

**ADR: FIFTIETH ANNIVERSARY - A ROUND TABLE
EFFECTIVENESS OF UNECE LEGAL INSTRUMENTS
Increased Safety and Facilitation of International Transport**

ADR in the 70s-80s: Significance for a Contracting Party in the early days

by

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September 1957 – November 2007. As we now know, and are here to celebrate, it is now 50 years since cross-border transport of dangerous goods was acknowledged as a matter for international law (albeit 60 years after Europe's railways). In the famous cause of the safe multimodal transport of dangerous goods, over that – very long – time period, what have we achieved?

My answer? Not quite as much as we should have done! Decision makers here have a duty to the European taxpayer. But when you ask a taxpayer trying to earn a living in one of the industries affected by our rules about our success, the response is NOT always unqualified praise.

I know this now from my own experience. By coincidence, exactly 50 years ago I began my first international association with dangerous goods in transport. In September 1957, I had arrived as a teenaged conscript soldier on a British air base in Germany. Our purpose was to prepare for the possible movement eastwards by air of certain explosive articles of Class 1. Then, as now, NATO tried to follow existing civilian traffic regulations as much as possible. Our ordnance came by sea to Antwerp, by rail to Eindhoven, and, mostly, by road around Germany. What transport rules for it there were, differed modally and between countries. We managed, but repacking or re-labelling, or writing new documents, made difficulties. Happily, all this came to nothing in the end - 30 years on, but I went home after two years and joined the Ministry of Transport in London.

Twenty years later, I had worked my way up through the grades in the Ministry of Transport and by 1980 had been made Head of Dangerous Goods Transport Policy Branch. That meant I handled the ECOSOC Committee of Experts and European road and rail transport. Others in other Departments handled sea, air, and internal traffic. We determined policy by committee, but always thinking multimodally. But UK industry, built on the export trade, watched everything we did, and we had to explain before and after every International Meeting what we had and had not said and done. Mrs Thatcher was our formidable new Prime Minister and she was emphatic that – consistent with safety, of course - we had to listen.

A senior chemical industry manager told me: “We don’t really care what rules you impose, so long as they are the same for all transport modes and they all apply to all our competitors. Tell us to paint our tank containers pink: - if everyone has to do it – ‘Fine’.” So from Day One, I was clear that UK Government effort should concentrate on the development of meaningful UN/ECOSOC Recommendations by the Committee of Experts and the swift transposition of those recommendations into all modal regulations. We also supported the coming of ADR, but were afraid that it would be developed independently of the Recommendations. From our experience in the RID Expert Committee and the Joint Meeting, we found that different people from the same country said different things in different forums. Worse, sometimes the same people said different things. So the UK was always looking for modal consistency.

Mr Kervella has researched the beginnings and reminded us how ADR began. Although asked to, I cannot, in fact, say much about ADR in the 1970s since my Ministry employed me elsewhere, but Mr Len Spencer and Dr Jim Jeacocke, both from the UK administration, were successive chairmen of WP.15 in that decade, so, as one of the original Contracting Parties, ADR was significant to us and we were playing our part. The historic UK internal rules were quaint or non-existent for the times. Generally-speaking, the safe transport of dangerous goods by road was required under an umbrella provision in the Motor Vehicles (Construction & Use) Regulations (themselves derived from the UNECE work in WP.29) which simply prescribed that any cargo should be loaded safely and securely in a road vehicle. Our future intention in the 1970s was always to adopt ADR internally when it had become ‘adoptable’. In fact, provision was made for just that in the Road Traffic Act 1972. So it took longer! I am still not convinced that the intervention of the European Commission helped, but that’s a story for another day!

I suppose, the breakthrough, for us – the UK Contracting Party, came in 1978 after the tragic accident in Spain involving a shattered propane gas tank vehicle without a relief valve, a campsite with lots of ignition sources and more than 200 dead. Ministers of Transport panicked, as most realised – probably for the first time - that their duties to their Parliaments included safe transport for dangerous goods. They focussed their attention on the subject. Could it happen here, what can be done, they asked? The then Appendix B.5 was added to ADR recognising for the first time the UN/ECOSOC Substance Identification Numbers and listing those of dangerous substances known to be carried by road in tanks, together with a new hazard identification code (or in the UK, an emergency action code!). But it was a start, the UN Recommendations had visibly arrived in ADR. Bizarrely, at the same time years were spent on “modernising” the 3 Classes that represented most of the dangerous goods in road transport - inflammable liquids, toxic substances and corrosive substances – but ignoring the UN Numbers. Some modernisation!

However, came the modernisation of Class 1 – explosives – and the UN Numbers widely used across NATO for transport and storage had to be used. Similarly, Class 5.2 is a system of generic entries for organic peroxides based on UN Numbers. When class 7 came up, a deal had been done with the IAEA Agency in Vienna to amend and then use UN Numbers to identify radioactive materials. How could we have dealt with the miscellany in Class 9 without UN Numbers? The UK sketched out a Class 5.1 for combustible substances with them in place. And our distinguished former colleague Friedrich Loehrmann, from the then GDR, tackled the 3 Classes 4. Probably only he had the experience and stature to make something logical among the oddities found there, but in a working group in Berlin we agreed new texts. Finally in the 1980s, Classes 3, 6.1 and 8 were truly “modernised” this time by Belgium, France and the UK. (Class 2 followed on.) By now ADR was looking a lot like the IMDG Code in sea transport, and the new “technical instructions” of ICAO that were wholly derived from the ECOSOC Recommendations, ditching the airlines’ traditional “restricted articles rules”.

In my view, the second major achievement in the 1980s was the introduction - on a mandatory basis – of the UN performance orientated packaging scheme for dangerous goods in transport. This had begun - mostly in faith – in the 1970s and had been taken up only by a few big chemical companies or operators, and in some special cases, but most European Governments had set up Test Houses. By 1985, the scheme had been developed and refined by the ECOSOC Committee, and was introduced into ADR – and RID and IMO – but with a 5 year transitional period. This was hugely controversial across the industries. Many argued that the financial cost of such speed would be too far too great, and that 15 years would be more realistic. That was too much for Governments and the 5 year limit was imposed. Interestingly, when 1990 came, I never heard another murmur about transition problems!

Another hard fought issue in the 1980s concerned the size or volume gap between upper thresholds for various “packagings” and the lower for tank containers. Thus was born the so-called “intermediate bulk container” or IBC. These were both big and new, and Government officials were suspicious. So new that the first draft specifications were submitted direct by the chemical industry. But they were in use and reality had to be acknowledged. The ECOSOC chapter 16 became an Appendix A.6 in the ADR of the 1980s.

So, by the end of the 80s decade, we had the ECOSOC classification criteria, the substance identification numbers and the packaging scheme in place. Together with marking and labelling more or less standardised, as well as numerous other features too numerous to list in 10 minutes, much had been achieved and multimodal harmonisation seemed a lot less of a dream.

And I do not want in any way to understate any of this considerable work over the 20 years from 1970, or the subsequent efforts in WP.15 over the past 18 years to date. But you know, Mr Chairman, that, since retiring as an official, I have attended WP.15 several times as a UK aviation industry consultant. I am asked to speak here today on “significance for a Contracting Party in the early days”. The significance for us was, and remains, complete multimodal harmonization of requirements. And particularly in the area of intercontinental air/road harmony, there is still work to be done. There are still too many “extras” in ADR, and beyond it at national level, that still need to be re-examined critically, or at least quantified, listed, published, and advertised. May I say that some of these practical concerns seem to me to be more important than some of the rather minor matters I note on the current agenda here?

So the transport of dangerous goods by road and air? This brings me back to where I started in Europe 50 years ago. Little did I know then, in a field outside Muenchen Gladbach, of the aspirations of the Founding Fathers of ADR in this building and that one day I would be part of it. . What now? Another 50 years? Let us hope not! I thank you all for listening to an old Grandfather from the past.