

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

29 November 2012

Forty-second session

Geneva, 3 – 11 December 2012

Item 2 (b) of the provisional agenda

**Recommendations made by the Sub-Committee on its thirty-ninth,
fortieth and forty-first sessions and pending issues:
listing, classification and packing**

Comments on : “Transport of packaging waste with residues of dangerous goods” ST/SG/AC.10/C.3/2012/85

**Transmitted by: International Confederation of Container
Reconditioners (ICCR) International Confederation of Plastics
Packaging Manufacturers (ICPP)**

Introduction and background

1. At the December 2011 session of the Sub-Committee, the United Kingdom presented informal document INF. 24 on the subject of transporting packaging “waste” containing residues of dangerous goods. The purpose of the UK paper was to open discussion of this subject, which is apparently of concern to several European nations and has been the subject of discussions among members of the RID/ADR/ADN Joint Meeting.
2. Also at the December 2011 session of the Sub-Committee, several industry groups filed an Informal document (INF.43) describing concerns about proposals that might limit or delete the existing UN authorization allowing the transport of packagings containing residues of dangerous goods from emptiers to plants that perform routine maintenance, repair, remanufacture on IBCs, and reconditioning processes (“reconditioners”) on other containers. Informal document INF.43 noted that annually emptied packagings containing residues of dangerous goods are managed safely all over the world by reconditioners in accordance with existing national standards that describe the manner by which such packagings must be prepared for and handled during transport and processed once at a reconditioning facility.
3. At the July 2012 session of the Sub-Committee, on behalf of the Joint Meeting Working Group, France submitted INF.19 which proposed a new entry under Class 9 covering “the most common packaging waste of dangerous goods transported for disposal, recycling or recovery.” Specifically excluded from the newly proposed requirements would be empty residue packagings transported for reconditioning, including IBC routine maintenance, repair and remanufacturing.
4. Also at the July 2012 session, ICCR submitted informal document INF.48 commenting on the French proposal. These comments were later supplemented in a second paper co-authored by ICCR, ICPP, EMPAC and ICIBCA (INF.48/Add.1). The later paper offered substitute wording for proposed new paragraph “yyy” in chapter 3.3 in an effort to clarify the types of packagings covered by and excluded from the new “yyy.”
5. Following discussion, France was asked to re-submit its proposal as an official document, which now appears as ST/SG/AC.10/C.3/2012/85.

Comments

6. In document ST/SG/AC.10/C.3/2012/85 the Expert from France cites paragraphs 91 – 93 of the July Sub-Committee Meeting Report ST/SG/AC.10/C.3/82 which acknowledges the issue at hand is regional in nature and, therefore, not amenable to a global solution. Nonetheless, France was asked to submit a formal document on the subject. AC.10/C.3/2012/85 is effectively a re-submission of INF.19.

7. ICCR and ICPP agree with the July 2012 comments offered by the Sub-Committee in paragraphs 91 and 92 of its report, which acknowledges the problem of transporting “waste” packagings with residue is regional in nature and that a global solution to a regional problem is not available at this time. Given these findings, we question why the Sub-Committee is considering the use of additional time to develop a new entry for “packaging waste.” The Model Regulations are not meant to be used to resolve problems that can more appropriately be addressed by the limited number of governments actually affected by the problem. Therefore, we reiterate our earlier position that this matter should be resolved by the RID/ADR/ADN Joint Meeting Working Group.

8. If the Committee elects to pursue this matter, we offer the following comments:

(a) ICCR and ICPP strongly support continuation of an exception for emptied packaging being transported for reuse, reconditioning, etc. Proposed provision “SP yyy” clarifies existing UN Model Regulations and is intended to maintain the global status quo for the transport of such packagings. However, we would like to amplify the fact that packagings covered by the new entry are no longer to be used for transport purposes. Additionally, we would like to clarify in a note that this entry presupposes small amounts of residue will be retained both inside and outside used dangerous goods packagings. We suggest, therefore, that proposed provision “SP yyy” be revised as follows:

“yyy. This entry may only be used for packagings, large packagings or intermediate bulk containers (IBCs) or parts thereof, which have been emptied as fully as practicable, are no longer meant to serve their original intended purpose and are, therefore, being transported for discard, recycling or recovery. This entry is not to be used for packagings, large packagings or intermediate bulk containers (IBCs) or parts thereof, which are transported for the purpose of reconditioning, repair, routine maintenance, remanufacture or reuse.

“NOTE: This special provision applies to packagings that have been emptied but which retain small amounts of residue both inside and adhering to the outside of the packaging.”

9. The Expert from France has proposed the term “packaging waste” be used as the proper shipping name for new “yyy,” but kept it in square brackets in recognition of the fact that during both the December and July sessions several Experts expressed concern that use of the term “waste” would lead to confusion in some parts of the world.

10. ICCR and ICPP oppose use of the term “packaging waste” for two reasons. First, in certain parts of the world – the U.S. is one example – use of the term “packaging waste” is problematic because the term “waste” is linked to a series of environmental and transport requirements unrelated to dangerous goods regulation, some of which could limit or even prohibit the recycling or recovery of packaging or packaging material.

11. Second, after nearly 2 ½ years of work, ISO/TC 122/SC 4, chaired by Mr. Anders Linde of Sweden, has completed work on a series of standards on “packaging and the environment,” which have eliminated references to “packaging waste” precisely because

emptied packagings of all types are so often directed to recycling, energy recovery and reuse options.

12. For these reasons, ICCR and ICPP recommend the term “packaging waste” be deleted and invites the Committee to consider instead use of the term “packaging discarded with residue.”

13. We thank the Sub-Committee for the opportunity to comment on this proposal.
