

Economic Commission for Europe

Inland Transport Committee

Working Party on the Transport of Dangerous Goods

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Item 4 of the provisional agenda

Interpretation of ADR

Exemption in SP 375 for environmentally hazardous substances of UN 3077 and 3082

Transmitted by the European Chemical Industry Council (CEFIC), the International Association for Soaps, Detergents and Maintenance Products (AISE), and the European Council of the Paint, Printing Ink and Artists' Colours Industry (CEPE)

Summary

Executive summary: The above organizations are of the opinion that it is allowed to apply the exemption of SP375 of chapter 3.3 ADR for the transport of dangerous goods of UN 3077 and 3082 in packagings of not more than 5 l or kg on a voluntary basis: The application of SP375 is not a mandatory requirement

Reference documents: UN/SCETDG/42/INF.20 (Netherlands), ST/SG/AC.10/C.3/84, UN/SCETDG/43/INF.15 (CEFIC), ST/SG/AC.10/C.3/86, UN/SCETDG/44/INF.33/Rev.1 (ICCA), ST/SG/AC.10/C.3/88 UN/ECE-TRANS-WP.15/97/INF.6 (Switzerland).

1. We understand the need for clarification of the main question raised in INF.6 by Switzerland, it was asked in recent weeks by shippers.

2. The informal paper addresses the question if the application of SP 375 is a mandatory obligation for the shippers or if it can be used on a voluntary basis.

In our view the SP375 is only an option which is offered to exempt the products falling under the UN 3077 and 3082 classification criteria, packed in quantities of less than 5 L/Kg per package, to be transported as Dangerous Goods. There are several reasons why Shippers might not benefit from that exemption as follows:

(a) It may create an organizational challenge for companies who ship such goods in quantities of less than and also more than 5 L/Kg per package,

(b) To program an EDP-System to differentiate between both options might be difficult and/or expensive. In order to solve the problem or for economic reasons they may simply decide not to apply this Special Provision, as they already do in similar cases

(c) Goods already in stock would have to be changed by removing the labels.

(d) In many countries labelling requirements based on different hazard communication schemes (e.g. CLP-Regulation) apply if the outer package is not labelled according to the transport regulation, but contain environmentally hazardous substances.

3. In our opinion the three referenced documents from the 3 UNSCETDG sessions (42, 43 and 44) deal with different aspects and cannot be used to clarify the situation with UN3077/UN3082 and the applicability of Special Provision 375. They are dealing with the situation that different data are available leading to a re-classification of a substance. The exemption in SP 375 deals only with relaxations for relatively small packagings, containing substances that fully meet the classification criteria of environmentally hazardous substances.

4. Based on the two entries of these UN numbers in the dangerous goods list of the 18th edition of the model regulations, we came to the conclusion that the use of SP375 is just optional and not mandatory.

5. Both entries do still have in column (7a) and 7(b) of Table A the values for the transport in limited quantities/excepted quantities according to chapters 3.4 and 3.5, and consequently the shippers have the following options:

Example

A 20ml inner packaging containing a substance meeting the criteria for UN 3082 could be transported

as fully regulated using P001/LP01,

OR

as a limited quantity based on the information in column (7a), and as a excepted quantity based in the information in column 7(b)

OR

as exempted according to SP375.
