

## 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

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Item 6 of the provisional agenda

### MISCELLANEOUS PROPOSALS OF AMENDMENTS TO THE MODEL REGULATIONS ON THE TRANSPORT OF DANGEROUS GOODS

#### Infectious substances

#### Exemptions

Transmitted by the expert from Germany

#### **Introduction**

With the 13th edition of the Model Regulations, the term “pathogens” (pathogenic micro-organisms) was introduced in the definitions in paragraph 2.6.3.1.1 in order to improve understanding of the modes of action of infectious substances. This greatly contributed to a better understanding of both the term “infectious substance” and the causal connections of the regulations relating to class 6.2.

The distinction between substances (materials) on the one hand, and pathogenic micro-organisms which can be contained in substances and materials or on their surface on the other hand, should be strictly maintained, especially in the case of paragraph 2.6.3.2.3.1: “Substances which do not contain infectious *substances* or *substances* which are unlikely to cause disease in humans or animals are not subject to these Regulations...”

As regards this paragraph, it is sometimes difficult for those applying the Regulations to establish what the UN Sub-Committee means by the word “substances”: is it a substance as such, i.e. a material or object, or is it a pathogenic micro-organism? In each case the word has a very different meaning.

Assuming that this is in accordance with the intentions of the UNSCETDG, we would like to propose the following amendment:

## **PROPOSAL 1**

2.6.3.2.3.1 “Substances which do not contain pathogens or substances which are unlikely to cause disease in humans or animals are not subject to these Regulations.....”.

### **Justification**

The proposal enhances clarity since the excessive and misleading use of the word “substances” is avoided. Moreover, it becomes apparent in the proposal that there is room for an exemption which was implicitly contained in the 12th edition (2.6.3.1.1):

Infectious substances are not generally considered to be all substances containing pathogenic micro-organisms but only those substances which (due to their nature and characteristics) are capable of causing disease in humans or animals when exposure to them occurs (e.g. in the case of physical contact).

### **Note**

The first part of the sentence in paragraph 2.6.3.2.3.1 reading “Substances which do not contain pathogens.... are not subject to these Regulations .....” could be deleted since this matter is clearly set out in the definition in paragraph 2.6.3.1.1.

If the UNSCETDG follows this reasoning, Germany will modify proposal 1 and make the following proposal:

## **PROPOSAL 2**

Paragraph 2.6.3.2.3.1 should be amended to read as follows:

“Substances which contain pathogens but are unlikely to cause disease in humans or animals are not subject to these Regulations unless they meet the criteria for inclusion in another class.”

## **PROPOSAL 3**

Paragraph 2.6.3.2.3.2 is to be deleted. The subsequent paragraphs are renumbered accordingly.

### **Justification**

This paragraph could also be deleted since this matter is clearly set out in the definition in 2.6.3.1.1. In order to maintain clarity, repetitions involving “double negatives” should be avoided.

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