

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

Cross Bottling of IBCs – Correspondence Working Group

First Discussion Document. March 2008

I Introduction

1. The IBC cross bottling working group was set up as a result of discussions held on cross bottling of IBCs at the 32nd session of the Sub-Committee of Experts held in Geneva, December 2007. INF 53 produced during the meeting outlined the terms of reference for the correspondence group coordinated by the expert from the United Kingdom. Expressions of interest in participating in this working group were received from: France, (CEFIC), TNO (Netherlands), (RCMASA), (CBA), Belgium Packaging Institute, Switzerland, (DGAC), Canada, BASF, Germany, Australia, ICIBCA, ICPP, IPA and ICCA.

II The Issues

2. Following the consultation letter sent out by the expert from the United Kingdom on 18th January replies were received by the deadline set from both Governments and NGOs. In the proposed timetable annexed to that letter the expert from the United Kingdom undertook to circulate a discussion document setting out the issues identified by respondents and to put forward some tentative proposals.

3. All respondents indicated that the issue of cross bottling does cause problems of interpretation. For example:

- What is meant by the term “original manufacturer’s specification”?
- How do you ensure compliance with the existing approvals if all the re-bottler has is the mark on the frame of the IBC?

- How do you identify a legitimate cross bottled IBC when the mark on the outer frame is not linked to the new bottle?
- 4.1.1.1 requires packagings, which includes IBCs, to be closed in accordance with the information provided by the manufacturer. This duty is placed on the user/filler of the IBC but when he purchases a rebottled IBC what details does he request if the new bottle is not from the original manufacturer?
- 4.1.1.9 requires the user/filler to satisfy himself that the IBC is capable of passing the tests in 6.5 before filling. A repaired IBC must have a test report -6.5.4.5.2. Is this always the case? From whom does a filler obtain a test report for a re-bottled IBC?

There was no real consensus on how to clarify these issues. This paper therefore seeks to build on the range of suggestions made or to offer some initial views on possible solutions for further discussion.

III Suggestions/Solutions for Further Discussion

A. “original manufacturer’s specification”

4. This phrase appears in the definition of “repaired IBC” in Chapter 1.2 but is not defined. The competent authorities that replied generally indicated that they would interpret the phrase as meaning meeting the original design type. If a bottle produced by a manufacturer other than that of the original design type was used this was considered to constitute a remanufactured IBC.

5. It is therefore proposed that the term “original manufacturer’s specification” is replaced by “original design type”. This term is to be understood as the definition given in the existing 6.5.6.1.1. However as some believe this definition to be too weak, consideration should be given to either defining the term ‘Manufacturer’ (which also appears elsewhere in the Model Regulations or ‘Original manufacturer’s specification’. Alternatively ‘original design type’ could be explained in the context of repair.

6. This would permit the practice of the simple replacement of the original bottle with a bottle of the same type from the same manufacturer without retesting.

7. There is no proposal to define who can carry out this function. It might be the original manufacturer or it might be an independent third party or even a chemical company that has purchased the original IBC.

8. As a consequence it is proposed that consideration be given to removing the definition of ‘design type’ from Chapters 6.1, 6.3., 6.5 and 6.6 and placing it in Chapter 1.2. since the text is broadly the same in each instance. (see Annex to this paper for the current texts).

B. Remanufacturing of IBCs

9. There is no proposal to change the definition of remanufacturing as no one considered that a problem. However there is a problem concerning marking of IBCs that have been cross bottled with a bottle from a different manufacturer or of a slightly different design. If proposal

one (above) is adopted such a practice becomes remanufacture. At present 6.5.2.2.4 requires the inner receptacle of a composite to be marked with three elements:

- (a) Name of manufacturer or symbol
- (b) Date of manufacture
- (c) State authorizing the allocation of the mark

10. As currently written there is no requirement for a new IBC to ensure that the mark on the bottle is related to the mark on the IBC. Firstly, it is proposed that the marking system for IBCs in 6.5.2.1.1(f) is amended to the effect that for composite IBCs where the manufacturer of the inner receptacle is not the same as the outer casing both manufacturers' names or identification must be marked on the outer casing. This principle would then apply to any person who remanufactures an IBC.

11. Secondly, it is proposed that the original mark on the outer casing must stay on the IBC to indicate the origins of that IBC in the same way that part of the mark must remain on metal drums (see 6.1.3.2)

12. Thirdly, concerns were expressed that changing the provisions as proposed above could lead to extensive retesting. It should be noted that although testing of remanufactured IBCs would be required, there is a facility for the competent authority to permit selective testing (6.5.6.2.2) of similar design types with minor differences. It is believed that this would be a practicable approach for the re-bottling of IBCs.

C. Quality Assurance

13. 6.5.4.1 Addresses the quality assurance programmes for the manufacture of IBCs. Some respondents indicated that changes to this part of the text could be amplified in respect of cross bottling. No specific proposals were received, but this may need further consideration. It is difficult to see how this issue could be addressed solely in respect of composite IBCs. Perhaps adding 'A quality assurance programme may also be required for the repair or remanufacture of composite IBCs' in 6.5.4.1 would at least permit CAs some control at national level if they wanted it.

D. Registered repairers

14. Some Competent Authorities noted that they currently require repairers of composite IBCs to be registered with them and that they are subject to an inspection regime. This may not be practicable for all competent authorities as repair functions may be carried out by many different players. This issue may need further consideration.

E. Reconditioned IBCs

15. The responses to the UK letter of 18th January were almost overwhelmingly of the view that IBCs could not be reconditioned. However, the current definition of reconditioned packaging does not specifically exclude IBCs. It is perhaps worth noting in this respect that many metal boxes for Class 1 are constantly reconditioned for reuse.

IV Conclusion

16. Members of the correspondence Working Group are now invited to submit any comments on matters of accuracy in this paper to the expert from the United Kingdom no later than 31 March. Comments of substance or reaction to the issues raised in this paper should be submitted no later than 18 April. In accordance with the timetable in the letter of 18 January, the expert from the United Kingdom will submit a copy of this paper as a formal paper to the UNSCETDG to update the Sub-Committee on progress made. Thereafter, we are aiming to be able to submit final proposals in an INF paper for the July meeting.

Annex

Definition of design type

Packagings

6.1.5.1.2 Each packaging design type shall successfully pass the tests prescribed in this Chapter before being used. A packaging design type is defined by the design, size, material and thickness, manner of construction and packing, but may include various surface treatments. It also includes packagings which differ from the design type only in their lesser design height.

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IBCs

6.5.6.1.1 Each IBC design type shall successfully pass the tests prescribed in this chapter before being used. An IBC design type is defined by the design, size, material and thickness, manner of construction and means of filling and discharging but may include various surface treatments. It also includes IBCs which differ from the design type only in their lesser external dimensions.

Large packagings

6.6.5.1.2 Each large packaging design type shall successfully pass the tests prescribed in this chapter before being used. A large packaging design type is defined by the design, size, material and thickness, manner of construction and packing, but may include various surface treatments. It also includes large packagings which differ from the design type only in their lesser design height.
