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**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

Twenty-sixth session, 29 November-3 December 2004
Item 2 of the provisional agenda

TEXTS ADOPTED BY THE SUB-COMMITTEE AT
ITS TWENTY-THIRD, TWENTY-FOURTH AND TWENTY-FIFTH SESSIONS

Comments by the secretariat on ST/SG/AC.10/C.3/50/Add.1

New sub-section 2.1.3.5 (Assignment of fireworks to hazard divisions)

1. The draft new sub-section 2.1.3.5 adopted by the Sub-Committee contains a number of provisions (2.1.3.5.4 and 2.1.3.5.5) concerning assignment of fireworks to hazard divisions which, according to the secretariat, are not drafted in a way which is suitable for Model Regulations intended to be directly transposed into national or international legislation. Normally, the Model Regulations contain provisions which are transport conditions to be complied with by the various participants in a chain of transport, in particular consignors and carriers.
2. Paragraph 2.1.3.5.4 seems to contain provisions which are relevant to the Sub-Committee of experts when updating the table 2.1.3.5.7, by requiring that this table be amended only on the basis of full test data submitted to the Sub-Committee. Such provisions are relevant for regulators but not for those who have to comply with the regulations.
3. Paragraph 2.1.3.5.5 contains requirements applicable to the competent authorities themselves, and it is not usual that national or international legislations contain provisions containing a legally binding requirement for the enforcement competent authority to report to an international body which is not directly legally linked to this legislation.
4. The same kind of problem has occurred in the past for classification of explosives, and sometimes it had been agreed to transform this kind of provisions into NOTES of a recommendatory nature: see NOTE 3 to 2.1.3.2.3. When this has not been done (e.g. 2.1.3.5.2 and 2.1.3.5.3 of the Model Regulations) the equivalent provisions could not be included as such in regional agreements such as RID/ADR or modal instruments such as the IMDG Code (although they were copied as such in the ICAO Technical Instructions).

5. Therefore, the secretariat proposes that 2.1.3.5.4 and 2.1.3.5.5 be replaced by additional NOTES 4 and 5 to 2.1.3.5.7 respectively, where the word "shall" should be replaced by "should". 2.1.3.5.6 and 2.1.3.5.7 should then be renumbered 2.1.3.5.4 and 2.1.3.5.5.

Definition of flammable liquids (2.3.1.2)

6. According to 2.6.4.2.4, the flash point shall be determined by the closed-cup test method. Open-cup test methods are acceptable only in special cases (which are not specified). Since the GHS refers only to the closed-cup test value of 60 °C as a cut-off value, is the reference to the open-cup test value of 65.6 °C relevant in 2.3.1.2 ?

Environmentally hazardous substances

7. The text adopted for 3.4.10 is not appropriate for the following reasons:

- (a) It refers to "single packagings", which are not authorized under Chapter 3.4;
- (b) It refers to inner packagings of combination packagings containing less than 5 l for liquids or 5 kg for solids and these are the maximum quantities that are allowed for inner packagings of packages which are carried as "limited quantities".

8. If such a provision were deemed necessary in Chapter 3.4, it would be enough to insert, in 3.4.5, after "need not be marked", the words "or marked with the environmentally hazardous substance mark".

9. It should also be noted that in the IMDG Code, the exemption applies not only to packages carried under Chapter 3.4, but also to all combination packagings containing inner packagings of less than 5 l/5 kg individually.

10. Therefore, the secretariat suggests that no amendment should be made to Chapter 3.4 in this respect but that the new 5.2.1.7 should be amended to reflect 5.2.1.6.1 of the IMDG Code, i.e. to add at the end of 5.2.1.7.1 the words

"with the exception of combination packagings containing environmentally hazardous substances in inner packagings with:

- contents of 5 l or less for liquids, or
- contents of 5 kg or less for solids."

11. Should the Sub-Committee consider that these IMDG Code extended exemptions are not recommended, the secretariat would suggest that only paragraph 3.4.5 be amended as in para. 8 above.

12. The secretariat notes also that the 100 mm × 100 mm dimensions in 5.2.1.7.3 might not be suitable for small packagings, and proposes the addition of the following phrase at the end of the second sentence:

", except in the case of packages of such dimensions that they can only bear smaller marks"

(refer also to 5.2.2.2.1.1 of the Model Regulations and 5.2.1.6.3.2 of the IMDG Code).

Aerosols transported for recycling or disposal

13. At its last session, the Sub-Committee adopted new special packing provisions PP 87 under P003 of 4.1.4.1 and L 02 under LP02 of 4.1.4.3, for the carriage of aerosols for recycling or disposal, on the

basis of proposal ST/SG/AC.10/C.3/2004/53 of the expert from the United Kingdom (see ST/SG/AC.10/C.3/50, paras. 16 to 18).

14. During the report reading, there was some controversy regarding the first and last sentences of PP87 which were placed between square brackets.

15. The secretariat believes that the problem is that the packing instructions are not the appropriate places for indicating what is allowed for carriage or not, and that exemptions should rather be indicated by special provisions in Chapter 3.3 while the corresponding packing conditions could remain in Chapter 4.1. Therefore, the secretariat proposes the following changes:

- (a) Add a new special provision XXX in Chapter 3.3, applicable to UN 1950, to read as follows:

"XXX [waste] aerosols, other than toxic aerosols, may be transported under this entry for the purpose of recycling or disposal, provided that they are packed in accordance with packing instructions P003 and special provision PP87, or packing instruction LP02 and special packing provision L2. When packed in accordance with P003, special packing instruction PP87 does not apply if the aerosols meet the requirements of special provision 190 and of 6.2.4.2."

- (b) LP02 and L2 should not be listed in columns (8) and (9) against UN 1950 (since they are authorized only for waste aerosols);

- (c) P003, PP87, the first sentence should be amended to read:

"For UN 1950, [waste] aerosols which do not meet the provisions of special provision 190 or of 6.2.4.2, transported for the purposes of reprocessing or disposal in accordance with special provision XXX of Chapter 3.3, the packagings shall have ... (remainder unchanged)."

Delete the last sentence in square brackets.

- (d) LP02, L2, the first sentence should be amended to read:

"For UN 1950, [waste] aerosols transported for the purposes of reprocessing or disposal in accordance with special provision XXX of Chapter 3.3, inner packagings are not required. The large packaging ... (remainder unchanged)".

Delete the last sentence.

16. For toxic aerosols, it is not clear to the secretariat how, in the process of collection of waste aerosols (except for those rejected after the hot water bath test), they may be identified as meeting the transport toxicity criteria, and, when identified as toxic, how they may be carried for recycling or disposal.

17. A similar problem occurs concerning the labelling of such loads, i.e. should they be labelled for transport in accordance with the "user" labels which are normally found on the dispenser? The secretariat notes that special provision 63, para. (g), indicates that subsidiary risk labels may be required for air transport, but in fact they are also required by the IMDG Code, ADR and RID.

Reporting

18. In paragraphs 7.1.9.1 and 7.1.9.3, the secretariat proposes to replace "applicable regional/modal agreements" by "applicable international law".
