienced similar uncertainty over labelling. Perhaps one option would be to resolve that labels must be *exactly* as laid out in the relevant modal text: making clear that *any* deviation will constitute illegal labelling. A consignor would be in no doubt about requirements, and if nevertheless sending non-conforming goods would then have no defence against refusal by a carrier or competent authority enforcement action. A consequence of this approach would be that to aid compliance, it would be necessary for any unjustified modal differences to be removed. It also represents a rather draconian approach.

6. The expert from the United Kingdom therefore proposes a different solution. Since the variations identified have not carried safety implications, a phrase could be inserted in 5.2.2.2.1 of the Model Regulations to confirm to all parties that the label format carries some flexibility.

Proposal

"5.2.2.2.1 Labels shall satisfy the provisions of this section and conform, in terms of colour, symbols and general format, to the specimen labels shown in 5.2.2.2.2. *Minor variations from the specimens shown, which do not affect the obvious meaning of the labels, are permitted.*"