

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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Item 3 (b) of the provisional agenda

Listing, classification and packing: miscellaneous

Excepted Quantities of Environmentally Hazardous Substances

Transmitted by the Dangerous Goods Advisory Council (DGAC)

Introduction

1. DGAC notes with interest document ST/SG/AC.10/C.3/2012/27 submitted by CEFIC regarding the establishment of new excepted quantity provisions for environmentally hazardous substances. While these amendments will have little consequence for EHS shipments by road and rail where significant relief is already afforded through limited quantity provisions, relief provided through these amendments would be significant for sea and air transport, particularly for air transport. In this respect DGAC submitted a related paper to the October 2011 Dangerous Goods Panel meeting with somewhat related objectives. This paper may be viewed at <http://www.icao.int/safety/DangerousGoods/DGP%2023%20Working%20Papers/DGP.23.WP.014.2.en.pdf>.

2. For air transport declaration of EHS was voluntary until the 2009 – 2010 edition of the ICAO TI. At that time on the basis of an interest in multimodal harmony, the Panel agreed that EHS should become regulated under the ICAO TI. This was agreed on the basis of an IATA proposal which recognized that these materials, while posing no danger onboard an aircraft were transported by ground to the airport and that it was important for emergency services to be aware of the package contents in the event of an incident.

3. Ironically, while limited quantities of EHS packages transported by road are only identified by the mark in 3.4.7 these same packages when transported by air must:

- (a) Bear the class 9 label;
- (b) Be marked with the proper shipping name;
- (c) The package must be marked with the Y limited quantity mark;
- (d) Must survive a 1.2 meter drop test and survive a 3m stack test whereas a strong outer package is required under the Model Regulations;
- (e) Is subject to additional closure requirements;
- (f) Is subject to transport document requirements; and
- (g) Is subject to pilot notification requirements.

4. In addition to these regulatory requirements, air carriers also commonly impose additional charges for dangerous goods packagings due to the extra processing involved. While these regulatory and costs implications would not be unreasonable if some

underlying safety concern was being addressed, these requirements appear unreasonable considering there is no identifiable risk in the case of air transport. While sympathetic to these concerns, the ICAO DGP rejected the DGAC proposal to only apply the 3.4.7 mark and to not impose the above requirements. The resistance appeared to be on the basis of confusion such an exception could cause for air carrier acceptance personnel.

5. Expanding the size of inner packagings of EHS permitted to be transported as excepted quantities could alleviate some of the regulatory burden in transporting EHS by air. DGAC notes that the packaging requirements for excepted quantities of dangerous goods are actually more severe than limited quantity packaging requirements. In addition, the excepted quantity marking (including the class or Division) provides more information for emergency response purposes than does the 3.4.7 limited quantity marking. This suggests that excepted quantity provisions provide a higher level of safety than do limited quantity provisions. It would seem that EHS up to an inner packaging limit of 5L/5kg should, at least on a permissive basis, be permitted to be transported as excepted quantities of dangerous goods.

6. We would welcome a discussion on this idea as part of the discussion on ST/SG/AC.10/C.3/2012/27.
