

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

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Cooperation with the International Atomic Energy Agency

TRANSSC Review of proposed changes to the UN Model Regulations

Note by the secretariat

At its twenty-third session (Vienna, 24-28 October 2011), the IAEA Transport Safety Standards Committee discussed the question of cooperation with the UN Sub-Committee and adopted the attached document describing the process envisaged for following in review of proposed changes to the UN Model Regulations and to provide input to the UN Sub-Committee.

TRANSSC Review of proposed changes to the UN Model Regulations

Purpose

1. The purpose of this paper is to describe the process for TRANSSC to follow in review of proposed changes to the UN Recommendations on the Transport of Dangerous Goods, Model Regulations, hereafter called the UN Model Regulations, that impact the transport of radioactive material, and to provide input to the UN Subcommittee of Experts on the Transport of Dangerous Goods (SCETDG) on proposed changes to the UN Model Regulations. This paper describes information on proposed changes to the UN Model Regulations to be provided by IAEA to SCETDG and the critical time frames for this information exchange.

Background - Roles/Mandates of IAEA/TRANSSC and SCETDG, and Interagency Coordination

2. The roles and mandates of TRANSSC and SCETDG are described in the committees' respective Terms of Reference. The Terms of Reference for TRANSSC are attached in Enclosure 1. The SCETDG Terms of Reference are elaborated in paragraph 255 and 256 of the Economic and Social Council Information Paper, E/2008/INF/3, 16 June 2008, which describes the mandate for the SCETDG to develop the Model Regulations, Recommendations for the Transport of Dangerous Goods. Paragraphs 255 and 256 of E/2008/INF/3 are attached in Enclosure 2.

3. Paragraph 257 of E/2008/INF/3 notes that the Economic and Social Council requested in 1959 (Council Resolution 724 (XXVIII) July 1959), through the Secretary General, that the IAEA be entrusted to prepare recommendations for the transport of radioactive material on the understanding that those recommendations would be consistent with the principles adopted by the UN Committee and that they would be established in consultation with the United Nations and its specialized agencies concerned. Paragraph 257 also identifies the July 1997 resolution of the Economic and Social Council (Council Resolution 1997/3) that stated agreement was obtained with the IAEA to incorporate the Regulations for the Safe Transport of Radioactive Material, TS-R-1, into the UN Model Regulations. Paragraph 257 of E/2008/INF/3 is also included in Enclosure 2.

4. A key issue is that TRANSSC is a committee that is open to all Member States, and thus the views of the committee can be seen as the consensus opinion of the Member states wishing to discuss the transport of radioactive material. SCETDG is a subsidiary of the United Nations Economic and Social Council, with a restricted membership (30 countries currently) based on the following principles: (1) availability of expertise at the national level, (2) significant economic interest in international transport of dangerous goods, (3) equitable geographical repartition, and (4) effective participation of developing countries. Although SCETDG strives to reach consensus on issues at stake, when no consensus can be reached at the end of a biennium, decisions are taken by majority vote. In practice, most countries participating in SCETDG also participate in TRANSSC. The difference is in the focus of the work of the committees, each respecting the competence of the other in their respective areas. However Member States (particularly those represented on both committees) should be aware of any cross cutting issues at either one of the committees and can identify the need for cooperation and coordination within the respective Member State and between the two committees

5. The respective roles and mandates of IAEA/TRANSSC and of SCETDG require close working relationship, coordination and cooperation to facilitate necessary interface in the periodic review and revision of TS-R-1 by TRANSSC and the periodic review and revision of the UN Model Regulations by SCETDG.

6. Additional opportunities for improved coordination and harmonization of international transport regulations and activities are afforded through the periodic meetings of the UN Organizations and Specialized Agencies. The meetings are held typically on an annual basis and include attendance by the Secretariat of the UN organizations and Specialized Agencies, with responsibility for developing international transport regulations.

Information to be Provided by IAEA/TRANSSC

7. TRANSSC has responsibility to review TS-R-1 every two years, and, when deemed necessary, to revise TS-R-1. When TRANSSC revises TS-R-1, TRANSSC has the added responsibility to provide input through IAEA to SCETDG on revisions to TS-R-1 that should be included in the UN Model Regulations. Input to SCETDG on proposed changes to the UN Model Regulations based on revisions to TS-R-1 must be provided on a schedule and in a format commensurate with the schedule and process for SCETDG periodic revision of the UN Model Regulations.

8. SCETDG amends the UN Model Regulations every two years. SCETDG does not discuss provisions specific to radioactive material and relies entirely on TRANSSC input in this respect. However, some general provisions applicable to all dangerous goods also affect transport of radioactive material. Moreover some radioactive materials also possess other dangerous properties that need to be taken into account in the regulatory framework. SCETDG provides IAEA an opportunity to comment on the proposed changes to the UN Model Regulations that may affect radioactive material transport. The time period for IAEA/TRANSSC review and comment on SCETDG proposed changes to the UN Model Regulations needs to be conducted on a schedule commensurate with the schedule and process for SCETDG periodic revision of the UN Model Regulations.

Time Frame for Information Exchange

9. Both SCETDG and TRANSSC meet twice a year. SCETDG typically meets in June and November/December, while TRANSSC typically meets late spring and late fall every year.

10. The SCETDG two year amendment cycle for the UN Model Regulations typically ends in November/December of each even number year. At the last session of the biennium, SCETDG reviews all amendments adopted at the three previous sessions for confirmation, and may have to consider new proposals or proposals related to previously adopted amendments. A critical and pacing deadline is the need for the SCETDG Secretariat to provide SCETDG a consolidated version of all previously adopted amendments, at least 70 days in advance of the November/December SCETDG meeting in the even number years. Therefore a critical time frame for IAEA/TRANSSC to provide final comments to SCETDG on proposed changes to the UN Model Regulations is generally early to mid-September of even number years.

11. The time frame to provide input to SCETDG on recommended changes to the UN Model Regulations resulting from TRANSSC approved revisions to TS-R-1 is mid-March of even years, so that the IAEA proposed changes may be discussed at the third session of the SCETDG biennium (June of even number years) and included in the consolidated version of adopted changes to be confirmed by end December of even number years.

12. The optimum means of exchanging information on SCETDG issues that impact on radioactive material transport is for TRANSSEC to provide its consensus view in time for early discussion at the SCETDG. This could be achieved through formal working papers, informal papers or in the limit the IAEA secretariat could carry a message to the SCETDG (however in this case a list of proposals of interest to TRANSSEC should also be supplied by the IAEA secretariat to TRANSSEC in advance of the SCETDG meeting).

13. In order to achieve this interface TRANSSEC must be informed of any changes of importance to its area of competence adopted by SCETDG at its first three sessions of the biennium at least 60 days in advance of the TRANSSEC meeting (either by IAEA Secretariat or SCETDG Secretariat). Furthermore, TRANSSEC members should bear in mind that all proposed changes are posted on the UNECE website 70 days before a SCETDG meeting, which provides them with an opportunity to discuss these proposed changes with their national SCETDG expert before discussion at SCETDG

In summary

1. With respect to TRANSSEC input to SCETDG, the IAEA Secretariat will prepare proposed changes to the UN Model Regulations resulting from TRANSSEC approved revisions to TS-R-1 and provide the proposed changes to the SCETDG by mid-March of even number years at the latest, keeping them informed throughout the process.

SCETDG will transpose these changes in the UN Model Regulations at its June session of even number years resulting in draft changes to the UN model Regulations to be checked by TRANSSEC at its autumn meeting in even number years before final adoption by SCETDG at its December session of even number years.

2. With respect to SCETDG work not specifically related to radioactive material but which may affect transport of radioactive material:

TRANSSEC members should ensure that a liaison system is established at the national level to make sure that they are made aware by their national SCETDG expert of any proposal submitted to SCETDG that might affect transport of radioactive material and that they are consulted in the process of defining the national position on such proposals.

The IAEA secretariat shall bring to the attention of TRANSSEC all SCETDG reports and adopted draft changes to the UN Model Regulations after each of the first three sessions of a SCETDG biennium, as well as any proposals to be discussed by SCETDG at its December session of even number years;

If such changes or proposals are likely to affect transport of radioactive material and there is a consensus at TRANSSEC level that such changes are not satisfactory in the context of transport of radioactive material, the IAEA secretariat shall provide the SCETDG with the consensus opinion of TRANSSEC before a final recommendation in this respect.

The IAEA Secretariat shall bring to the attention of TRANSSEC at its first (March) or second (fall) session of the year following the end of a SCETDG biennium session amendments finally incorporated in a new version of the UN Model Regulations for the purpose of aligning the IAEA regulations accordingly.ⁱ

Enclosure 1

Terms of reference - Transport Safety Standards Committee

1. The Transport Safety Standards Committee (TRANSSC) is a standing body of senior experts in transport safety, established by the Deputy Director General, Head of the Department of Nuclear Safety and Security. TRANSSC advises the Deputy Director General on the transport safety programme for the development, review and revision of standards relating to transport safety and the programme for their application. A key objective of TRANSSC is to provide feedback and recommendations to the Agency on the transport safety programme and areas for improvement, and to achieve consensus, quality, coherence and consistency in the development of IAEA safety standards.

Functions

2. The functions of TRANSSC are:

- To advise on the transport safety programme for the development of the transport safety standards issued in the Agency's Safety Standards Series, covering Safety Fundamentals, Safety Requirements and Safety Guides, both thematic and facility specific, and to advise on priorities.
- To recommend activities and areas for improvement to enhance the overall programme and particularly to advise on the programme for the application of the safety standards.
- To review reports on feedback from the Secretariat and TRANSSC members on the application and use of transport safety standards and to advise on enhancing their usefulness to achieve high levels of safety, as well as on the timely review of and the need for revision of published transport safety standards.
- To review proposals for the development of relevant new standards and to approve the document preparation profiles (DPPs) prior to their submission to the Commission on Safety Standards.
- To review draft transport safety standards, considering the value of each draft standard and the needs of users of the standards.
- To approve the text of relevant draft safety standards prior to their submission to Member States for comment and prior to their submission to the Commission for endorsement.
- To advise on transport safety standards, relevant regulatory issues and activities for supporting the use and application of the Agency's safety standards, and, upon request, on related issues.
- To review upon request draft publications in the Nuclear Security Series, in the Nuclear Energy Series and in other IAEA series where there is an interface with transport safety standards.

The functions of TRANSSC members are (in accordance with the established strategies and processes)

- To prepare for and attend the meetings of TRANSSC and to contribute actively to the work of TRANSSC.
- To disseminate the draft transport safety standards in their respective States, to seek comments from their national stakeholders and to present a national position on each draft safety standard, which should be based on appropriate consultation at the national level and coordination of the input of national stakeholders.
- To promote awareness of the safety standards in their respective States.
- To compile feedback from the users of transport safety standards, including feedback on how transport safety standards are being used and on any identified shortcomings or gaps, and to report on it to TRANSSC.

Membership

- Membership is open to all IAEA Member States
- Member States will be requested to nominate a senior expert in transport safety to represent their views. Typically the Member State nominee is a senior regulator. The Deputy Director General, Head of the Department of Nuclear Safety and Security, will appoint the members for a term of three years.
- Invitations to attend TRANSSC meetings as observers by candidate international organizations and non-governmental bodies may be considered on a case by case basis in accordance with established strategies and processes.
- The Director of the Division of Radiation, Transport and Waste Safety or his appointee will participate in all TRANSSC meetings.
- The Director of the Division of Radiation, Transport and Waste Safety will designate a scientific secretary for TRANSSC.

Working methods

- The Deputy Director General will appoint a chairperson from among the members for TRANSSC's three-year term. Should the chairperson be unavailable for any meeting, a deputy should be appointed from the members in consultation between the chairperson and the Director of the Division of Radiation, Transport and Waste Safety.
- The chairperson, in conjunction with the scientific secretary, will prepare a report of the proceedings of each TRANSSC meeting and a report at the end of each three year period on the progress made.
- The chairperson will participate in periodic meetings of the chairs of TRANSSC to collaborate on review processes for safety standards, to coordinate on issues and other documents of mutual interest to the Committees, and to discuss other topics as may be necessary.
- The chairperson will represent the views of TRANSSC at the meetings of the Commission and will ensure that TRANSSC members are kept informed of any decisions taken. In particular, the chairperson will seek the views of the Commission on any unresolved issues.

- Ordinarily, TRANSSC will meet twice a year with each meeting lasting up to five working days. Extraordinary meetings may be called when required.
- A Member State may decide to send a delegation of representatives to the meeting of TRANSSC, with the expertise needed for the items at the agenda of the meetings. The delegation may include other national government representatives, national industry representatives or other stakeholders. However, each Member State is expected to present a “national” position on the Committees agenda items with the Member State appointed representative providing the national position. If the appointed Member State representative cannot attend a Committee meeting, the representative should advise the IAEA of his/her unavailability and designate an alternate to represent the Member State at the Committee meeting.
- The Director of the Division of Radiation, Transport and Waste Safety, in consultation with TRANSSC, may establish working groups of experts to deal with specific tasks for the purpose of assisting TRANSSC in its work.
- Meetings will be conducted in English.
- TRANSSC will report to the Deputy Director General, Head of the Department of Nuclear Safety and Security.

Resources

- The Secretariat will provide the resources necessary for ensuring the efficient working of TRANSSC. The Secretariat will provide copies (typically electronic copies) of relevant documents and background materials necessary to support the efficient function of the Committee and the Committee members. In addition to copies of draft safety standards, copies of other IAEA documents including relevant Safety Reports and TECDOCs will be provided as appropriate.
- All costs involved in the participation of each TRANSSC member, including travel and per diem expenses, will be borne by the Member State that nominated the member

Enclosure 2

Terms of reference – UN Sub-Committee of Experts on the Transport of Dangerous Goods (Paragraphs 255, 256 and 257 are copied from the UN Economic and Social Council Information Paper, E/2008/INF/3, 16 June 2008)

(i) Subcommittee of Experts on the Transport of Dangerous Goods¹

255. In pursuance of Council resolution 1999/65, the Subcommittee replaced the existing Committee of Experts on the Transport of Dangerous Goods and its Subcommittee, with the same terms of reference. The original terms of reference are contained in Council resolution 468 G (XV). They have been subsequently modified, confirmed or extended in the various resolutions adopted by the Council when considering the work of the Committee every two years, as reflected, inter alia, in paragraphs 166 to 175 of E/1996/97, Council resolutions 645 G (XXIII) of 26 April 1957, 724 C (XXVIII), 871 (XXXIII) of 10 April 1962, 924 (XXXVI) of 16 December 1963, 1488 (XLVIII), 1743 (LIV), 1744 (LIV) of 4 May 1973, 1973 (LIX), 2050 (LXII) of 5 May 1977 and, in addition, Council resolutions 1995/6 of 19 July 1995, 1997/3 of 18 July 1997 (referring to E/1997/16, para. 21), 1999/62 of 30 July 1999 (referring to document E/1999/43, para. 34).

256. As consolidated, the terms of reference can be summarized as follows:

- (a) To recommend and to define groupings or classification of dangerous goods on the basis of the character of risk involved, and to develop related classification tests and criteria;
- (b) To list the principal dangerous goods moving in commerce and assigning each to its proper grouping or classification;
- (c) To recommend marks or labels for each grouping or classification, which shall identify the risk graphically and without regard to printed text;
- (d) To recommend the simplest possible requirements for shipping papers covering dangerous goods;
- (e) To address the problem of packing (including construction, testing and use of packagings, intermediate bulk containers, large packagings, gas cylinders and gas receptacles);
- (f) To study the questions concerning the construction, testing and use of tanks other than those permanently fixed to, or forming part of, the structure of seagoing vessels or inland waterway craft;
- (g) To develop provisions for the transport of solid substances in bulk in freight containers;
- (h) To address the problem of the joint transport of dangerous goods, including questions of compatibility and segregation;
- (i) To consider giving each of the dangerous goods a numerical designation, which, in addition to the “dangerous goods” label would indicate the group of

¹ Paragraphs 255, 256 and 257 are from UN Economic and Social Council Information Paper, E/2008/INF/3, 16 June 2008.

compatibility, which could be instrumental in the solution of the problems of the joint transportation of dangerous goods;

(j) To consider supplementing the list of dangerous goods with indications of the properties and the category of danger of such goods, the firefighting means, other safety measures regarding such goods and their packing;

(k) To investigate divergencies existing in the modal practices applicable to the transport of dangerous goods in respect of their classification, identification, labelling and packaging;

(l) To study, in consultation with other organizations concerned, particularly the United Nations Conference on Trade and Development, the International Maritime Organization, the International Civil Aviation Organization, the International Air Transport Association and the regional commissions, the possibility of an international convention on the transport of dangerous goods by all modes of transport;

(m) To take into account the special problems of developing countries;

(n) To elaborate proposals for globally harmonized criteria for the classification of flammable, explosive and reactive materials, taking account of aspects not necessarily covered under transport safety regulations, such as the protection of workers, consumers and the general environment, in cooperation with experts from the International Labour Organization and the International Programme on Chemical Safety;

(o) To cooperate with the International Programme of Chemical Safety for the implementation of Agenda 21;

(p) To reformat the Recommendations on the Transport of Dangerous Goods into Model Regulations on the Transport of Dangerous Goods to keep them up to date and to rationalize their development.

Development of radioactive material transport regulations and incorporation of TS-R-1 into UN Model Regulations

257. In March 1959, the Committee, after having developed recommendations concerning the labelling of radioactive material, recognized the necessity of coordination with the International Atomic Energy Agency (IAEA) in the drafting of recommendations relating to the transport of such material. Consequently, the Council, in its resolution 724 (XXVIII) of 17 July 1959, requested the Secretary-General to inform IAEA of its desire that IAEA be entrusted with the drafting of recommendations on the transport of radioactive material, on the understanding that those recommendations would be consistent with the principles adopted by the Committee and that they would be established in consultation with the United Nations and the specialized agencies concerned. This has led to continuous cooperation between the Committee, the International Maritime Organization, the International Civil Aviation Organization and the Economic Commission for Europe. When it was decided to reformat the provisions of the Recommendations on the Transport of Dangerous Goods into the Model Regulations on the Transport of Dangerous Goods, it was also agreed, after consultation with IAEA, that the Committee would incorporate the provisions of the IAEA Regulations for the Safe Transport of Radioactive Material into the Model Regulations (Council resolution 1997/3).

Membership

- Restricted membership. Experts are made available by Governments at the request of the Secretary General. Criteria: Availability of expertise; Economic interest in international transport of dangerous goods; Equitable geographical repartition; Minimum of five seats reserved for developing countries. Currently 30 full members. Other States may participate as observers, without right to vote, as well as specialized agencies and intergovernmental organizations concerned with transport of dangerous goods, NGOs in consultation with ECOSOC or, subject to approval by SCETDG, other NGOs concerned with transport of dangerous goods.
- Note: Observer States, intergovernmental organizations and NGOs have no right to vote but may submit proposals and participate in debate.
- List of full Members: Argentina, Australia, Austria, Belgium, Brazil, Canada, China, Czech Republic, Finland, France, Germany, India, Iran, Italy, Japan, Kenya, Mexico, Morocco, Netherlands, Norway, Poland, Portugal, Republic of Korea, Russian Federation, South Africa, Spain, Sweden, Switzerland, United Kingdom, United States of America.
- States participating occasionally as observers: Algeria, Bulgaria, Chile, Denmark, Ireland, New Zealand, Nigeria, Tunisia, Ukraine.
- States may apply for full membership by submitting an application to the Secretary General through the Executive Secretary of the United Nations Economic Commission for Europe. If full membership is granted by the Secretary General, the Secretary General's decision is subject to endorsement by ECOSOC.
- Main intergovernmental organizations participating: ICAO, IMO, WHO, IAEA, OTIF, European Commission, and occasionally UPU, FAO, and ILO.
- NGOs participating: About 50 in the transport sector (e.g., IATA, IRU, FIATA, GEC): Dangerous goods producers (chemicals, gases, fertilizers, petroleum products, electrical products), Packaging industry (manufacturers, reconditioners).

Resources

- Secretariat services are provided by the secretariat of the United Nations Economic Commission for Europe.
 - Experts are made available by Member States at their own expense.
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