



**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-third session**

Geneva, 24–28 June 2013

Item 2 (b) of the provisional agenda

Explosives and related matters: review of test series 6**Amendments to introductory portions of the Manual of Tests
and Criteria****Transmitted by the Sporting Arms & Ammunition Manufacturers'
Institute (SAAMI)¹****Introduction**

1. The programme of work for the current biennium includes a comprehensive review of Test Series 6 of the Manual of Tests and Criteria. The appropriate application of this test series not only depends on the procedures themselves but also the general instructions for using the manual. Accordingly proposals are made in this paper to amend the introductory guidance of the Manual.
2. SAAMI is aware of the survey on Test Series 6 that is currently being undertaken by the Institute of Makers of Explosives (IME), in consultation with the United States of America and Canada. This informal IME paper plans to address areas where, based on experience, the test descriptions can be improved. Possible improvements and proposals resulting from the IME survey are believed to be compatible with this document.
3. The previous survey published by IME indicated a significant degree of differing opinions by persons interpreting Test Series 6 requirements, and many questions. Industry is globally encountering disparities in classification as a result of varying interpretations and approaches. These are resulting in delay and denial of trade and an uneven playing field for industry. Many of these differences in interpretation are already agreed upon by a large

¹ In accordance with the programme of work of the Sub-Committee for 2013-2014 approved by the Committee at its sixth session (refer to ST/SG/AC.10/C.3/84, para. 86 and ST/SG/AC.10/40, para. 14).

majority of United Nations experts, and thus their resolution falls into the realm of clarification. There are only two meetings of the Working Group on Explosives available to accomplish a significant body of work in this biennium. SAAMI proposes to adopt clarifications now which can be generally agreed.

4. Many experts of the Working Group on Explosives and other experts will participate this April in the Explosives, Propellants and Pyrotechnics (EPP) Working Group of the International Group of Experts on the Explosion Risks of Unstable Substances (IGUS). SAAMI will participate in these discussions and may submit additional or modifying information as it develops.

Discussion

5. The introduction of the Manual in Section 1.1.2 states that it “is not a concise formulation of testing procedures that will unerringly lead to a proper classification of products. It therefore assumes competence on the part of the testing authority and leaves responsibility for classification with them. The competent authority has discretion to dispense with certain testing, to vary the details of tests, and to require additional tests when this is justified to obtain a reliable and realistic assessment of the hazard of a product.” This instruction has been discussed frequently in recent years and is widely supported amongst the experts. Industry has experienced that competent authorities sometimes ignore this instruction except to maximize all requirements. This results in overly prescriptive test parameters and enforcement of text in the Manual only given as examples. Examples in the Manual are intended to clarify the descriptions for better understanding, not to be enforced as mandatory procedures. At the 39th session the report of the Working Group on Explosives (informal document INF.58) stated: “The working group agreed that the problem of specifications in the test procedures was real and should be corrected. They also agreed that there could be other problems such as errors in procedure, incorrect use of the examples in the procedures, and a difficulty in identifying the key parameters of the tests. The working group agreed with an observation by SAAMI that the examples provided in the test manual are only intended as examples and not as requirements or test criteria.” Despite this discussion in 2011, industry continues to encounter prescriptively enforced examples. This is an undesirable situation as it has a negative effect on harmonization, therefore we propose to clarify that examples in the Manual are not intended to be enforced. Experience shows that use of the word “example” alone has not been enough to clarify the intent. General guidance on the applicability of examples would facilitate harmonization.

6. We suggest that, second in priority to the guidance in section 1.1.2, competent authorities should commonly afford latitude to those persons conducting the test. The intent of the Manual is to allow flexibility to efficiently arrive at an adequate evaluation of the real hazards by experts. This flexibility should not be constrained by unnecessarily rigid restrictions. Flexibility is maintained by most competent authorities already, but experience shows that this approach needs to be communicated more directly. We propose to clarify existing good practice in a new section 1.1.3 which promotes flexibility without limiting the discretion of competent authorities.

7. Another recent discussion of the Working Group on Explosives found agreement on reciprocity between authorities, which would be helpful to incorporate in the guidance to the Manual. At the 41st session a paper proposed reciprocity for competent authority approvals based on laboratory accreditation. The proposal was not accepted, however a clarification of existing practice prepared by the Australian Explosives Industry Safety Group (AEISG) and SAAMI found broad support. The Working Group Report of June 2012, informal document INF.67, 41st session) stated: “The working group observed that appropriately completed testing performed in one country should not be summarily

dismissed simply because the tests were not performed in the country from which a classification is being sought.” While it was agreed that competent authorities must make the final decision, normal practice for known products is often to accept the classifications of other expert competent authorities, with or without testing as appropriate. Accordingly a new section 1.1.4 is proposed.

Proposal

Modify the Manual of Tests and Criteria as follows:

8. Modify Section 1.1.2 by adding a new last sentence:
Examples are for informational purposes only and it is contradictory to the intent of the Manual for them to be enforced as requirements.
 9. Add a new Section 1.1.3 to clarify the intended flexibility of procedure in the Manual:
While observing the guidance of 1.1.2 above, the flexibility of the test procedure should not be unduly restricted, and appropriate latitude should commonly be allowed by the competent authority within the guidelines of the Manual.
 10. Add a new section 1.1.4:
1.1.4 While the proper classification of substances and articles of certain Hazard Classes or Divisions for transport is the responsibility of the Competent Authority, it is normal and accepted practice that due consideration will be given to testing or classification results of other Competent Authorities such that unnecessary or repetitive testing is minimized.
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