

**Committee of Experts on the Transport of Dangerous Goods
and on the Globally Harmonized System of Classification
and Labelling of Chemicals**

22 October 2018

**Sub-Committee of Experts on the
Transport of Dangerous Goods**

Fifty-fourth session

Geneva, 26 November-4 December 2018

Item 2 (f) of the provisional agenda

**Recommendations made by the Sub-Committee on
its fifty-first, fifty-second and fifty-third sessions
and pending issues: miscellaneous pending issues**

Toxicity through oral ingestion and/or dermal contact

Note by the secretariat

Background

1. At its fifty-third session, the Sub-Committee considered document ST/SG/AC.10/C.3/2018/38 from Canada proposing editorial corrections to the English and French text of the Model Regulations. The outcome of the discussion is reflected in paragraphs 49 and 50 of the report of that session (document ST/SG/AC.10/C.3/106), as follows:

“49. Some experts noted that the proposed amendments in paragraphs 2, 4, 6 and 7 might have unintended consequences in the interpretation of the criteria and were reluctant to adopt them without considering in detail when “and” or “or” should be used (i.e.: when compliance with all conditions or with only some of them was required). The Sub-Committee considered that it would be useful to examine the original proposal submitted to the Sub-Committee at the time these provisions were introduced into the Model Regulations and requested the secretariat to provide this information at the next session in an information document.

50. The Sub-Committee adopted the corrections to the references in 2.3.1.3 and the note under 2.6.2.2.4.1, as proposed in paragraphs 3 and 5 of the document (see annex III).”

2. As requested by the Sub-Committee, the secretariat conducted a research to establish the origin of the texts in current footnote 3 to 2.0.3.3, paragraph 2.8.2.4 and the note under 2.6.2.2.4.1.

3. The current text in paragraph 2.8.2.4 and the note under 2.6.2.2.4.1 where the result of the review of Class 8 conducted between 1991 and 1992. These texts were introduced for the first time in revision 8 of the Recommendations on the Transport of Dangerous Goods.

4. A first version of the note under 2.6.2.2.4.1 was adopted by the Sub-Committee at its 5th session, in December 1991, following a proposal by CEFIC (ST/SG/AC.10/C.3/R.241, submitted in original English and French). The report of that session (ST/SG/AC.10/C.3/10, paragraph 14) states that:

“14. The Sub-Committee agreed that allocation of substances to packing groups in Class 8 should be done on the basis of experience taking into account such additional factors as inhalation risk and reactivity with water. It was however agreed that substances with a vapour inhalation risk of Class 6.1, packing group I, should remain classified as Class 6.1 substances, and that only corrosive substances

presenting a Class 6.1 packing group I toxicity by inhalation of dusts and mists and only packing group III oral or dermal toxicity risk should be allocated to Class 8.”.

5. Following this decision, a footnote to paragraph 6.4.1 (current 2.6.2.2.4.1) and to 8.2 (current 2.8.2.4) was adopted, as reflected in Annex 4 to Addendum 1 to the report of that session (document ST/SG/AC.10/C.3/10/Add.1). Work on the review of Class 8 continued and the Sub-Committee considered at its 6th session (July 1992) a proposal from Italy (ST/SG/AC.10/C.3/R.319) to delete the footnotes adopted at the 5th session. The outcome of the discussion is reflected in the report (ST/SG/AC.10/C.3/12, paragraph 82) as follows: “The proposal to delete new footnotes (see document ST/SG/AC.10/C.3/10/Add.1, annex 4) to paragraphs 6.4.1 and 8.2 was not adopted. However it was agreed that these footnotes on the classification of substances meeting criteria of class 8 with an inhalation toxicity of dusts and mists leading to division 6.1, Packing Group I, should be clarified”.

6. The amendments to these paragraphs, as well as the amendment concerning the text of the current footnote to the table of precedence of hazards in 2.0.3.3 (paragraph 1.44 in the past) appear in the report of the Committee of Experts on its 17th session (December 1992) (ST/SG/AC.10/19/Add.1) and correspond to the text currently in the orange book with minor variations (e.g.: “should” was replaced by “shall”, probably due to the conversion of the Recommendations into Model Regulations).

Requested action

7. Document ST/SG/AC.10/C.3/2018/38 submitted by Canada to the fifty-third session of the Sub-Committee highlighted some inconsistencies between the English and French versions of paragraphs 2.0.3.1, 2.8.2.4 and 2.6.2.2.4.1.

8. These inconsistencies are summarized below, together with the texts in both languages currently in the Model Regulations, and the original texts as adopted in December 1992, for consideration by the Sub-Committee.

	Rev.20	Rev.20	Differences between E and F
2.0.3.1 (Footnote 3)	Except for substances or preparations meeting the criteria of Class 8 having an inhalation toxicity of dusts and mists (LC50) in the range of packing group I, but toxicity through oral ingestion or dermal contact only in the range of packing group III or less, which shall be allocated to Class 8.	Sauf pour les matières ou les préparations répondant aux critères de la classe 8 dont la toxicité à l'inhalation de poussières et de brouillards (CL50) correspond au groupe d'emballage I, mais présentant une toxicité à l'ingestion ou à l'absorption cutanée seulement du niveau du groupe d'emballage III ou moins. Ces matières ou préparations doivent être affectées à la classe 8	<p><u>Issue:</u></p> <ul style="list-style-type: none"> • use of “Preparations” vs “mixtures” and “and” vs “or” in comparison with 2.8.2.4 • differing French translation for the same English text in comparison with 2.8.2.4 <p>English and French versions of 2.0.3.1 are equivalent.</p> <p>English versions in 2.0.3.1 and 2.8.2.4 are equivalent (except for the use of “preparations” in 2.0.3.1 and “mixtures” in 2.8.2.4).</p> <p>The French versions of 2.0.3.1 and 2.8.2.4 are however different, although the English text is identical in both cases.</p>
Original text	ST/SG/AC.10/19/Add.1 (amendment to paragraph 1.44)		
	<i>As above</i>	<i>As above</i>	

	Rev.20	Rev.20	Differences between E and F
2.8.2.4	A substance or mixture meeting the criteria of Class 8 having an inhalation toxicity of dusts and mists (LC ₅₀) in the range of packing group I, but toxicity through oral ingestion OR dermal contact only in the range of packing group III or less, shall be allocated to Class 8 (see Note under 2.6.2.2.4.1).	Une matière répondant aux critères de la classe 8, dont la toxicité à l'inhalation de poussières et brouillards (CL ₅₀) correspond au groupe d'emballage I, mais dont la toxicité à l'ingestion ET à l'absorption cutanée ne correspond qu'au groupe d'emballage III ou qui présente un degré de toxicité moins élevé, doit être affectée à la classe 8 (voir Nota au 2.6.2.2.4.1).	<u>Issue:</u> use of “and” vs “or”
Original text	ST/SG/AC.10/19/Add.1 (amendment to paragraph 8.2)		
	A substance or preparation meeting the criteria of Class 8 having an inhalation toxicity of dusts and mists (LC ₅₀) in the range of packing group I, but toxicity through oral ingestion OR dermal contact only in the range of packing group III or less, should be allocated to Class 8 (see footnote under paragraph 6.4.1).	Une matière ayant une toxicité à l'inhalation de poussières et brouillards (CL ₅₀) du niveau groupe d'emballage I, mais présentant une toxicité à l'ingestion OU à l'absorption cutanée seulement du niveau groupe III ou moins, devrait être classée en classe 8 (voir note en bas de page relative au paragraphe 6.4.1).	In the original text, both the English and French versions were aligned (i.e: “or” was used in both cases)
	Rev.20	Rev.20	Differences between E and F
2.6.2.2.4.1 (NOTE)	Substances meeting the criteria of Class 8 and with an inhalation toxicity of dusts and mists (LC ₅₀) leading to packing group I are only accepted for an allocation to Division 6.1 if the toxicity through oral ingestion or dermal contact is at least in the range of packing group I or II. Otherwise an allocation to Class 8 is made when appropriate (see 2.8.2.3).	Les matières répondant aux critères de la classe 8 dont la toxicité à l'inhalation de poussières et brouillards (CL ₅₀) correspond au groupe d'emballage I, ne doivent être affectées à la division 6.1 que si, simultanément la toxicité à l'ingestion ou à l'absorption cutanée correspond au moins aux groupes d'emballage I ou II. Dans le cas contraire, la matière doit être affectée à la classe 8 si nécessaire (voir 2.8.2.3).	<u>Issue:</u> <ul style="list-style-type: none"> • Use of “simultanément” in the French version • Reference to 2.8.2.3
Original text	ST/SG/AC.10/19/Add.1 (amendment to paragraph 6.4.1)		
	Substances meeting the criteria of Class 8 and with an inhalation toxicity of dusts and mists (LC ₅₀) leading to packing group I should only accepted for an allocation to Division 6.1 if the toxicity through oral ingestion or dermal contact is at least in the range of packing group I or II. Otherwise an allocation to Class 8 is made when appropriate (see footnote */ in Chapter 8, paragraph 8.2).	Les matières répondant aux critères de la classe 8 et ayant une toxicité à l'inhalation de poussières et de brouillards (CL ₅₀) du niveau groupe d'emballage I ne devraient conduire à une classification en division 6.1 que si, simultanément, la toxicité à l'ingestion ou à l'absorption cutanée est au moins du niveau du groupe I ou II. Dans le cas contraire, la matière devrait être affectée à la classe 8 si nécessaire (voir note en bas de page */ au chapitre 8, paragraphe 8.2)	The term “simultanément” appeared already in the original document ST/SG/AC.10/C.3/R.241, submitted by CEFIC in original English and French. The reference in the original text corresponds to current paragraph 2.8.2.4 in the Model Regulations