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PROPOSALS FOR AMENDMENTS TO ANNEXES A AND B OF ADR

CHAPTER 8.2

Training provisions for drivers of vehicles having a permissible maximum mass not exceeding 3.5 tonnes

Transmitted by the European Liquefied Petroleum Gas Association (AEGPL) and the International Express Carriers Conference (IECC)

SUMMARY	
Executive Summary:	The proposal seeks to amend Chapters 8.2.1.1 and 8.2.1.4 and introduce a new Chapter 8.2.4
Action to be taken:	Amend Chapters 8.2.1.1 and 8.2.1.4 and introduce a new Chapter 8.2.4
Related documents:	AEGPL Informal Paper INF 12 presented at the May 2005 WP.15 meeting

Background

This proposal seeks to amend Chapters 8.2.1.1, 8.2.1.4 and introduce a new 8.2.4, which is based on text in ICAO and IMO, to permit drivers of vehicles having a permissible maximum mass not exceeding 3.5 tonnes to carry out their duties without the need to hold an ADR driver training certificate. Training “appropriate to their responsibilities and duties” would, however, be required by virtue of 1.3 and the new 8.2.4.

Justification

The 2005 ADR significantly changed the training requirements from the 2003 edition by deleting the exemption for drivers of vehicles not exceeding 3.5 tonnes (gross vehicle weight) from the full driver training requirements.

In carrying out the assessment required as part of the Consultation process for bringing the 2005 ADR into law in some EU Member States, it has become clear that the effect of the imposition of full ADR driver training indicated in 8.2.1 in the 2005 edition of ADR is grossly disproportionate to likely benefits.

Across Europe goods are distributed via networks of many tens of thousands of distribution companies, dealers and stockists. Many of these use delivery vehicles of less than 3.5 tonnes but carry loads in excess of the quantities indicated in 1.1.3.6.3. Many are not heavy goods vehicle operators or in the conventional dangerous goods transport industry.

For example:

- There are in excess of 200 million LPG cylinders in use in Europe. The product is distributed to consumers via a network of many tens of thousands of dealers and stockists. Many of these use delivery vehicles of less than 3.5 tonnes but carry loads in excess of the quantities indicated in 1.1.3.6.3. Most of these are small and medium sized enterprises often operating in rural areas. On the basis of analyses by several AEGPL members the cost to the LPG industry of undergoing the full driver training indicated in 8.2.1 has been estimated to be of the order of €1 billion over a five year period.
- IECC industry members in the express parcels industry believe that the new driver training requirements have the capability of affecting 50,000 drivers/vehicles in Europe. The vast majority of the drivers of these vehicles are not subject to full ADR training at present.

Whilst it may be argued that additional training is always a safety benefit, there is insufficient evidence available from road traffic statistics or Dangerous Goods Safety Adviser reports of significant numbers of accidents due to the product being carried or the level of training provided (as currently required by 8.2.3) to justify such costs.

As it stands, operators in this market will have the choice of either undergoing such training or reducing payload to below the 1.1.3.6.3 threshold, which could effectively triple the number of journeys made or requiring customers to pick up goods themselves. This will increase the risk of road traffic accidents, increase pollution, reduce service to customers in other important consumer safety related areas and increase costs.

Proposal

8.2.1.1 Amend the beginning of the first sentence to read as follows:

"Drivers of vehicles with a permissible maximum mass exceeding 3.5 tonnes carrying dangerous goods, drivers of vehicles referred to in 8.2.1.3 and drivers of other vehicles referred to in 8.2.1.4 shall hold...". (*Remainder unchanged*)

Add a new sentence at the end to read as follows:

"Drivers of vehicles with a permissible maximum mass not exceeding 3.5 tonnes and not covered by 8.2.1.3 or 8.2.1.4 shall receive training appropriate to their responsibilities as described in 8.2.4."

8.2.1.4 Amend the beginning of the first sentence to read as follows:

"Irrespective of the permissible maximum mass of the vehicle, drivers...". (*Remainder unchanged*)

8.2.3 In the title, delete "holding a certificate in accordance with 8.2.1,".

In the last sentence, replace ", personnel in freight forwarding" with "and personnel in freight forwarding" and delete "and drivers of vehicles other than drivers holding a certificate in accordance with 8.2.1,".

Add a new section 8.2.4 to read as follows:

"8.2.4 Training of drivers of vehicles other than drivers holding a certificate in accordance with 8.2.1

Drivers of vehicles other than drivers holding a certificate in accordance with 8.2.1 shall have received training in the requirements governing the carriage of such goods appropriate to their responsibilities and duties.

8.2.4.1 *General awareness/familiarization training*

- (a) Each driver shall receive training designed to provide familiarity with the general provisions of dangerous goods transport provisions;
- (b) Such training shall include a description of the classes of dangerous goods to be carried: labelling, marking, placarding, packing, stowage and, where appropriate, segregation and compatibility provisions; and a description of available emergency response documents.

8.2.4.2 *Safety training*

Commensurate with the dangerous goods to be carried, the risk of exposure in the event of a release and the functions performed, the driver shall receive training on:

- (a) Methods and procedures for accident avoidance, such as proper use of package-handling equipment and appropriate methods of stowage of dangerous goods;
- (b) Available emergency response information and equipment and how to use it;
- (c) Dangers presented by the dangerous goods and how to prevent exposure to those hazards, including, if appropriate, the use of personal protective clothing and equipment, and;
- (d) Immediate procedures to be followed in the event of an unintentional release of dangerous goods including any emergency response procedures for which the person is responsible and personal protection procedures to be followed."

Safety implications

The proposal introduces specific provision for the training of drivers of vehicles not exceeding 3.5 tonnes (gross vehicle weight) which build on the provisions in the 2003 and earlier editions of ADR by defining more clearly the matters to be addressed during training.

The provision in ADR 2005 requiring full ADR driver training for drivers of vehicles having a permissible maximum mass not exceeding 3.5 tonnes is deferred until 1 January 2007 and has not yet come into operation. There is no evidence from road traffic statistics or Dangerous Goods Safety Adviser reports of significant numbers of accidents due to the product being carried or the level of training provided in this sector.

Feasibility

No problems are foreseen as it clarifies the existing 8.2.3 provisions.

Enforceability

Improved. Competent Authorities will be able to assess more easily whether training is indeed "appropriate".

Costs

None. The proposal will avoid the additional costs to industry of full ADR driver training for drivers of vehicles having a permissible maximum mass not exceeding 3.5 tonnes.
