

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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LISTING, CLASSIFICATION AND PACKING

Transport of Nickel-Metal Hydride Batteries

Comments to document ST/SG/AC.10/C.3/2008/37

Transmitted by the International Vessel Operators Hazardous Materials Association (VOHMA)

Introduction

VOHMA would like to thank the Expert from Germany for their continued concern regarding the safe transport of Nickel-Metal Hydride Batteries as previously expressed in their submission ST/SG/AC.10/C.3/2007/45 and now re-introduced in ST/SG/AC.10/C.3/2008/37. Our members share the concern as well as the objective to minimize the risk associated with sea transport of these articles.

VOHMA does not believe that the proposal now brought forth will provide adequate resolution to alleviate the consequences of exposing these articles to elevated temperature. Our concern is that there is nothing currently in the Model Regulations or in this proposal that would lead the user to reference special provision 304. UN3028 is assigned to the proper shipping name BATTERIES, DRY, CONTAINING POTASSIUM HYDROXIDE SOLID, meeting the defining criteria of Class 8. The AA-type nickel-metal-hydride rechargeable dry batteries involved in the incident would not properly be described by the proper shipping name and hazard class associated with UN3028 and thus would not lead the user to reference SP 304. The proposed addition of regulatory text at the end of SP 304 that limits the exemption provided therein includes a proposal to require a transport document including a declaration signed by the consignor. This subcommittee should again consider the question posed at the last session as to whether it would be appropriate to regulate a previously non-regulated article by means of a special provision associated with a UN number which would now be assigned to the article, which under normal conditions of transport presents no dangers, and does not meet the defining criteria for the hazard class assigned in the Dangerous Goods List. As a non-regulated article, under what authority can the regulatory requirements be applied to require a transport document and declaration signed by the consignor?

A Bill-of-Lading (BOL) is the most common commercial document provided by the shipper as a contract for carriage related to non-regulated cargoes. The BOL is not an operational document and is sometimes received just prior to, or often following the vessel departure from port. If the batteries were not regulated in the connecting mode of transport, neither the terminal nor the vessel would have any reason to look for the container marking or the documentation as proposed. A declaration from the consignor would not be required by connecting modes and could not practically be provided when presented to the vessel operator for stowage planning purposes or loading.

As mentioned in the intervention presented by VOHMA at the last session, exposure to elevated temperature is not limited to sea transport and may be experienced in other modes as well as during storage incidental to transportation. In order to provide consistency when offering these articles for multi-modal transportation, it is recommended that this sub-committee consider any regulatory application of controls should address all modes of transport. Classification must be based on criteria set out in the UN Manual of Tests and Criteria. If considered necessary by this sub-committee, classification of these articles and others with similar properties should be addressed in this Manual as “SOURCES OF IGNITION” and assigned to class 9 as miscellaneous hazards. As an alternative, a new class 10 could be introduced in the UN Manual of Tests and Criteria for all such substances and articles.

Proposal

Any substance, material, or article that presents dangers as cargo in transportation, such as a possible source of ignition, must be regulated by the Model Regulations in order to be subject to the communication requirements for documentation and marking, or for special handling as deemed necessary.

UNXXXXX should be assigned to a new entry “SOURCES OF IGNITION” with the appropriate hazard class, special provisions, packaging, and handling to be assigned in the appropriate columns of the Dangerous Goods List at Chapter 3.2.
