
Economic Commission for Europe**Inland Transport Committee****Working Party on the Transport of Dangerous Goods****30 August 2013****Joint Meeting of the RID Committee of Experts and the
Working Party on the Transport of Dangerous Goods**

Geneva, 17-27 September 2013

Item 5 of the provisional agenda

Interpretation of RID/ADR/ADN**Classification of mixtures containing substances of classes
other than class 9 and substances of class 9****Note by the secretariat**

1. The secretariat has noted with interest the question raised by the Government of Germany in informal document INF.18 relating to the classification of mixtures containing dangerous substances and substances which are only marine pollutants, and inviting the Joint Meeting to confirm the interpretation made by the IMO E and T Group.

2. The classification procedures in the IMDG Code are nearly identical to those of the UN Model Regulations but there are important differences for the treatment of dangerous goods which belong to classes other than class 9, or to class 9 other than UN No. 3077 and UN No. 3082, but which also meet the criteria for substances hazardous to the aquatic environment/marine pollutants.

3. Similarly, the classification procedures in RID/ADR/ADN are almost the same as in the UN Model Regulations, but there are also important differences for the treatment of dangerous goods that additionally meet the criteria for substances hazardous to the aquatic environment.

4. In addition RID/ADR/ADN contain provisions for classification of mixtures, solutions and wastes which are much more precise than those contained in the UN Model Regulations or in the IMDG Code, and which do not currently leave much room for interpretation.

5. Informal document INF.18 presents the case of a mixture which contains two different dangerous substances:

- a substance of class 3, Acetone solution (UN No. 1090);
- a substance of class 9, epoxy resin, described as meeting the criteria for classification under UN No. 3082, environmentally hazardous substances.

6. It seems to the secretariat that this specific case is clearly addressed in paragraphs 2.1.3.5, 2.1.3.5.1, 2.3.1.5.2 and 2.3.1.5.4 of RID/ ADR/ADN, which means that:

- (1) According to 2.1.3.5, the mixture should be classified under a collective entry;
- (2) According to 2.1.3.5.4 and the table of precedence of hazards of 2.1.3.10, the mixture should be classified in class 3;

(3) According to 2.1.2.4 referred to in 2.1.3.5, the most relevant entry in class 3 is likely to be UN No. 1866 RESIN SOLUTION, flammable or otherwise UN No. 1993 FLAMMABLE LIQUID, N.O.S.

7. If the consignor considers that the most accurate entry is UN No. 1866, the description in the case of carriage in a chain of transport including maritime carriage could be, according to Chapter 5.4 of RID/ADR/ADN “UN No. 1866, RESIN SOLUTION, 3, II, MARINE POLLUTANT”.

8. If the consignor considers that UN No. 1866 is not appropriate and that the mixture should be classified as UN No. 1993, the description in the case of carriage in a chain of transport including maritime carriage could be, according to Chapter 5.4, special provision 274 and 3.1.2.8 of RID/ADR/ADN “UN No. 1993, FLAMMABLE LIQUID, N.O.S (mixture of acetone solution and epoxy resin), 3, II, MARINE POLLUTANT”.

9. The secretariat’s conclusions above are based on the current provisions of RID/ADR/ADN. The secretariat believes that these current provisions present the advantage of being clear and of not leading to divergent interpretations, when the current provisions of the UN Model Regulations and of the IMDG Code are unclear in this respect as shown by the request for interpretation by the IMO E and T Group.

10. However, the Joint Meeting may wish to recall that it had decided, at its spring 2013 session, to delete the “class 9” column of the table of precedence of hazards in 2.1.3.10, but it did not introduce in parallel any new provision clarifying that, except as otherwise specified, classes 1 to 8 take precedence, in principle, over class 9. Furthermore 2.1.3.4.2 was not amended, which means that:

- there are no general provisions for classification of goods possessing properties of one of the classes 1 to 8 and of class 9;

- the only provisions available are provisions where class 9 may take precedence in the case of UN Nos. 2315, 3151, 3152 and 3432.

11. Referring to the new provisions that should enter into force on 1 January 2015, it would not be possible to answer the question posed by the IMO E and T Group other than by an interpretation paragraph in the report of the Joint Meeting, because the reference to 2.1.3.10 in 2.1.3.5.4 was the only way to indicate the precedence of other classes over class 9 and this does not work any longer if the class 9 column is deleted. The secretariat believes that this is not a sound way to regulate classification issues, and suggests that the column “class 9” in 2.1.3.10 should not be deleted as long as detailed provisions on how to deal with such mixtures have not been developed, e.g.:

- general provisions stating that, unless otherwise specified, classes 1 to 8 always take precedence over class 9;

- if the E and T Group interpretation is to be accepted, detailed provisions on how to classify a mixture of a substance belonging to a class other than class 9, or to class 9 but other than UN No. 3077 and UN No. 3082, and a substance assigned to UN No. 3077 or UN No. 3082.

12. The Joint Meeting may wish to consider this issue.
