



**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****Forty-second session**

Geneva, 3 – 11 December 2012

Item 2 (d) of the provisional agenda

**Recommendations made by the Sub-Committee on its thirty-ninth,
fortieth and forty-first sessions and pending issues:****miscellaneous proposals for amendments to the Model Regulations on the Transport of Dangerous Goods****Provisions for small quantities of environmentally hazardous
substances****Transmitted by the expert from the United States of America on behalf
of the Correspondence Working Group¹****Background**

1. At its previous session, the Sub-Committee considered a number of documents related to the transport of small quantities of Environmentally Hazardous Substances (EHS) – see ST/SG/AC.10/C.3/2012/27 and informal document INF.39 (41st session). Although a number of delegations expressed support in principle for addressing the issue, it was clear that further discussion was warranted and an intersessional correspondence working group was formed to address the issue. The following terms of reference were developed:

- Identify and compare approaches used in current national, regional, and modal regulations with respect to the transport of small quantities of packaged environmentally hazardous substances.
- Consider current industry practices and applications with regard to transport of packages containing small quantities of environmentally hazardous substances, and outline the impact that the implementation of the GHS-based aquatic toxicity criteria has had within the transport regime.

¹ In accordance with the programme of work of the Sub-Committee for 2011-2012 approved by the Committee at its fifth session (refer to ST/SG/AC.10/C.3/76, para. 116 and ST/SG/AC.10/38, para. 16).

- Consider current provisions for the transport of packages containing small quantities of environmentally hazardous substances and their applicability based on the risk posed in transport; work to identify where improvements to the current system could be made to address the concerns raised by interested parties that maintain transport and environmental safety.
 - Consider amendments to SP335 that have been agreed in principle for adoption by the Sub-Committee at its 42nd session.
2. Regarding item 1, a number of comments were received. Informal document INF.53 provides a summary view of varying national and regional approaches to the transport of environmentally hazardous substances. It should be noted that this document is for discussion purposes only and can likely be improved.
3. Regarding item 2, a number of working group correspondents indicated a willingness to provide additional information that would help the Sub-Committee better understand the impact of the scope of this work and the practical need to address the issue. It was agreed that this information would be best suited to informal documents that could be discussed in conjunction with a working document taking into account the input received to date.
4. Regarding item 3, an appreciable number of comments received favoured a simplified solution that would address small quantities of environmentally hazardous substances without denigrating transport safety. Of those who favoured such an approach, the majority preferred a solution that would address the provisions applicable to quantities from which relief is currently provided for the application of the EHS marking – i.e. 5 l/5 kg or less per single or inner packaging.
5. Regarding item 4, no additional input was received though it was noted that the provision may need to be reconsidered in light of any decision to more comprehensively address small quantities of EHS.
6. In considering specific solutions in relation to item 3, the working group was asked to consider in particular the following aspects of the Model Regulations and to what extent they should apply:
- Classification
 - Packaging
 - Marking/labeling
 - Documentation

Based on the feedback received, most favoured an approach that applied the packaging provisions of Part 4 to ensure package integrity under various transport conditions and modes as well as compatibility of the hazardous substance with its packaging, while providing relief from the remaining provisions of the Model regulations to quantities not exceeding 5 l or 5 kg net quantity per single or inner package. It should be noted however that some delegations were in principle opposed to expanding the current relief afforded by the Model Regulations, so the below proposal should be recognized as the majority view of those who were in favour of addressing the issue and not the unanimous opinion of the group as a whole. In addition, a number of working group participants while supporting the below proposal, believed that further work in this area over the course of the next biennium is also warranted.

The Sub-Committee is invited to consider the below proposal and any informal documents submitted in response to the below options developed by the group.

Proposal

7. Assign a new special provision to UN 3077 and UN 3082 as follows:

3XX Environmentally hazardous substances transported in single or combination packagings containing a net quantity per single or inner packaging of 5 l or less for liquids or having a net mass of 5 kg or less for solids, are not subject to any other provisions of these Regulations provided the packagings meet the general provisions of 4.1.1.1, 4.1.1.2 and 4.1.1.4 to 4.1.1.8.

8. Delete the text at the end of 5.2.1.6.1 as follows:

5.2.1.6.1 Packages containing environmentally hazardous substances meeting the criteria of 2.9.3 (UN Nos. 3077 and 3082) shall be durably marked with the environmentally hazardous substance mark. ~~with the exception of single packagings and combination packagings where such single packagings or inner packagings of such combination packagings have:~~

- ~~- a net quantity of 5 l or less for liquids; or~~
 - ~~- a net mass of 5 kg or less for solids.~~
-