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
Bern, 23 - 27 March 2015
Item 5 (a) of the provisional agenda
Proposals for amendments to RID/ADR/ADN: pending issues

16 March 2015

Updating of references to European Union instruments (toxic substances; corrosive substances; substances hazardous to the aquatic environment)

Transmitted by the European Chemical Industry Council (CEFIC)

Summary

Executive summary: This document is an enhancement of working document ECE/TRANS/WP.15/AC.1/2015/11 which responds to document 2014/39 by the secretariat at the meeting in September 2014, to update references in the ADR/RID/ADN to European Union regulations and directives. In the light of the inconsistent picture for the implementation of national or regional regulations related to classification in supply and use, CEFIC proposes to delete all references to European Union regulations, which are not linked to the transport of dangerous goods. After intensive discussions in Industry these references should be replaced by a reference to UN-GHS to harmonize with classification in transport instead of deleting them completely. This could be a first step on the way to harmonisation between supply and use and transport of dangerous goods.

Action to be taken: Replace references in paragraphs 2.2.61.1.14, 2.2.8.1.9 and 2.2.9.1.10.5.

Related documents: ECE/TRANS/WP.15/AC.1/2014/39 submitted at the September 2014 session of the Joint Meeting.

1. CEFIC thinks that in general it is difficult to make a reference to European Union regulations or directives in ADR/RID/ADN as these are only valid in 27 countries. The ADR/RID/ADN has been signed by more than 48 countries (depending on which transport mode is looked at) and therefore a relation in classification to these regulations pose an extra burden on countries not belonging to the European Union. In addition, when these countries are not using information coming from these regulations, this leads to discrepancies between the classifications carried out in different countries.

2. Another major issue relating to the use of the European CLP regulation for transport issues is the Annex VI of the CLP regulation, which contains legally binding classifications for substances. These classifications are neither harmonised with binding classification lists in other regions, nor with the entries of Table 3.2 in ADR/RID/ADN. Annex VI had not been created by applying GHS-criteria, but by translation into GHS categories based on existing hazard information listed in the Directive 67/548/EC, however in a pragmatic but inaccurate manner.

3. Additionally references in ADR/RID/ADN to the CLP regulation may also lead to discrepancies and problems in classification when multimodal transport chains are considered, since it is rather unlikely that international regulations such as the ICAO Technical Instructions or the IMDG Code will implement references to local classification requirements for supply and use.

4. The latest discussions at the United Nations Sub-Committee of Experts on the Transport of Dangerous Goods have shown that the classification methodology provided by the UN-GHS for supply and use and by the UN Model Regulations for the purpose of transport are not yet fully harmonized in detail, however they show an extensive area of intersection. Therefore CEFIC is of the opinion that basic information from UN-GHS classification for supply and use is a valid and meaningful source of information, which should be considered for classification in transport whenever exact test data are not available and information about substances and components of a mixture cannot be gathered from Table 3.2 of the UN Model Regulations.

5. Consequently CEFIC proposes to revise the references in ADR/RID/ADN which had been made to the EU-regulations, in the following way:

2.2.61.14

~~Substances, solutions and mixtures, with the exception of substances and preparations used as pesticides, which do not meet the criteria of Directive 67/548/EEC[3] or 199/45/EC[4] as amended and which are not therefore classified as highly toxic or harmful according to these directives, as amended, may be considered as substances not belonging to Class 6.1.~~

Substances, solutions and mixtures, which are listed by name in Table 3.2 and do not require labels of model number 6.1, have to be considered as substances, solutions and mixtures not belonging to Class 6.1.

Solutions and mixtures, where the components are properly classified for transport and do not require labels of model number 6.1, have to be considered as solutions and mixtures not belonging to Class 6.1.

Substances, solutions and mixtures, which do not meet the criteria of category 1, 2 and 3 according to UN-GHS with regard to acute toxicity (oral, dermal, and by inhalation), may be considered as substances, solutions and mixtures not belonging to class 6.1.

2.2.8.1.9

~~Substances, solutions and mixtures, which~~

~~– do not meet the criteria of Directice 67/548/EEC[3] or 1999/45/EC[4] as amended and therefore are not classified as corrosive according to these directives, as amended; and~~

~~– do not exhibit a corrosive effect on steel or aluminium~~

~~may be considered aas substances not belonging to Class 8.~~

~~***NOTE:*** *UN 1910 calciumoxide and UN No. 2812 sodium aluminate, listed in the UN Model Regulations, are not subject to the provisions of ADR/RID/ADN.~~

Substances, solutions and mixtures, which are listed by name in Table 3.2 and do not require labels of model number 8, have to be considered as substances, solutions and mixtures not belonging to Class 8.

Solutions and mixtures, where the components are properly classified for transport and do not require labels of model number 8 and, in case they are of liquid state or may become liquid during transport, do not exhibit a corrosive effect on steel and aluminium have to be considered as solutions and mixtures not belonging to Class 8.

Substances, solutions and mixtures, which do not meet the criteria of category 1 according to UN-GHS with regard to skin corrosion and, in case they are of liquid state or may become liquid during transport, do not meet the criteria of category 1 with regard to corrosion to steel and aluminium may be considered as substances not belonging to Class 8.

NOTE: *UN 1910 calciumoxide and UN 2812 sodium aluminate, listed in the UN Model Regulations, are not subject to the provisions of ADR/RID/ADN.*

2.2.9.1.10.5

~~Substances or mixturesclassified as envirionmentally hazardous substances (aquatic environment) on the basis of Regulation 1272/2008/EC[16]~~

~~If data for classification according to the criteria of 2.2.9.1.10.3 and 2.2.9.1.10.4 are not available a substance or mixture:~~

~~(a) Shall be classified as an environmentally hazardous substance (aquatic environment) if it has to be assigned category(ies) Aquatuc Acute 1, Aquatic Chronic 1 or Aquatic Chronic 2 according to Regulation 1272/2008/EC[16] or, if still relevant according to the said Regulation, risk phrase(s) R50, R 50/53 or R 51/53 according to the Directives 67/548/EEC[3] or 1999/45/EC[4].~~

~~(b) May be regarded as not being an environmentally hazardous substance (aquatic environment) if it does not have to be assigned such a risk phrase or category according to the said Directives or Regulations.~~

Substances, solutions and mixtures, which do not meet the criteria for Aquatic Acute 1, Aquatic Chronic 1 or Aquatic Chronic 2 according to UN-GHS may be considered as not being an environmentally hazardous substance (aquatic environment), solution or mixtures .