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 **25 November 2011**

Fortieth session
Geneva, 28 November – 7 December 2011
Item 2 (a) of the provisional agenda
Listing, classification and packing:
Proposals of amendments to the list of dangerous goods of Chapter 3.2

Comments on ST/SG/AC.10/C.3/2011/44 – Listing and packing provisions: Asbestos

Transmitted by the International Dangerous Goods and Containers Association (IDGCA)

1. In document ST/SG/AC.10/C.3/2011/44, the expert from Australia is proposing to amend the dangerous goods list entries for asbestos (UN Nos. 2212 and 2590), to modify Special Provision 168, to amend Portable Tank and Bulk Container Special Provision TP33 and to delete the reference to UN 2590 in the Guiding Principles.

2. IDGCA has considered this proposal and holds that the proposal of the expert from Australia require serious consideration and justification before its insertion into the UN Model Regulations. Any proposals, which are entered into the UN Model Regulations, must have solid grounds, which are not represented in conclusion of the expert from Australia.

3. The Globally Harmonized System of Classification and Labelling of Chemicals (the GHS) provides best framework for approaching the issue. It is stated in item 1.1.2.6.2 of the GHS:

> *1.1.2.6.2.1 Each hazard classification and communication system (workplace, consumer, transport) begins coverage with an assessment of the hazard posed by the chemical involved. The* ***degree of its capacity to harm depends on intrinsic properties****, i.e. capacity to interfere with normal biological processes, and its capacity to burn, explode, corrode, etc.* ***This is based primarily on a review of the scientific studies available****. The concept of risk or likelihood of harm occurring, and subsequently communication of that information, is introduced when exposure is considered in conjunction with the data regarding potential hazard. The basic approach to risk assessment is characterized by the simple formula:*
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> *hazard x exposure = risk*
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> *1.1.2.6.2.2 Thus if you can minimize either hazard or exposure, you minimize the risk or likelihood of harm. Successful hazard communication alerts the user to the presence of hazard and the need to minimize exposures and the resulting risks.*
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> *1.1.2.6.2.3 All of the system for conveying information[1] (workplace, consumer, transport) include both hazard and risk in some form".*

[1] The GHS is the exception. Under item 1.1.2.6.1: "The GHS is not intended to harmonize risk assessment procedures or risk management decisions …"

4. The UN Model Regulations deals with both hazard and risk assessments. Hazard assessment is based on two dimensions 1) the type of hazard and 2) the degree (severity) of hazard. The type of hazard is dealt with by assigning the chemical to one of nine classes while the degree of hazard dealt with by assigning the chemical to one of free packing groups. So far as exposure (in light of risk assessment) is concerned the UN Model Regulations contemplates Special Provisions and Exceptions to address the issue.

5. Turning back to the proposal it is clear that the expert from Australia justifies assignment of UN 2590 to Packing Group II, *i.e.* alteration of assessment of its degree of hazard, only by the fact that both UN 2212 and UN 2590 represent the same type of hazard (see item 8 of ST/SG/AC.10/C.3/2011/44). In our opinion, in the document represented by the expert from Australia two different chemicals under numbers UN 2212 and UN 2950 are reduced to one category and loose their individuality, though the products under these numbers have different degree of hazard. Moreover, in our opinion there are no sufficient scientific or any other grounds to reassess the degree of hazard for UN 2590. We would like to emphasis in this regard that under the GHS the degree of hazard of the chemical should be based primarily on a review of the scientific studies (see item 3 above).

6. The IDGCA also believes that Special Provision 168 properly addresses the issue of exposure, risk of which UN 2590 and UN 2212 pose to human health. It provides for that only friable asbestos is to be subject to the UN Model Regulations since it represents greater level of exposure during transportation than bonded forms of asbestos (both manufactured articles and mineral ore). It should be also noted that under Hazard Communication Standard (29 CFR 1910.1200) of the Occupational and Health Administration of the USA reference to which could be found in item 1.3.2.1.1 of the GHS[2]

> *"Article" means a manufactured item other than a fluid or particle: (i) which is formed to a specific shape or design during manufacture; (ii) which has end use function(s) dependent in whole or in part upon its shape or design during end use; and (iii) which under normal conditions of use does not release more than very small quantities, e.g., minute or trace amounts of a hazardous chemical (as determined under paragraph (d) of this section), and does not pose a physical hazard or health risk to employees*[3].

7. Thus, the position of the IDGCA is that there is no sufficient scientific and/or other relevant data which would persuade the Sub-Committee to revise current assessment of the hazard and the risk by assigning UN 2590 to Packing Group II and by amending Special Provision 168.

8. IDGCA asks Sub-Committee of Experts on the Transport of Dangerous Goods to consider the comments of IDGCA on the proposal of the expert from Australia and to determine to what degree the proposal on assignment of additional risk to the abovementioned product is justified, taking into account the fact that adoption of additional requirements towards asbestos can make the cost of this product, its delivery and transportation considerably higher and also bring serious damage to the economy of the countries – manufacturers of this product and its manufactured articles.

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[2] The GHS applies to pure substances and their dilute solutions and to mixtures. “Articles” as defined in the Hazard Communication Standard (29 CFR 1910.1200) of the Occupational and Health Administration of the USA, or by similar definition, are outside the scope of system.

[3] http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=STANDARDS&p_id=10099[3]