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INLAND TRANSPORT COMMITTEE

Working Party on the Transport of Dangerous Goods
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**INTERPRETATION OF THE EUROPEAN AGREEMENT CONCERNING THE
INTERNATIONAL CARRIAGE OF DANGEROUS GOODS BY ROAD (ADR)**

Prohibition on smoking during the carriage of Class 1 dangerous goods by road

Transmitted by the Government of the United Kingdom

SUMMARY	
Executive Summary:	To seek the opinion of ADR Contracting Parties on whether Special Provision S1 (3) in ADR prohibits smoking and the use of cigarette lighters in the cab during the carriage of Class 1 dangerous goods.

Background

The special provisions for carriage operations detailed in Chapter 8.5 include special provision S1 (3) applicable to the carriage of class 1, which states:

“S1 (3) *Prohibition of fire and naked flame*

The use of fire or naked flame shall be prohibited on vehicles carrying substances and articles of Class 1, in their vicinity and during the loading and unloading of these substances and articles.”

The United Kingdom is unclear about whether the prohibition of the use of fire or naked flame in S1 (3) extends to smoking, i.e. does a burning cigarette/cigar/pipe or the use of cigarette lighters integral to the cab constitute a naked flame within the context of S1 (3)?

The difference of opinion among UK regulators has arisen in part because a flame is defined in United Kingdom regulations and generally understood to be the luminous portion of

burning gases or vapours (UK National Fire Protection Association). It is, therefore, not obvious that a prohibition on fire or naked flame would prohibit smoking in the cab or the use of a cigarette lighter of the type integral to the cab, although this may have been at least in part the intention of S1 (3).

The United Kingdom has prohibited smoking and use of open flames during the carriage of class 1 in its domestic legislation, and has, until now, interpreted the meaning of S1 (3) as prohibiting smoking throughout all class 1 dangerous goods carriage activities, in conjunction with the more general prohibitions on smoking in Chapters 7.5.9 (provisions concerning loading, unloading and handling) and 8.3.5 (Miscellaneous requirements to be complied with by the vehicle crew). However, the United Kingdom has become concerned that the existing text of S1 (3) is not comprehensive or clear enough as to whether it prohibits smoking and use of integral cigarette lighters in the cab.

For WP.15's consideration

The United Kingdom would like to hear other delegations' answers to the following questions:

- (a) Are delegations of the view that S1 (3) is intended to prohibit smoking during the carriage of Class 1 dangerous goods? i.e. does a burning cigarette/cigar/pipe or the use of cigarette lighters integral to the cab constitute a naked flame?
 - (b) Does the current text in S1 (3) reflect WP.15's interpretation?; and
 - (c) If not, what changes to the text should be made?
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