

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

23 November 2012

Forty-second session

Geneva, 03 – 11 December 2012

Item 5 of the provisional agenda

Global harmonization of transport of dangerous goods regulations with the Model Regulations

Harmonization with the United Nations Model Regulations

Transmitted by the Sporting Arms & Ammunition Manufacturers' Institute (SAAMI)

I. Introduction

1. In its forty-first session the Sub-Committee discussed the ICAO Dangerous Goods Panel (DGP) decision not to apply the provisions of Chapter 3.4 to the transport of 1.4S articles. Please see document ST/SG/AC.10/C.3/2012/7 (Switzerland) and informal document UN/SCETDG/41/INF.15 (SAAMI). The Sub-Committee discussed that after industry began to implement the DGP decision it was realized that packages marked with the surface transport limited quantity mark and labelled with a hazard label might be impeded in air and surface transport as a matter of carrier and enforcement policy. While 1.4S articles were initially the focus, all classes of limited quantities were affected. As noted in the report of the Sub-Committee of the forty-first session (ST/SG/AC.10/C.3/82, paragraphs 140 and 141), some experts suggested that the requirements of Chapter 3.4 should be clarified, and the expert from Switzerland and the representative of SAAMI were invited by ICAO to bring their concerns back to the DGP.

2. Accordingly the representative of SAAMI participated in the delegation of the Dangerous Goods Advisory Council (DGAC) which submitted a working paper on the subject to the ICAO DGP meeting in Montreal, 15 to 19 October 2012. The result was that the DGP confirmed their decision of 2011 to not apply the provisions of Chapter 3.4 to the transport of 1.4S articles. The DGP took alternative action on the issues raised, and committed to preparing guidance for air transport allowing the surface transport limited quantity mark. The DGP also suggested that a clarification would be helpful in Chapter 3.4 of the Model Regulations stating that fully regulated packages for air transport may travel under the limited quantities provisions for surface transport.

II. Discussion

3. As noted at DGP/23 last year, the only direct benefit in transporting dangerous goods in limited quantities for the air mode is an exception from package testing, while package testing is required by the Model Regulations for limited quantities of Division 1.4 Compatibility Group S. The DGP maintained that the modal difference caused by their decision to not allow the air transport limited quantities mark is neutralized by the ICAO TI in Part 5;2.4.13 which allows packages to bear the surface transport limited quantity mark. However industry is encountering rejection from air carriers of packages bearing the

surface transport limited quantities mark, and the Sub-Committee noted at the forty-first session that the presence of a hazard label on a legitimate surface limited quantity package has the potential to create delay and denial in surface transport.

4. As previously stated by the DGP there were no safety concerns for 1.4S limited quantities of UN 0012, 0014 or 0055. The discussion attempted to balance on one hand a desire for consistent and understandable air transport regulations, and on the other hand a request from shippers for a practical solution to eliminate delay and denial being encountered in practice.

5. A presentation was made at the meeting of the DGP which showed that all products eligible for limited quantity shipments are affected, not just 1.4S. This was also reported by SAAMI in informal document INF.15, paragraphs 5 and 6. Maximum weight thresholds for limited quantity products are typically lower in air transport than they are for surface transport. Thus pre-printed packages generally intended for surface transport which are subsequently offered for air transport may often not be eligible as limited quantities by air. However the products should still receive the benefits of limited quantity regulations for surface journeys prior to and after transport by air. Such packages will bear the surface transport limited quantity mark in addition to a hazard label, proper shipping name, and UN number required by Part 5 of the UN Model Regulations. They may also display the package test marking specified by Part 6 of the UN Model Regulations.

6. The DGP stated their final determination in the report of their working group of the whole (DGP-WG/12-WP/54, paragraph 3.2.12.3): “The working group did not ignore that the problems raised in the working paper existed, but it was felt that the problems should be solved in a manner which would not involve changing the philosophy of the limited quantity provisions. It was believed these problems would affect shippers of all classes of dangerous goods, not just 1.4S articles, and that they needed to be solved more comprehensively.”

7. The comprehensive solution mentioned above was to address the problem in two parts. First, the DGP committed to placing guidance on the ICAO web site that the surface transport limited quantity mark may be present for air transport per the TI Part 5;2.4.13. Also the panel member from IATA indicated that examples showing this practice will be placed in the IATA Dangerous Goods Regulations. The second part of the solution suggested by the DGP was that “additional text may be needed in the UN Model Regulations and in the ADR/IMDG to explain that fully regulated packages for air transport may travel under the limited quantity provisions for road and sea. It was believed that this could easily be solved by adding a paragraph in section 3.4 of the UN Model Regulations.”

III. Proposal

8. Based on the decision by the DGP and the need for clarification in the current biennium for surface transport, the following text for Chapter 3.4 is proposed in place of “*Deleted*” in 3.4.10:

3.4.10 Packages containing dangerous goods in limited quantities bearing the marking shown in 3.4.7 and conforming with the provisions of the ICAO Technical Instructions for the Safe Transport of Dangerous Goods by Air, including all necessary marks and labels specified in Parts 5 and 6, shall be deemed to meet the provisions of section 3.4.1 as appropriate and of sections 3.4.2 to 3.4.4 when transported by land or by sea.

3.2.11 **Clarification on Limited Quantity Allowances** (DGP-WG/12-WP/10)

3.2.11.1 It was suggested that the criteria for determining whether the provisions for dangerous goods in limited quantities could be applied (Part 3;4.1.2) was not up-to-date. An amendment adding UN 3473, UN 3476, UN 3477 and ID 8000 to the list was proposed. It was agreed, subject to a minor change to the note.

3.2.12 **Certain 1.4S Articles in Limited Quantities** (DGP-WG/12-WP/12)

3.2.12.1 A proposal to allow certain 1.4S articles to be shipped in limited quantities was discussed. The proposal was considered at DGP/23 but was not accepted on the basis that the requirement for UN package testing was retained. Recognizing that the only benefit in transporting dangerous goods in limited quantities for the air mode was an exception from the package testing, it was unclear what benefit limited quantities would provide. Adopting the proposal would cause confusion in training and potentially delay acceptance checks. The panel felt very strongly that the general philosophy applied to limited quantities should not be changed. It was noted that in accordance with Part 5;2.4.13, packages bearing the limited quantity mark of other modes could still be accepted for air transport provided the requirements of the Instructions were complied with.

3.2.12.2 It was reported that since DGP/23, there had been difficulties shipping limited quantities of 1.4S articles by both surface and air modes. Surface enforcement authorities were questioning the presence of hazard labels on limited quantity packages, and operators sometimes rejected packages containing a surface limited quantity mark together with hazard marks. The working group was therefore asked to reconsider the proposal presented at DGP/23.

3.2.12.3 The working group did not ignore that the problems raised in the working paper existed, but it was felt that the problems should be solved in a manner which would not involve changing the philosophy of the limited quantity provisions. It was believed these problems would affect shippers of all classes of dangerous goods, not just 1.4S articles, and that they needed to be solved more comprehensively.

3.2.12.4 It was recalled that the new limited quantity markings were developed with the intention of facilitating intermodal transport. This was demonstrated through a short presentation showing how all shippers shipping dangerous goods under limited quantity provisions for road or sea could benefit from allowing the road/sea limited quantity mark in addition to all markings and labels required by the Technical Instructions for a fully regulated package.

3.2.12.5 It was evident that some shippers and operators were not aware of this. To solve the problem, each entity would need to be distinctly addressed:

- a) **For operators refusing surface limited quantity marking:** The Technical Instructions allow for additional labels required by other international or national transport regulations. The working group believed the fact that certain operators were not accepting them could be attributed to misinformation, a lack of awareness, and a lack of proper training. It was felt that developing good guidance material for publication on the ICAO website would help. The panel member nominated by IATA reported that explanatory text and illustrations were developed for the next edition of the IATA Dangerous Goods Regulations in order to clarify the issue.

- b) **For inspectors of the road and sea mode not willing to accept packages bearing a surface limited quantity mark when hazard labels were also present:** It was suggested that some additional text may be needed in the UN Model Regulations and in the ADR/IMDG to explain that fully regulated packages for air transport may travel under the limited quantity provisions for road and sea. It was believed that this could easily be solved by adding a paragraph in section 3.4 of the UN Model Regulations.

The working group believed that these steps would benefit all shippers of dangerous goods, not only those shippers shipping 1.4S articles.

3.2.12.6 The proposer appreciated that the working group did recognize the problems and accepted the decision not to adopt limited quantity provisions for 1.4S articles. However, the presenter believed that some airlines had a policy of not accepting packages bearing the road/sea limited quantity mark and that this policy would be difficult to change. Some operator representatives present at the meeting were of the opinion that the education of their staff would indeed be a challenge but were optimistic it would be feasible.

3.2.13 **Review of Certain Division 4.2 Substances** (DGP-WG/12-WP/21)

3.2.13.1 The working group was asked to consider permitting certain self-heating substances of Division 4.2, Packing Group III on passenger and/or cargo aircraft. Based on classification criteria and the criteria for assignment of packing groups, it was suggested that the forbidden/forbidden status could be removed. It was noted that although these substances were forbidden in excepted quantities in the Technical Instructions, they were permitted in excepted quantities by other modes of transport. The working group was also asked to consider if the current packing instruction provisions for other Division 4.2 solids in Packing Group III were appropriate, specifically Packing Instructions 469 and 471.

3.2.13.2 Recognizing that the danger posed by these substances might not be present in smaller quantities, the meeting was asked to consider permitting the substances for transport under the excepted quantity provisions while maintaining the forbidden status for regular quantities. Although there was sympathy for the idea, it was strongly felt that straying from the general philosophy of the excepted quantity provisions would not be appropriate. This argument against was strengthened during the discussion on DGP-WG/12-WP/25 (see paragraph 3.2.15).

3.2.13.3 The working group was then asked to consider developing a special provision whereby a safe limit for transport would be set. Since no criteria existed for setting such a limit, the idea was not supported. It was noted that the quantities set in the UN Model Regulations had been around for a really long time, and it was suggested determining the values was based on human experience. Criteria would need to be determined at the UN before any changes were made. In the same vein, removing the forbidden/forbidden status of these substances was not supported.

3.2.14 **Harmonization of Excepted Quantity Codes in the UN Model Regulations and the Technical Instructions** (DGP-WG/12-WP/25)

3.2.14.1 It was reported that a number of substances which are forbidden on passenger aircraft were permitted in excepted quantities in the Model Regulations. A paper which listed these substances along with other anomalies was presented at the Forty-first session of the Sub-Committee of Experts on the Transport of Dangerous Goods (Geneva, 25 June – 4 July 2012) (ST/SG/AC.10/C.3/2012/25). A review of the differences was performed by the Secretariat and would be presented at the December