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Economic Commission for Europe**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**

Geneve, 13-23 September 2011

Item 6(b) of the provisional agenda

Proposals for amendments to RID/ADR/ADN: new proposals**Class 7 material classified as environmentally hazardous
substances (EHS)****Transmitted by the Government of Germany^{1,2}***Summary*

Explanatory summary: With the new RID/ADR 2011 class 7 material shall be additionally classified as EHS, if appropriate. Nevertheless, the provision of 2.2.9.1.10.5 concerning the simplified assigning to environmentally properties refer to the Regulation 1272/2008/EC which exclude class 7 material from this regulation. Therefore it shall be acceptable that class 7 material is entirely excluded from EHS.

Decision to be taken: Amend RID/ADR 2.1.3.8 to exclude class 7 material from EHS requirements.

¹ In accordance with the programme of work of the Inland Transport Committee for 2010-2014 (ECE/TRANS/208, para 106, ECE/TRANS/2010/8, programme activity 02.7 (c)).

² Circulated by the Intergovernmental Organisation for International Carriage by Rail (OTIF) under the symbol OTIF/RID/RC/2011/41.

Introduction

1. At the Joint Meeting of the RID Committee of Experts and the Working Party on the Transport of Dangerous Goods of the United Nations Economic Commission for Europe (ECE) which was held in Geneva from 11 to 21 September 2007, several proposals to the requirements for environmentally hazardous substances were adopted. These new provisions should be entered into force after a transitional period. With the new RID/ADR 2011 now substances of classes 1 to 9, other than those assigned to UN Nos. 3077 and 3082, meeting the criteria of 2.2.9.1.10 are additionally to their hazards considered to be environmentally hazardous substances (EHS).

2. To check if class 7 material meets the criteria of 2.2.9.1.10 it become apparent that data for classification according to the criteria 2.2.9.1.10.3 and 2.2.9.1.10.4 is not available so far, therefore, only 2.2.9.1.10.5 may be apply. In this paragraph substances or mixtures are classified as EHS on the basis of Regulation 1272/2008/EC³. But in Article 1 (2) of this regulation it is stated, that:

“(2) This Regulation shall not apply to the following:

(a) radioactive substances and mixtures within the scope of Council Directive 96/29/Euratom of 13 May 1996 laying down basic safety standards for the protection of the health of workers and the general public against the danger arising from ionising radiation⁽⁴⁾.”

Proposal

3. Amend 2.1.3.8 to read as follows (amended text in **bold**):

“2.1.3.8 Substances of classes 1 to **6.2, 8 and 9**, other than those assigned to UN Nos. 3077 and 3082, meeting the criteria of 2.2.9.1.10 are additionally to their hazards of classes 1 to **6.2, 8 and 9** considered to be environmentally hazardous substances. Other substances meeting the criteria of **no other class, but those of 2.2.9.1.10** are to be assigned to UN Nos. 3077 and 3082 as appropriate.”

Justification

4. Based on 2.2.9.1.10.5 in conjunction with article 1 (2) of the EC Regulation 1272/2008 it must be concluded, that radioactive substances, which are in the scope of the COUNCIL DIRECTIVE 96/29/EURATOM of 13 May 1996 (and in so far classified as class 7 material) are excluded from being classified as EHS. If this is accepted under 2.2.9.1.10.5, it should also be valid for the whole provision 2.2.9.1.10.

5. Furthermore, this marking according to 5.2.1.8 and 5.3.6 (in addition to the class 7 labelling) brings no additional safety benefit, e.g. for the first emergency responder.

³ REGULATION (EC) No 1272/2008 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006

⁴ COUNCIL DIRECTIVE 96/29/EURATOM of 13 May 1996 laying down basic safety standards for the protection of the health of workers and the general public against the danger arising from ionising radiation