

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

Thirty-fifth session
Geneva, 22 - 26 June 2009
Item 5 of the provisional agenda

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

Transport of coolant/conditioning units

Comments on ST/SG/AC.10/C.3/2009/23 and UN/SCETDG/35/INF.26 and
ST/SG/AC.10/36/Add.1

Transmitted by the observer of Switzerland

Introduction.

1. In document ST/SG/AC.10/C.3/2009/23 of the United Kingdom and Germany it is proposed to regulate the use of certain dangerous goods, such as dry ice and refrigerated liquefied nitrogen or argon for cooling or conditioning purposes. In document UN/SCETG/35/INF.26 the expert of the Netherlands supports the principle of this proposal and tries to distinguish between dangerous goods as cargo and dangerous as cooling agents. Switzerland supports the principles laid down in both documents. However, the solutions proposed should be solved in a more general manner as follows.

2. Chapter 5.5 is supposed to apply to any goods carried. Thus it applies as well for non dangerous goods as for dangerous goods. Furthermore, as already pointed out by the Netherlands, a clear distinction should be made between the substances transported as cargo and the same substances used for cooling or conditioning purposes.

3. We also observed that the new provisions in chapter 5.5 for fumigating agents in document ST/SG/AC.10/36/Add.1 don't treat the question of scope in a proper manner. In 5.5.2.1.2 it is said that the dangerous goods in a fumigated cargo transport unit are again subject of the Regulations. One can come to the conclusion that when the fumigating agent is a dangerous good then any provision of the Regulation shall in addition apply to the fumigating agent as dangerous good. This was not the purpose of the Experts. We propose hereafter a possible solution to this question also.

4. In 5.5.3.1.1 the Netherlands propose to regulate in 5.5.3 only the provisions applying to dangerous goods when used for cooling or conditioning purposes during transport and to modify the special provision 297 by saying that the conditions of 5.5.3 apply. It is proposed to apply SP 297 only for UN 1845, 1977 and 1951

5. Two difficulties arise:

- (a) We don't know what other dangerous goods could also be used as cooling or conditioning agent so we wonder if this specific approach is the best one for the future.
- (b) As explained before section 5.5.3 applies not only for these "cooling" entry but for any good, dangerous or not. So the text in SP 297 saying specifically for some entries only that section 5.5.3 applies is misleading and gives the false impression that section 5.5.3 only applies to these entries with SP 297.

6. In 5.5.3.1.2 of the INF. 26 it is said that substances used for cooling or conditioning purposes (other than fumigation) are not subject to any provisions of these Regulations other than those of this section. This text seems better as the one in 5.5.3.1.2 in the Document ST/SG/AC.10./C.3/2009/23 from the UK where the Cargo transport unit as such is exempted because then any dangerous goods carried in such cargo units would be exempted.

7. We wonder however if a more general approach to solve the question of application or not of chapter 5.5 is not preferable. In order to exempt dangerous goods the UN-Model Regulations have already foreseen text in 1.1.2. We believe this paragraph is the right place to exempt the dangerous goods used as cooling/conditioning agents and as fumigating agents. The text to be introduced there could be like the text in 5.5.2.1.1 (from the report of the december session ST/SG/AC.10/36/Add.1) respectively 5.5.3.1.2:

"...

- (c) Fumigated cargo transport units (UN 3359) are only subject to the provisions of section 5.5.2
- (d) Dangerous goods when used in cargo transport units for cooling or conditioning purposes are only subject to the provisions of section 5.5.3."

8. In doing so some text of the proposals in INF.26 and in the UK paper are no more necessary:

5.5.3.1.1, 5.5.3.1.2 and 5.5.3.1.3 can be deleted.

5.5.3.1.1 and 5.5.3.1.2 is already said in 1.1.2 (d)

5.5.3.1.3 seems unnecessary because Chapter 5.5 is in the dangerous goods regulation and applies for substances as described in the heading of 5.5.3 and I the Note.

9. The question if the SP 297 is needed could be considered as follows: For the moment being it only applies for air transport and UN 1845 carbon dioxide (dry ice). If the exemption is introduced in 1.1.2 (c) as proposed before, then the rules of chapter 5.5.3 apply for any dangerous good when used as cooling agent and the changes introduced by the Netherland in 5.5.3.1.4 and 5.5.3.5 are sufficient. So SP 297 can be deleted.

10. Regarding the needs to introduce precisions like "The requirements of 5.5.3 also apply" in P620, P650, P800, P901, P904 we believe these are no more necessary if the general rule is in 1.1.2 as proposed.

11. The same can be said regarding the additions proposed in ST/SG/AC.10/2009/23 in the consequential amendments points 9. until 15. There is no more necessity to introduce the precision.

12. Regarding 1.1.2 (c) allows to treat all the texts in chapter 5.5 in the same way. In doing so we could delete 5.5.2.1.1 and 5.5.2.1.2 form the report ST/SG/AC.10/36/Add.1.
