

Economic Commission for Europe

Inland Transport Committee

Working Party on the Transport of Dangerous Goods

Ninety-seventh session

16 October 2014

Geneva, 3 (P.M.) –7 November 2014

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 Government of Switzerland

Summary

Executive summary: Is it allowed to transport dangerous goods of the entries UN 3077 and 3082 in packagings of not more than 5 l or kg without applying the exemption of SP375 of chapter 3.3 ADR?

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.

1. We have been confronted with the question of the application of the special provision 375 of chapter 3.3. The question is to know if the companies are obliged not to transport as dangerous goods the environmentally hazardous dangerous goods with UN-Numbers 3077 and 3082 which can benefit from the total exemption of the ADR which appears in the special provision 375.

2. These companies transport the same products in the same consignments at the same time in packagings of capacity lower than 5 l or kg and in packagings which exceed 5 l or kg. The separate management of the same consignments according to the fact there are exempted from ADR or not for the same product induces additional costs of data-processing modification and logistics which poses problems at all levels of the chain of distribution. That concerns large companies but the financial incidence of this more complicated management has more impact at the end of the chain among the small and medium-sized companies.

3. Furthermore, the practice among the road police is simple: Goods which are not subjected to the ADR should not be transported as dangerous goods and any indication, labelling or marking of the vehicle must be removed because this can in the event of accident induce disproportionate costs of intervention and complicates controls in an useless way.

4. A similar approach was supported by industry itself during discussions of three documents at the UN Sub-committee of experts on the Transport of Dangerous Goods. The following informal documents UN/SCETDG/42/INF.20 of the Netherlands, UN/SCETDG/43/INF.15 CEFIC and UN/SCETDG/44/INF.33/Rev.1 of the ICCA were discussed in different sessions. The purpose of the Dutch document was to draw attention on the fact that for classification of substances which are listed by name in the Dangerous Goods List it is unclear how to deal with substances possessing additional hazards not

identified in the list. Is it allowed to put labels and classify the product in a different way (more stringent) as in Table A of chapter 3.2 or shall one wait until this amendment is adopted by the Sub-committee of experts and is introduced into the UN-Model Regulations? On this question industry expressed clearly the view in the documents mentioned above against the possibility of freely applying a more strict classification for the entries listed by name in the Dangerous Goods List. The Sub-committee decided to postpone this question in the next biennium.

5. Considering these discussions, by analogy and for the same reasons, it would not be possible to authorize the carriage of UN 3077 and UN 3082 in packagings of not more than 5 l or kg contradicting the special provision 375 and applying all the provisions of the ADR (classification, marking, labelling, marking of the vehicle and documentation of the ADR). The discussions in the Sub-committee shows that in opinion of industry itself it seems this would create confusion among all following participants in the transport chain.

6. Considering the actual lack of consensus on the subject at the level of the UN Experts Sub-committee and considering we cannot wait to apply SP375 until the discussions of the next biennium at this level have finished, we would like to know the opinion of the WP.15 before the entry into force of the SP375. The question is if it is allowed to transport dangerous goods exempted according to ADR, and more particularly environmentally hazardous substances of UN 3077 and UN 3082 exempted according to SP375, without applying the exemption envisaged in the ADR.

7. According to the answer a proposal of text could be put forward to the UN-Sub-committee of Experts.
