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Working Party on the Transport of Dangerous Goods

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Item 6 b) of the provisional agenda

**Proposals for amendments to Annexes A and B of ADR:
miscellaneous proposals**

Draft proposal to amend sub-sections 1.1.3.6.4 and 5.4.1.1.1 (f)

Transmitted by the International Road Transport Union (IRU)¹

¹ In accordance with the draft programme of work of the Inland Transport Committee for 2016-2017, (ECE/TRANS/WP.15/2015/19 (9.2)).

Summary

Executive summary:	<p>Following the delegates' decision at the last meeting of the Working Party, the IRU has been required to redraft its request that ADR contracting parties might analyse the subject, taking into account the various situations as explained concerning the tasks/responsibilities of non-ADR carriers.</p> <p>The interpretation of sub-section 5.4.1.1.1 f) poses problems for transport companies whose drivers are not familiar with the ADR.</p> <p>Drivers performing such deliveries on a daily basis may well be breaching the rules, as they generally do not have the ADR regulations and are hence unable to calculate the values (in calculated values) as per 1.1.3.6.</p> <p>The total quantity of dangerous goods for each transport category and the sum of these calculated values shall be indicated in the transport document in accordance with 1.1.3.6.3</p>
Action to be taken:	Amend Note 1 of sub-section 5.4.1.1.1 (f).

Introduction

1. The transport document(s) must contain the information set out in ADR sub-section 5.4.1.1. The current wording of ADR sub-section 5.4.1.1 (f) is as follows:

“the total quantity of each item of dangerous goods bearing a different UN number, proper shipping name or, when applicable, packing group (as a volume or as a gross mass, or as a net mass as appropriate);

NOTE 1: In the case of intended application of 1.1.3.6, the total quantity of dangerous goods for each transport category shall be indicated in the transport document in accordance with 1.1.3.6.3.”

2. The interpretation of sub-section 5.4.1.1.1 f) poses problems for transport companies whose drivers are not familiar with the ADR. Given that drivers do not necessarily receive ADR training confirmed by an exam according to subsection 8.2.2.1, and that contrary to the rules, the training according to section 8.2.3 which specifies minimal instruction adapted to drivers' responsibilities and role according to chapter 1.3 is rarely provided, drivers conduct their delivery tour without worrying about what might happen, as in the following example:

3. A driver without an ADR training certificate makes his delivery tour as follows:

- At 14 h, he gets a call from the shipping office to pick up goods from company X.
 - 20 litres UN 1016 carbon monoxide, compressed, 2.3 (2.1).
- At about 14.40 h, he gets a new pick-up order :
 - 30 litres UN 1090 Acetone, 3, II ; from company Z.
- And finally, a third pick-up order at 15.30 h:

- 50 litres UN 1888 Chloroform, 6.1, III.

Observations

4. As stated during the last meeting of the Working Party, it would be useful for all participants involved in the transport operations to indicate the ‘calculated values’ on the transport document, when availing of 1.1.3.6. This proposal was agreed in principle by Contracting Parties.
5. As indicated by several Contracting Parties, when consignors and carriers choose to avail of 1.1.3.6, this information should be provided in an appropriate way in the transport document. The latter should include all necessary references to transport categories, as well as the calculated values as provided in 1.1.3.6.4.
6. ADR sub-section 5.4.1.1 does not specify the calculated values required to determine the maximum quantity as per sub-section 1.1.3.6. In theory, this implies that drivers must know all of the calculations according to the transport category for each type of dangerous goods.
7. ADR Contracting Parties were of the opinion that such a decision implies more responsibility on the (untrained) driver than there should be. The carrier is ultimately responsible and should have all the calculations completed before the driver commences his journey. He should give clear directions to the driver that he will be picking up dangerous goods as part of his load, who the consignor(s) will be, what to look for in the transport document etc. - or if appropriate in certain circumstances, to train the driver to do the calculation. It is not a blind pick up service: the driver needs to be better trained.
8. Unfortunately, the transport category is not necessarily indicated on the transport document if there is only one item being transported, given that a carrier may be assigned to several shipping companies, as demonstrated in our example.
9. The calculation method is provided only as part of ADR driver training.
10. If one applies 1.1.3.6, non ADR drivers should be trained according to ADR Chapter 1.3, which is virtually never the case in practice.
11. So in the above example, can this driver perform the carriage? If not, at which stage should he decline the load?

Proposal

12. All participants in a dangerous goods transport chain must receive training that is **appropriate to their duties**, in accordance with ADR 1.3, and this includes drivers (without certification) instructed to pick up dangerous goods loads under exemption 1.1.3.6.
13. Drivers performing such deliveries on a daily basis may well be breaching the rules, as they generally do not have the ADR regulations and are hence unable to calculate the values (in calculated values) as per 1.1.3.6.
14. In practice and for ADR trained drivers, one only uses calculated values (rather than the quantity in litres or kg). Therefore, non-ADR drivers never know if they may or may not carry dangerous goods in accordance with 1.1.3.6.
15. They usually consider that one may lawfully carry such goods up to 1000 kg or 1000 litres. This is a serious mistake.

16. If each transport document gave the sum of calculated values, the calculation would be as follows:

- UN 1016 carbon monoxide, compressed, 2.3 (2.1); 20 litres:
1000 ADR (calculated values)
- UN 1090 Acetone, 3, II; 30 litres:
90 ADR (calculated values)
- UN 1888 Chloroform, 6.1, III; 50 litres:
150 ADR (calculated values)

17. If the transport document indicated the sum of calculated values, the driver would know that he may carry either only the carbon monoxide, or the acetone with the chloroform. But if the transport document only mentions the quantity in kg or litres as foreseen in 5.4.1.1.1 f), the driver cannot assess the values for the maximum quantity and exposes himself to sanctions despite genuinely thinking that he is within his rights.

18. Draft proposal to amend sub-section 1.1.3.6.4. At the end of the section; after “1000” add “calculated values”, which shall read:

“Shall not exceed “1000” calculated values”

The amendment clarifies the information in the transport document when consignors/carriers avail of 1.1.3.6.

19. Draft proposal to amend sub-section 5.4.1.1.1 (f) of the European Agreement Concerning the International Carriage of Dangerous Goods by Road:

Amend Note 1 in sub-section 5.4.1.1.1 (f) to read as follows (changes **in bold**):

*“NOTE 1: In the case of intended application of 1.1.3.6, the total quantity of dangerous goods for each transport category **and the sum of these calculated values of 1.1.3.6.4** shall be indicated in the transport document in accordance with 1.1.3.6.3.”*

Justification

Safety: Clear text improves the transport safety.

Feasibility: Avoids any confusion in the interpretation of texts.

Facilitates the application of sub-sections 1.1.3.6 and 5.4.1.1.1 (f).
