

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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GLOBAL HARMONIZATION OF TRANSPORT OF DANGEROUS GOODS REGULATIONS WITH THE MODEL REGULATIONS

Information on decisions taken by the IMO
Sub-Committee on Goods, Solid Cargoes and Containers (DSC)
at its 14th session September 2009

Transmitted by the International Maritime Organization (IMO)

1 Introduction

1.1 This document contains information on matters related to the amendments¹ to the International Maritime Dangerous Goods Code (IMDG Code) that have been considered by the following relevant bodies of the Organization that met at IMO Headquarters this year:

- The Marine Environment Protection Committee (MEPC) at its 59th session (13 to 17 July 2009);
- Editorial and Technical Group at its 13th session (E&T 13 - 8 to 12 June 2009);
- Sub-Committee on Goods, Solid Cargoes and Containers, at its 14th session, (DSC 14 - 21 to 25 September 2009); and
- Editorial and Technical Group at its 14th session (E&T 14 - 28 September to 2 October 2009).

1.2 The errata and corrigenda to amendment (34-08) to the IMDG Code and new amendment (35-10) to the Code were approved, in general, by DSC 14 in September 2009 and finalized consequently by E&T 14. During the work done by the E&T group on the harmonization of the IMDG Code with the UN Recommendations on the transport of dangerous goods, some issues have been identified and are brought by the

¹ -Errata and corrigenda to amendment (34-08)
-Finalized amendment (35-10)
-Future draft amendment (36-12)

IMO Secretariat to the attention of the UNSCOE for information or for action as appropriate. The aim of this document is to highlight those issues accordingly.

2 Finalization of Errata and Corrigenda to the IMDG Code Amendment (34-08)

2.1 DSC 14 considered the proposal by DGAC (DSC 14/3/4) on revising the Special Provision 188 in order to except lithium button cell batteries contained in equipment from provisions to mark the outside package, consistent with the decision taken by UNSCOE 35, and agreed to insert in subparagraph .6 of SP188 “button cell batteries installed in equipment (including circuit boards), or”, after “Except for packages containing”.

2.2 The errata and corrigenda to the published version of the Code, amendment (34-08), was finalized and the UNSCOE is informed that the corresponding document should be issued before 1 January 2010, the date from which amendment 34-08 of the IMDG Code would attain mandatory status.

2.3 An additional errata and corrigenda applicable to the French version of the IMDG Code only was also finalized on the basis of the errata and corrigenda to the UN Recommendations and should be also issued before 1 January 2010.

3 FINALIZATION OF DRAFT AMENDMENTS TO THE IMDG CODE AMENDMENT (35-10)

3.1 Draft amendment (35-10) to the IMDG Code was finalized (see IMO Circular letter 2999) on the basis of amendments to the UN Recommendations on the transport of dangerous goods, as adopted by the UN Committee of Experts on the transport of dangerous goods and the globally harmonized system of classification and labelling of chemicals in December 2008, and in the light of the submissions to DSC 13 and DSC 14 and decisions taken thereon, for consideration at MSC 87 (in May 2010) with a view to adoption.

3.2 Harmonisation with the 16th revised edition of the UN Recommendations

Environmentally hazardous substances

3.2.1 During its June meeting, E&T 13, when preparing drafts amendments to the IMDG Code, noted that it might not be possible to incorporate the amended GHS criteria, as mentioned in 2.9 of the 16th revision of the UN Recommendations, in amendment (35-10) as the criteria defining marine pollutants are also included in MARPOL Annex III and as this Annex to the Convention will have to be amended first.

3.2.2 Noting this difficulties, amongst others, MEPC 59 agreed to add a new work programme item on Amendments to MARPOL Annex III on the work programme of the DSC Sub-Committee and on the agenda of DSC 14 to resolve the issues identified.

3.2.3 DSC 14 prepared appropriate amendments to MARPOL Annex III for approval at MEPC 60 and adoption at MEPC 61 and concurred with the view of E&T 13 that, taking into account that the procedure for adoption of amendments to MARPOL is different to that of the IMDG Code and as such it might not be possible to incorporate the amended GHS criteria in amendment (35-10), agreed that the amended GHS criteria should be incorporated in amendment (36-12) which will enter into force on a mandatory basis on 1st January 2014.

3.2.4 The UNSCOE is invited to take note of the decisions taken.

Mixtures or solutions

3.2.5 As endorsed by DSC 14, the following additional text “meeting the classification criteria of this Code” was added to paragraphs 3.1.3.4 and 2.0.2.10 of the IMDG Code after “a mixture or solution”. In addition, E&T 14 was of the view that this text should also be added to 2.0.2.5 and to 3.1.3.2 and that the last sentence of 2.0.2.5 should be added to 3.1.3.2. The group invited the UNSCOE to note the view of E&T 14 and to take action as appropriate when considering the corresponding paragraphs of the Un Recommendations.

Special provision 106

3.2.6 DSC 14 agreed on the need for revision by the UNSCOE of SP 106 of the UN Recommendations as a result of UN 3166 and 3171 being regulated by sea transport. In this context the UNSCOE is invited to note that there is a need to review SP 106 of the UN Recommendations.

Special provisions 349 to 353

3.2.7 DSC 14 noted that in SP 349 to 353 the words "are not to be accepted for transport" are used while in SP 900 of the IMDG Code the words “transport of substances is prohibited” are used, which conveyed already the intent adequately and appropriately. The UNSCOE is invited to consider aligning the relevant text with the existing text of SP 900 of the IMDG Code.

Dangerous goods in limited quantities - Placarding of cargo transport units

3.2.8 The Sub-Committee agreed on including a provision in the Code for the placarding of cargo transport units containing dangerous goods in limited quantities, using the new limited quantity mark in its enlarged form as a mark for such cargo transport units. The UNSCOE is invited to take note of this decision.

UN 1471 (Lithium hypochlorite, dry or lithium hypochlorite mixture)

3.2.9 When preparing the new entry against UN 1471 for PG III, it was noted that the existing proper shipping name against the entry for PG II in the IMDG Code, amendment (34-08), is not the same as the one in the UN Recommendations on the transport of dangerous goods and agreed to align it with that in the UN

Recommendations for the sake of harmonization; however, E&T 14 was of the view that the corresponding proper shipping name in the UN Recommendations need to be reviewed and invited the UNSCOE to decide if it is appropriate to add "DRY with more than 39% available chlorine (8.8% available oxygen)" after "MIXTURE".

UN 1707 (Thallium compounds, n.o.s)

3.2.10 E&T 14 noted the omission of SP 274 in column 6 of the dangerous goods list against the entry for UN 1707, agreed to insert it in order to be consistent with the criteria for assigning SP 274 to class 6.1 n.o.s entries and invited the UNSCOE to note the action taken by the group and to decide as appropriate.

UN 3485 (calcium hypochlorite dry, corrosive or calcium hypochlorite mixture, dry, corrosive), UN 3486 (calcium hypochlorite, dry, corrosive) and UN 3487 (calcium hypochlorite, hydrated, corrosive or calcium hypochlorite, hydrated mixture, corrosive)

3.2.11 The group, while finalizing amendments to new entries against UN 3485, UN3486 and UN 3487, noted that in special packing provision B13 in the UN Recommendations on the transport of dangerous goods, the aforementioned three UN numbers are missing and invited the UNECE Secretariat to note the omission and to take action as appropriate. Furthermore, the group invited the UNSCOE to note that UN 3487, PG III, will not be allowed in IBCs for transport by sea and to assign B13 to this entry.

3.2.12 In order to be consistent with the assignment of packing instruction to UN 2208 in the IMDG Code, the group decided not to assign LP02 to UN 3486, PG III, and invited the UNSCOE to note the decision of the group.

Amendment to the new TP 37

3.2.13 With the view to facilitate its understanding and to avoid any reference to previous amendment to the IMDG Code, DSC 14 agreed to amend the new TP 37 to read:

"TP 37 Portable tank provision T14 may continue to be applied until 31 December 2016 except :

- .1 for UN 1810, 2474 and 2668, T7 may be applied;
- .2 for UN 2486, T8 may be applied; and
- .3 for UN 1838, T10 may be applied."

3.2.14 The UNSCOE is invited to take note of this amendment and to take action as appropriate.

Orientation arrows

3.2.15 When considering the addition of new (f) in 5.2.1.7.1, E&T 14 noted that the provisions in paragraphs 5.2.1.7.1 (a) to (f) of the UN Recommendations could benefit from improvement as it is unclear from the existing text whether the orientation arrows are not required on outer packagings or not required on the packages containing the outer packagings and invited the UNSCOE to note the issue and to take action as appropriate.

Dangerous goods transport information

3.2.16 Noting the decision of DSC 14 to delete 5.4.1.1.2 regarding the introduction of the term “initial carrier” from this provision, E&T 14 invited the UNSCOE to note the decision of the Sub-Committee.

Fumigated cargo transport unit

3.2.17 E&T 14 agreed to introduce new paragraph 5.5.2.1.4 to effect that the provisions of 3.2 (Dangerous goods list) and 5.4.3 (Documentation required on board the ship) apply to all fumigated cargo transport units (UN 3359) and invited the UNSCOE to note the aforementioned decision.

3.3 Consideration on the outcome of the 35th session of the UNSCOE

3.3.1 DSC 14 considered document DSC 14/3/1 (Secretariat) which provided information on the outcome of the thirty-fifth session of the UNSCOE, which met from 22 to 26 June 2009 and took the decisions as mentioned below.

Transport of coolant/condition units

3.3.2 In the context of transport of coolant/condition units, DSC 14 was invited to note the ongoing discussions and invited the interested delegations to make comments to Germany.

SP 188 - lithium cells and batteries

3.3.3 Having considered the proposal of DGAC (DSC 14/3/5) and the information provided in DSC 14/3/1 (Secretariat), DSC 14 agreed to add “, except those manufactured before 1 January 2009” at the end of the second sentence in subparagraph .2, after “case”, of the special provision 188.

Documentation for excepted packages of radioactive material

3.3.4 DSC 14 agreed with the proposal that the names and addresses of the consignor and that of the consignee shall be included in the documentation related to excepted packages of radioactive material (in 5.1.5.4.2) and that this provision shall be included in amendment (35-10).

Temperature control criteria for organic peroxides

3.3.5 With regard to temperature control criteria for organic peroxides following the proposal submitted by the Islamic Republic of Iran regarding an alternative system in relation to the fire-fighting system in freight containers carrying dangerous goods and the study submitted at UNSCOE 35 by ICCA, DSC 14 noted the information provided and also invited delegations interested in the results to contact CEFIC (DSC 14/3/1, paragraph 11).

UN 3496 (Batteries, nickel-metal hydride)

3.3.6 DSC 14 considered a proposal by France, Germany and VOHMA (DSC 14/3/6) on the transport of Nickel Metal Hydride Batteries and, taking into account the results of the discussions on this matter by the UNSCOE contained in document DSC 14/3/1, agreed to include a new entry for UN 3496 in the Dangerous Goods List of the IMDG Code and requested the E&T 14 to finalize the proposal.

3.3.7 As instructed by DSC 14, E&T 14 considered DSC 14/3/6 and taking into account the results of the discussions on this matter by the UNSCOE (DSC 14/3/1), inserted UN 3496 in the Dangerous goods list and assigned a new special provision 963 for nickel-metal hydride batteries as follows:

“963 Nickel-metal hydride button cells or nickel-metal hydride cells or batteries packed with or contained in equipment are not subject to the provisions of this Code.

All other nickel-metal hydride cells or batteries shall be securely packed and protected from short circuit. They are not subject to other provisions of this Code provided that they are loaded in a cargo transport unit in a total quantity of less than 100 Kg gross mass. When loaded in a cargo transport unit in a total quantity of 100 Kg gross mass or more, they are not subject to other provisions of this Code except those of 5.4.1, 5.4.3 and column (16) of the dangerous good list in Chapter 3.2.

3.3.8 In this context, the delegation of China reiterated its position, which was stated at UNSCOE 35 and at DSC 14, regarding its disagreement on the classification of nickel-metal hydride batteries as dangerous goods that has been done on the basis of lack of clear grounds and insufficient scientific study. The delegation further stated that on the basis of past experience in the carriage of this type of cargo and on the basis of the results of tests carried out according to the IEC criteria, nickel-metal hydride batteries should not be classified as dangerous goods.

3.3.9 The Sub-committee is invited to take note of the information provided on this issue and to take action as appropriate.

3.4 Other proposals

UN 1486 (potassium nitrate), UN 1498 (sodium nitrate) and UN 1499 (sodium nitrate and potassium nitrate mixture)

3.4.1 DSC 14 considered the proposals by Chile (DSC 14/3/11, DSC 14/3/12 and DSC 14/3/13) on exemptions for the transport of substances assigned UN numbers 1499, 1486 and 1498 when in specific form of shapes (e.g., beads).

3.4.2 After an extensive discussion on the proposal, DSC 14 agreed to assign a new Special provision to UN 1499, UN 1486 and UN 1489. Furthermore, agreed that the exemption shall be limited to the shape and size of the products tested and requested E&T 14 to consider this proposal and to finalize it accordingly.

3.4.3 As instructed by DSC 14, E&T 14 considered the proposals by Chile (DSC 14/3/11, DSC 14/3/12 and a DSC 14/3/13) and after an extensive debate on the proposal regarding particle size, E &T 14 was of the view that on the basis of the information provided by Chile regarding particle size, it was not possible to define the limits of the particle size which would be subject to such an exemption; therefore, the group decided to have the same approach taken in the assignment of SP 925 to UN 1361 and UN 1362 and agreed to assign the new SP 964 to UN 1486, UN 1498 and UN 1499:

“964 This substance is not subject to the provisions of this Code when transported in non friable prills or granules form and if it passes the test for oxidizing solid substances as reflected in the United Nations *Manual of Test and Criteria* (see 34.4.1) and is accompanied by a certificate from a laboratory accredited by a competent authority, stating that the product has been correctly sampled by trained staff from the laboratory and that the sample was correctly tested and has passed the test.”

and invited the UNSCOE to take action, as appropriate.

3.4.4 In the above context, the group emphasized that the exemption provided in SP 964 applies to UN 1486, UN 1498 and UN 1499 in packaged form only. The group also noted that the matter should be further considered by DSC 15 in the context of the preparation of a possible corresponding amendment 01-11 to the IMSBC Code and invited interested delegations to submit proposals to DSC 15 (September 2010) for consideration.

4 Proposals

4.1 The UNSCOE is invited to note the information provided and to take appropriate action when finalizing the 17th revised edition of the UN Recommendations.
