

ECONOMIC COMMISSION FOR EUROPE INLAND TRANSPORT COMMITTEE

Working Party on the Transport of Dangerous Goods

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Item 5 (a) of the provisional agenda

PROPOSALS FOR AMENDMENTS TO ANNEXES A AND B OF ADR

Safety advisers and UN 3475

Transmitted by the Government of Switzerland

The RID-ADR-ADN 2009 has introduced a new entry UN 3475 ETHANOL AND GASOLINE MIXTURE. Petrol products are carried by dedicated companies. The specialisation of these firms goes so far that the regulator has introduced specific rules for them. One of these rules concerns the safety advisers. For this segment of the industry specific examinations are foreseen in 1.8.3.13. As an example, the fifth indent in 1.8.3.13 refers for the moment being to three UN-Nos only: 1202, 1203 and 1226. The introduction of the new entry UN 3475 in the dangerous goods list brings the following problems:

From the 1st of January 2009 many companies usually carrying petrol products similar to UN 3475 will not be allowed to carry UN 3475 simply because their safety adviser has no certificate of training covering this new entry. It should be borne in mind that in many cases these firms are often small contractors who have their own tank-vehicle, often even a unique transport unit, and they are at the same time owners of their company and the safety advisers of it. This could eventually cause a problem of supply of the mixtures of UN 3475 because of the lack of carriers in conditions to do their job conforming to the regulation. We wonder if all the concerned safety advisers of these companies will be able to extend within the 6 months transitional period their certificate of training. Even if they try to do so one should consider the following consequences:

These safety advisers will be obliged to pass an examination as new candidates for classes 3, 4.1, 4.2, 4.5, 5.1, 6.1, 6.2, 8 and 9. They will not be allowed to pass the examination as already holders of a safety adviser certificate and will be submitted, often after many years of profession, to an examination containing the case study specified in 1.8.3.12.4 (b) for all the mentioned classes. This alone could cause some big problems for this kind of specialized contractors. All this complicated procedures for only one UN entry seems excessive. One could argue that they could renounce to carry UN 3475. Who will do it then? As explained before, it happens that the profession is already so specialized that the number of companies in the position to carry the new entry will be extremely reduced. On the other hand there are no safety reasons which could justify to forbid the usual firms carrying UN 1202, 1203 and 1226 also to carry UN 3475.

In order to avoid probable supply difficulties for UN 3475 and unnecessary administrative burden and in many cases insurmountable difficulty to pass an examination on subjects not related with the professional life, namely case study for other classes than Class 3, it seems more reasonable to permit these safety advisers to cover since 1st of January 2009 also the UN 3475.

One should also consider that the new entry will be an important part of the market of petrol products. Without having the intention to prejudge the capacities of this contractors, the prohibition to many of those carriers to carry UN 3475 could be fatal for many of them because they will have problems after many years in the profession to become again good students and pass the examination for all other classes, particularly with the inclusion of the case study for situations that they have never experienced and they will never experience in their profession.

For these reasons we believe that the scope of the fifth indent in 1.8.3.13 should be extended to the new entry UN 3475 and a transitional period should be foreseen for those who usually are already carrying similar products.

These problems will arise since the 1st of January 2009 if nothing is done in the new provisions. The Joint Meeting is asked to consider the solution proposed hereafter for entry into force in 2009.

Proposal 1

Amend the fifth indent of 1.8.3.13 changing "and 1203" by "1203 and 3475".

Proposal 2

Add a new transitional measure:

1.6.1.19

Certificates of training as safety advisers limited for UN Nos 1202, 1203 and 1226 corresponding to the requirements of 1.8.3.13 in force up to 31 December 2008 are also valid for UN 3475.

Justification

In addition to the advantages mentioned above the transitional provision has the following advantage: Without the transitional provision, the holders of the certificate not having the mention of UN 3475 would be obliged from 1st of January 2009 to pass a new examination as non holders of certificate of training within 6 months. They would thus be subjected to an examination which includes the case study according to 1.8.3.12.4 (b). Such a measure seems disproportionate.
