

OTIF



ORGANISATION INTERGOUVERNEMENTALE POUR  
LES TRANSPORTS INTERNATIONAUX FERROVIAIRES

ZWISCHENSTAATLICHE ORGANISATION FÜR DEN  
INTERNATIONALEN EISENBAHNVERKEHR

INTERGOVERNMENTAL ORGANISATION FOR INTER-  
NATIONAL CARRIAGE BY RAIL

INF. 11

10 August 2012

Original: German

**RID/ADR/ADN**

Joint Meeting of the RID Committee of Experts and the  
Working Party on the Transport of Dangerous Goods  
(Geneva, 17 – 21 September 2012)

**Item 5 (a) of the agenda: Pending issues**

**Classification of radioactive material as environmentally hazardous (aquatic environment)  
or of radioactive articles as environmentally hazardous substances (aquatic environment)**

**Information submitted by Germany**

**SUMMARY**

<b><i>Executive Summary:</i></b>	Information on a proposal submitted by Germany for the next session of the IMO Sub-Committee DSC.
<b><i>Action to be taken:</i></b>	None
<b><i>Related documents:</i></b>	Report of the RID/ADR/ADN Joint Meeting (Geneva, 13 – 23 September 2011) document OTIF/RID/RC/2011-B / ECE/TRANS/WP.15/AC.1/124, as well as documents OTIF/RID/RC/2011/41 / ECE/TRANS/WP.15/AC.1/2011/41 (Germany) and INF.31 (Sweden).

For reasons of cost, only a limited number of copies of this document have been made. Delegates are asked to bring their own copies of documents to meetings. OTIF only has a small number of copies available.

### **Information submitted by Germany**

With reference to the decisions taken at the second last RID/ADR/ADN Joint Meeting (Geneva, 13 – 23 September 2011) to exclude Class 7 substances from the provisions on environmentally hazardous substances and not to apply the current provisions on environmentally hazardous substances to articles,

see also the following documents:

- Report of the RID/ADR/ADN Joint Meeting (Geneva, 13 – 23 September 2011)  
OTIF/RID/RC/2011-B or ECE/TRANS/WP.15/AC.1/124, paragraphs 63 and 82 to 84,
- OTIF/RID/RC/2011/41 – ECE/TRANS/WP.15/AC.1/2011/41 (Germany),
- INF.31 (Sweden),

Germany would like to communicate that it has complied with the wish of the RID/ADR/ADN Joint Meeting as regards multimodal transport and submitted the enclosed proposal DSC 17/3/7 for the next session of the IMO Sub-Committee DSC.

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SUB-COMMITTEE ON DANGEROUS  
GOODS, SOLID CARGOES AND  
CONTAINERS  
17th session  
Agenda item 3

DSC 17/3/7  
12 July 2012  
Original: ENGLISH

**AMENDMENTS 37-14 TO THE IMDG CODE AND SUPPLEMENTS, INCLUDING  
HARMONIZATION WITH THE UN RECOMMENDATIONS ON THE TRANSPORT  
OF DANGEROUS GOODS**

**Class 7 material and articles as Marine Pollutants/Environmentally Hazardous  
Substances (aquatic environment)**

**Submitted by Germany**

**SUMMARY**

*Executive summary:* This document contains a proposal for harmonization with other modes of transport with respect to the exclusion of class 7 material from Marine Pollutants/Environmentally Hazardous Substances requirements and with respect to the exclusion of articles from Marine Pollutants/Environmentally Hazardous Substances

*Strategic direction:* 5.2

*High-level action:* 5.2.3

*Planned output:* 5.2.3.4

*Action to be taken:* Paragraph 9

*Related documents:* None

**Introduction**

1 On the next-to-last session of the Joint Meeting of the RID Committee of Experts and the Working Party on the Transport of Dangerous Goods held in Geneva from 13 to 23 September 2011 it was decided that class 7 material is excepted from classification as environmentally hazardous substances (EHS) (see paragraphs 82 to 84 of the Report of the Joint Meeting of the RID Committee of Experts and the Working Party on the Transport of Dangerous Goods ECE/TRANS/WP.15/AC.1/124) based on the proposal transmitted by the German Government (ECE/TRANS/WP.15/AC.1/2011/41).

2 It was proposed to exclude class 7 material from EHS provisions of the ADR/RID/ADN due to the fact that for the time being there was not sufficient data available which meets the criteria of paragraphs 2.2.9.1.10.3 and 2.2.9.1.10.4 of ADR/RID/ADN (identical to paragraphs 2.9.3.3 and 2.9.3.4 of the IMDG Code). Only paragraph 2.2.9.1.10.5 of ADR/RID/ADN may be applied in which it is required that if data is not available, substances

or mixtures are classified as EHS on the basis of Regulation 1272/2008/EC<sup>1</sup>. But in article 1 (2) of this regulation it is stated, that:

"(2) This Regulation shall not apply to the following:

(a) radioactive substances and mixtures within the scope of Council Directive 96/29/Euratom of 13 May 1996 laying down basic safety standards for the protection of the health of workers and the general public against the danger arising from ionising radiation (<sup>2</sup>);"

3 Based on paragraph 2.2.9.1.10.5 of ADR/RID/ADN, in conjunction with article 1 (2) of the EC Regulation 1272/2008, it was concluded, that radioactive substances, which are in the scope of the COUNCIL DIRECTIVE 96/29/EURATOM of 13 May 1996 (and in so far classified as class 7 material), are excluded from being classified as EHS. If this was accepted under paragraph 2.2.9.1.10.5 of ADR/RID/ADN, it is also valid for the whole provision of paragraph 2.2.9.1.10 of ADR/RID/ADN. Furthermore, it was noted that marking with the environmentally hazardous substance mark (in addition to the class 7 labelling) does not provide any additional safety benefit, e.g. for the first emergency responder.

4 The Joint Meeting shared the view of Germany and also noted that it was difficult to differentiate between the environmental effects resulting from the chemical hazards posed by such substances and those related to radioactivity which lead to the decision to exclude class 7 material from EHS provisions. Several delegations noted that to meet the needs of multimodal transport it would be desirable for IMO to take a similar decision in the IMDG Code. The representative of Germany was invited to prepare a correspondent proposal for the next session of the IMO Sub-Committee on Dangerous Goods, Solid Cargoes and Containers, the necessary amendments are presented in proposal 1.

5 The Joint Meeting also considered whether the current provisions on substances hazardous to the aquatic environment apply to articles on the basis of informal document 31, transmitted by the Government of Sweden. Since the criteria in paragraph 2.2.9.1.10 of ADR/RID/ADN clearly refer to substances, mixtures and solutions and special criteria for articles would have to be defined that referred to the different substances or components contained in the article, the Joint Meeting concluded that the provisions on EHS do not apply to articles (see paragraph 63 of document ECE/TRANS/WP.15/AC.1/1242.) 2.9.1.10 of ADR/RID/ADN has the same wording as 2.9.3 of the IMDG Code, only in chapter 2.10 of the IMDG Code articles are mentioned. In order to achieve multimodal harmonization and to overcome difficulties in applying the criteria to articles it is suggested not treating articles as Marine Pollutants (proposal 2).

### **Proposal 1:**

6 Amend paragraph 2.0.1.2.1 to read as follows:

"Many of the substances assigned to classes 1 to 6.2, 8 and 9 are deemed as being *marine pollutants* (see chapter 2.10)."

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<sup>1</sup> REGULATION (EC) No. 1272/2008 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No. 1907/2006.

<sup>2</sup> COUNCIL DIRECTIVE 96/29/EURATOM of 13 May 1996 laying down basic safety standards for the protection of the health of workers and the general public against the danger arising from ionising radiation.

Amend note 2 of chapter 2.9 to read as follows:

"Although the environmentally hazardous substances (aquatic environment) criteria apply to all hazard classes, except for class 7 (see paragraphs 2.10.2.3, 2.10.2.5 and 2.10.3.2), the criteria have been included in this chapter."

Add a new paragraph 2.10.3.2 to read as follows:

"The classification criteria of 2.9.3 are not applicable to substances or materials of class 7."

### Consequential amendments to MARPOL Annex III

7 The first sentence of the appendix to Annex III of MARPOL should be amended to read as follows:

"For the purpose of this Annex, substances other than radioactive material\* identified by any one of the following criteria are harmful substances.\*\*

\* Refer to class 7 of the IMDG Code

\*\* The criteria is based on those developed by the United Nations Globally Harmonized system of Classification and Labelling of Chemicals (GHS), as amended. For definitions of acronyms or terms used in this appendix, refer to the relevant paragraphs of the IMDG Code "

### Proposal 2

8 Amend paragraph 1.1.1.3 to read as follows:

"All ships, irrespective of the type and size, carrying substances, ~~or~~ material or articles identified in this Code as marine pollutants are subject to the provisions of this code."

Amend paragraph 2.10.2.2 to read as follows:

"The index indicates by the symbol p in the column headed MP those substances, and materials and articles that are identified as marine pollutants."

Amend paragraph 2.10.2.5 to read as follows:

"When a substance, ~~or~~ material or article possesses properties that meet the criteria of a marine pollutant but is not identified in this Code, such substance, ~~or~~ material or article shall be transported as a marine pollutant in accordance with the Code."

Amend paragraph 2.10.2.6 to read as follows:

"With the approval of the competent authority (see paragraph 7.9.2), substances, ~~or~~ materials or articles that are identified as marine pollutants in this Code but which no longer meet the criteria as a marine pollutant need not be transported in accordance with the provisions of this Code applicable to marine pollutants."

**Action requested of the Sub-Committee**

9 The Sub-Committee is invited to consider the information provided and take action as appropriate.

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