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Inland Transport Committee

Working Party on the Transport of Dangerous Goods

Joint Meeting of the RID Committee of Experts and the Working Party on the Transport of Dangerous Goods

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Item 5 (a) of the provisional agenda

**Proposals for amendments to RID/ADR/ADN:
pending issues**

9 September 2014

Approval of packagings for the carriage of infectious substances

Transmitted by the Government of Switzerland

Summary

- Executive summary:** It is not possible to tell from the texts under 4.1.8 whether packagings for the carriage of infectious substances must be approved.
- Action to be taken:** Delete the text in 4.1.8.6, and 4.1.8.7. b) and place the remaining text of 4.1.8.7 in a dedicated special provision for UN 3373.

Introduction

1. During the March 2014 session of the Joint Meeting a short discussion of document ECE/TRANS/WP.15/AC.1/2014/28 showed the difficulty to reach a correct interpretation of the provisions applicable to the packing intended for the infectious substances. Item 47 of the report of this meeting (ECE/TRANS/WP.15/AC.1/134) indicates that it would be advisable to check the origin of the text of the 4.1.8.2 of the RID/ADR to clarify the situation.
2. A research shows that the text of 4.1.8.2 appeared in 2001 in the first version of the restructured RID/ADR and the concordance list between RID/ADR 1999 and 2001 from M. Battista does not provide any marginal in the version 1999 for this text. In the same manner the similar text appears in the Orange Book since 2001 but with the difference that the exclusion from the scope of 4.1.8 for the diagnostic specimens of the UN 3373 in 4.1.8.5 appeared in the ADR only in 2003.
3. The text such as we know it in sub-sections 4.1.8.5 to 4.1.8.7 do not appear in the ADR until 2009 following the modification in 2007 of the scope of 4.1.8 in the orange Book according to which the 4.1.8 applies only to UN 2814 and 2900.
4. In relation to these modifications the report ECE/TRANS/WP.15/AC.1/2007/30 of the Working group on the harmonization with the UN-Model Regulations from May 2007 says the following:

“Title of 4.1.8

42. Since it is proposed in paragraph 19 above to add a new paragraph 4.1.8.6, this section would not be applicable only to Category A substances of Class 6.2. One solution could be not to amend the title, and to keep existing 4.1.8.5 which would become 4.1.8.6, and paragraph 4.1.8.6 proposed in paragraph 19 above would become 4.1.8.7.

43. The secretariat was invited to place all options between square brackets."

5. The text finally proposed in the document ECE/TRANS/WP.15/AC.1/2007/30/Add.1 for 4.1.8.6 which causes problems of interpretation is the one appearing currently in the texts in force. The 4.1.8 applies in the RID/ADR/ADN to the entries of categories A and B because contrary to the Model Regulations it does not mention in the title of the 4.1.8 the entries of category A UN 2814 and 2900. Under sub-section 4.1.8.6 it excludes the application of paragraphs 4.1.8.1 to 4.1.8.5 for all the entries of the category B which means also the exclusion of the text of 4.1.8.2 which is the origin as of the confusion explained in document ECE/TRANS/WP.15/AC.1/2014/28.

6. In this same document ECE/TRANS/WP.15/AC.1/2007/30/Add.1 the reference to 4.1.8 which appeared before in the packing instructions P621 and IBC621 was deleted. This demonstrates that the 4.1.8 is not applicable for clinical waste of the UN 3291.

7. It also should be noted that as well the Model Regulations as the RID/ADR/ADN always excluded in chapter 6.3 the application of the provisions of chapter 6.3 to the infectious substances carried in accordance with P621 of the 4.1.4 as it is in the Note under the title of the chapter as in 6.1.1.1 since 2009. It seems consequently clear that for the infectious substances of the category B of the UN 3291 the obligation to use packing in conforming to a design type successfully tested in accordance with the requirements of 6.3.5 which appears in 4.1.1.3 is not applicable.

8. Considering the current text and its history, it seems also obvious that the RID/ADR in its version 2001 exempted already the transport of the infectious substances of the provisions of 6.3.5 because the reference to this section did not appear in 4.1.1.3 in 2001. Thereafter in 2003 this reference was introduced in 4.1.1.3 but the exemption of 4.1.1.3 was maintained in 4.1.8.2 which excludes in fact the application of the 6.3.5 and this independently of category A or B of the infectious substance in question. The consequence is that big part of the provisions of chapter 6.3 were never applicable to the infectious substances. In particular conformity to a design type successfully tested in accordance with the requirements with 6.3.5 is not required for any infectious entry. In the same way manner, none of the provisions of chapter 6.3 applies to clinical waste the UN 3291 packed according to P621, nor with the substances of the UN 3373 packed in accordance with the packing instruction P650.

9. In our document of origin (ECE/TRANS/WP.15/AC.1/2014/28) we had proposed to specify in 4.1.8.6 what is related to UN 3291 and 3373. Considering what precedes we wonder whether the text of 4.1.8.6 could not rather be deleted and the heading of 4.1.8 of the Model Regulations included in the RID/ADR/ADN.

This heading refers only to both UN entries UN 2814 and 2900 of category A. Since the reference to the 4.1.8 is not found in P621, IBC621 and P650, section 4.1.8 does not apply to the concerned entries (UN 3291 and UN 3373) and it becomes superfluous to once again specify it in 4.1.8.6. The elimination of this text would solve the inconsistency noted which conducts to think that the provisions of 4.1.1.3 would be applicable only to UN 3291 and 3373. Which is in contradiction with the texts of the chapter the 6.3 in the case of UN 3291 and of P650 in the case of the UN 3373.

10. It remains to solve the scope of 4.1.8.7 for the animal material of the category B of the UN 3373. The term animal material being the one of the entry UN 3373, it seems that the presence of this text under Section 4.1.8 is not suitable any more since this section applies only to infectious substances of category A. That seems coherent with the criteria of classification of the infectious substances and with the fact that the carriage in the entry UN 3373 of animal material of an infectious substance of category A is not allowed.

11. The text in 4.1.8.7 is addressed to the competent authorities which according to the additional provision of P650 can use other packing for the transport of animal material. 4.1.8.7 should be removed from section 4.1.8.

Proposal

12. Delete the text of 4.1.8.6 and modify the heading of the 4.1.8 as follows:

“4.1.8 Special packing provisions for infectious substances of category A (Class 6.2, UN 2814 and UN 2900)“

13. Consequential amendment:

Since 4.1.8.7 cannot apply to the infectious substances of category A it should be the subject of a separate section for example added to 4.1.3.7 as it is the case in the Model Regulations. Or directly in the packing instruction P650.
