

Economic Commission for Europe

Inland Transport Committee

Working Party on the Transport of Dangerous Goods

20 February 2024

Joint Meeting of the RID Committee of Experts and the
Working Party on the Transport of Dangerous Goods

Bern, 25-28 March 2024

Item 2 of the provisional agenda:

Tanks

Dual approved intermodal tank-containers according to RID/ADR Chapter 6.8 and UN portable tanks

Submitted by the International Tank Container Organisation (ITCO)

Summary

Executive summary: Intermodal tanks dual approved to both RID/ADR Chapter 6.8 and UN Portable Tanks operated entirely safely from before UN Portable Tanks were introduced in 2002 and intermodal tanks were approved to IMO 1, 2, 4 and 5. The approval to operate in a wide market is crucial to the environmental benefits of intermodal transport.

Two intersessional meetings were held to try to establish the rational for eliminating dual approval. No tangible reasons were ascertained.

The complexity of the process to eliminate existing dual approval, the necessity for a long transition period and ensuing costs become even more apparent during the working group and intersessional meetings. There is a strong need to identify all issues and consequences that might arise from removing dual approval before any action is taken.

Harmonisation of existing regulations which would allow for UN portable tanks to be used for RID/ADR transports, for example allowing equivalent UN portable tanks with bottom openings to be used for those substances where RID/ADR Chapter 6.8 assign bottom openings, would reduce the future need for dual approval.

Related documents: Report of the Joint Meeting in spring 2023, document ECE/TRANS/WP.15/AC.1/168

Report of the Joint Meeting in autumn 2023, document ECE/TRANS/WP.15/AC.1/170

ECE/TRANS/WP.15/AC.1/2023/46 submitted by France

INF.33 submitted by France to the Joint Meeting in spring 2023

INF.24 submitted by EIGA to the Joint Meeting in autumn 2023

INF.12 submitted by ITCO to the Joint Meeting in autumn 2023

I. Introduction

1. The autumn 2023 meeting of the Working Group on Tanks, after a long discussion on the issues arising from the proposal to eliminate dual RID/ADR chapters 6.7 and 6.8 approval, proposed that an intersessional meeting to identify all the issues and consequences that may arise from such a complex change should be established.
2. Subsequently, ITCO organised meetings that were held online on 7 November 2023 and 12 December 2023, each attended by approximately 50 persons, both regulatory and ITCO members.
3. The first meeting focused on why the change is required. No tangible reasons were identified.
4. The second meeting discussed both why the change is required and some of the complex issues that would arise.
5. The complexity of the process to eliminate existing dual approval, the necessity for a long transition period and ensuing costs become even more apparent during the Working Group on Tanks and intersessional meetings. There is a strong need to identify all issues and consequences that might arise from removing dual approval before any action is taken.
6. Harmonisation of existing regulations which would allow for UN portable tanks to be used for RID/ADR Chapter 6.8 transports, for example allowing equivalent UN portable tanks with bottom openings to be used for those substances where RID/ADR Chapter 6.8 assigns bottom openings, would reduce the future need for dual approval.
7. The minutes of the two meetings are summarised below.

II. Minutes of the intersessional meeting on 12 December 2023

Terms of reference: Identify all the issues and consequences that may arise from such a complex change. (Report of the Working Group on Tanks ECE/TRANS/WP.15/AC.1/170/Add.1, item 14)

1. Reasons to eliminate dual approval:

- 1.1 The United Kingdom commented that the purpose of the meeting, as set out in the report of the September 2023 session of the Working Group on Tanks is to “Identify all the issues and consequences that may arise from such a complex change.” To this end, the United Kingdom view was that the meeting should focus on the issues that needed to be addressed for dual approval to be prohibited in a way that would have a minimal impact on industry.
- 1.2 In relation to the reasons for wishing to prohibit dual approval, representatives of the contracting states/parties advised there had been confusion amongst inspection bodies, they had seen instances of mistakes in dual approvals (some tanks not meeting the full requirements of both chapters 6.7 and 6.8) and in some cases it was difficult to identify whether tanks are approved to Chapter 6.7 and/or Chapter 6.8.
- 1.3 UIC commented that if the tank is inspected track-side there is the possibility of confusion to identify the regulation to which the tank is operating. Regulations require multiple markings on the tank e.g. ISO Code and markings, UN portable tank, RID/ADR Chapter 6.8, CFR49, UIC Height/width, UIC MRGM and UIC Super Heavy, mass and capacity markings.
- 1.4 It was noted RID/ADR hazard placards or IMDG hazard placards are displayed on the tank according to the applicable regulation.

1.5 The transport document could be improved to require the applicable tank specification to be better identified e.g. by an amendment to special provision 640.

1.6 The Dutch Authority commented that dual specification causes confusion when policing regulations, but specific examples were not defined, and no compromise of safety has been identified.

1.7 Discussions around the current need for dual approval highlighted the fact that, from an industry perspective, dual approval was being used as a ‘work around’ to enable the smooth carriage of tanks. It was stated that there were various reasons for this practice but the main ones being: the absence of regulatory harmonization between Chapter 6.7 and Chapter 6.8 tanks and in some instances, the refusal by some authorities to accept Chapter 6.7 tanks for certain journeys.

1.8 ITCO indicated that dual approval would not be necessary if the requirements for chapters 6.7 and 6.8 tanks were to be harmonized and the free movement of Chapter 6.7 tanks was permitted by all [RID contracting states/ADR contracting parties].

1.9 The United Kingdom remarked that such harmonization and, in some way, ensuring tanks approved to Chapter 6.7 are permitted to freely operate as intended, prior to the prohibition of dual approval would therefore seem to be a way in which the issue could be moved forward. However, there would still seem to be a need to identify all other issues and consequences that might arise from removing dual approval.

1.10 It was mostly recognised that elimination of joint approval is even more complex and taking a lot of resources and at considerable cost to industry but without any safety benefit. The matter requires careful research and regulatory change before the event and a long transition period.

2. Issues resulting from elimination of dual approval

2.1 Along with shippers, some authorities said not to allow movement without Chapter 6.8 approval. This needs to be researched but Poland was mentioned.

2.2 Supporting previous comment from tank operators at the last meeting and feedback from many operators, the representative from Hoyer remarked that dual approval was well established and was allowing the industry to operate smoothly for around 20 years.

3. Tank type approval and initial test certificates

3.1 During the meeting 6 randomly selected certificates were shown which indicates the many issues that would result from eliminating joint approval.

3.2 Type approval and tank initial test certificates (and periodic certificates) vary according to the formats agreed with the respective competent authority. All those displayed show various regulatory issues to resolve if the elimination proposal were to be enforced.

3.3 It seems that few RID/ADR Chapter 6.8 tanks were additionally provided with RID/ADR Chapter 6.7 approval (as opposed to dual approved IMDG Code portable tanks) because the tanks were intended to operate within the territory under Chapter 6.8.

3.4 Whereas UN portable tanks comply with RID/ADR Chapter 6.7, it would be untenable to transport those under RID/ADR Chapter 6.7 (from a regulatory and liability perspective) without appropriate approvals.

3.5 Comment was made that if the tank is approved as an IMDG Code UN portable tank it could be operated as an RID/ADR tank without the need for a certificate detailing the approval. This is questionable and presents unacceptable liabilities since operation under RID/ADR has wider implications than Chapter 6.7 on construction and Chapter 4.2 on operation, for example definitions, DGA, special provisions.

3.6 Existing type approvals and initial test certificates were mentioned as not requiring amendment – simply that the regulatory obligations could be disregarded. This is questionable and could lead to confusion.

3.7 Further research is required but given the global fleet of 800,000 tanks determining RID/ADR Chapter 6.7 approval and each document would be a time confusing process.

4. Carriage other than by road

4.1 RID/ADR 1.1.4.5 and 1.1.4.5.1 read:

“1.1.4.5 Carriage other than by road

1.1.4.5.1 If the vehicle carrying out a transport operation subject to the requirements of ADR is conveyed over a section of the journey otherwise than by road haulage, then any national or international regulations which, on the said section, govern the carriage of dangerous goods by the mode of transport used for conveying the road vehicle shall alone be applicable to the said section of the journey.”

4.2 For those tanks that are primarily constructed and operated under RID/ADR Chapter 6.8 e.g. swap tank-containers, elimination of joint approval to UN portable tank would restrict the use of the tank on sea including sea transport within the territory. No solution was proposed.

III. Minutes of the intersessional meeting on 7 November 2023

1. Construction and approval process

CIMC and Welfit Oddy who together account for an annual production of 67000 tanks (2023) both stated that they manufacture dual specification according to chapters 6.7 and 6.8 without any issues in design, approval and testing.

Fort Valve, a major valve manufacturer, advised that RID/ADR 6.8.2.6.1 requires application of a series of ISO standards e.g. 14432 which provides a potential safety benefit to dual specification tanks.

2. Operation

25 operators were present at the meeting. No issues were raised concerning the operation of dual specification tanks.

3. Intermediate and periodic inspection and test

Since RID/ADR Chapter 6.8 has rescinded the intermediate test date 90-day tolerance, this results in an operational procedure change and additional costs since it now does not align with Chapter 6.7.

Gold reported that the intermediate inspection expiry date is a disadvantage for USA based operators who do not operate under Chapter 6.8 but recognizes that these operators could make provision to rescind the existing Chapter 6.8 approval.

Authorised Inspection Bodies (AIB) reported, outside of this meeting, that they are implementing procedures to comply with the amended 1.8.7 provisions for accreditation and training.

A has been reported in previous meetings, there was inference of inconsistent standards between competent authority accreditation processes, but no tangible issues were identified.