



# Economic and Social Council

Distr.: General  
26 June 2018

Original: English

---

## Economic Commission for Europe

### Inland Transport Committee

#### Working Party on the Transport of Dangerous Goods

##### Joint Meeting of the RID Committee of Experts and the Working Party on the Transport of Dangerous Goods

Geneva, 17–21 September 2018

Item 6 of the provisional agenda

##### Reports of informal working groups

### **Carriage of pressure receptacles approved by the Department of Transportation of the United States of America (DOT)**

**Transmitted by the European Industrial Gases Association (EIGA)\*, \*\***

#### **Introduction**

1. At the Joint Meeting in March 2018 the representative of EIGA submitted ECE/TRANS/WP.15/AC.1/2018/3. This document proposed an amendment to RID/ADR/ADN as well as continuing the process of updating the Joint Meeting on the progress being made on the submission of a “Petition for Rulemaking” to permit certain European pressure receptacles to be temporarily imported into the United States of America. As a reminder, this submission is to request for suitable amendments to be made to 49 CFR to create in the United States of America, use and freedom of carriage for pressure receptacles conforming to RID/ADR similar to that conferred on DOT cylinders under multilateral agreement M299.

2. The proposal in ECE/TRANS/WP.15/AC.1/2018/3 was discussed and this is reported in ECE/TRANS/WP.15/AC.1/150, paragraphs 55-57. The report noted the progress being made in the regulatory procedures in the United States of America. Some delegations expressed concern about a new paragraph that had been introduced by EIGA that would

---

\* In accordance with the programme of work of the Inland Transport Committee for 2018-2019, (ECE/TRANS/2018/21/Add.1, Cluster 9 (9.2)).

\*\* Circulated by the Intergovernmental Organisation for International Carriage by Rail (OTIF) under the symbol OTIF/RID/RC/2018/22.

permit empty DOT cylinders to be imported under RID/ADR, filled and then exported. Following a brief discussion, EIGA agreed to withdraw this paragraph as it was not part of the scope of M299.

3. When reviewing the EIGA proposal, delegates requested a detailed comparison of draft amendments to Title 49 of the United States Code of Federal Regulations (49CFR) and those proposed for RID/ADR/ADN.

4. As was noted in ECE/TRANS/WP.15/AC.1/2018/3, a comment had been received during the public consultation stage regarding the inclusion of Class 2 adsorbed gases that are included within packing instruction P208. EIGA has included this in its proposal indicating where this would be included in the CFR. EIGA remains of the view that this is an omission that should have been included in M299. This is a relatively new technology and not widely used which may explain why adsorbed gases were not included either in the original proposal to amend RID/ADR or CFR49.

5. Details of the Petition for Rulemaking can be found at [www.regulations.gov/docket?D=PHMSA-2017-0026](http://www.regulations.gov/docket?D=PHMSA-2017-0026). This includes the comments relating to adsorbed gases.

6. The table in the Annex to this document shows each part of the proposal to amend the RID/ADR/ADN alongside the equivalent part of the Petition for Rulemaking for changes to CFR.

7. As substantial progress has been made with the submission of the Petition for Rulemaking, EIGA would now like to make a formal proposal to amend the 2021 edition of RID/ADR/ADN.

8. In addition, as any proposal will not be included in the 2019 editions of RID/ADR/ADN, and as was noted at the Spring 2018 session of the Joint Meeting, EIGA proposes that a new multilateral agreement is drafted ready to replace M299 that expires on 1 June 2019. This new multilateral agreement would cover the period from 1 June 2019 until the regulations had been amended, hopefully 1 January 2021.

## Draft proposal

9. The text is based on the ADR multilateral agreement M299 with the inclusion of Class 2 gases of packing instruction P208.

10. The proposal has been drafted for inclusion in ADN as well as RID and ADR. EIGA is not aware of any need to transport DOT cylinders by inland waterways, but has included this option for the sake of keeping the different modes aligned.

11. EIGA suggests that the most appropriate place for this text is in section 1.1.4 (*Applicability of other regulations*) of RID/ADR/ADN as follows.

“1.1.4.6 (Reserved) (ADR only)

1.1.4.7 Notwithstanding 6.2.3.4, 6.2.3.5, 6.2.3.6, 6.2.3.7, 6.2.3.8 and 6.2.3.9 of ADR/RID gases and liquids listed in the tables of 4.1.4.1 P200 and P208 of ADR/RID imported in accordance with 1.1.4.2 in refillable pressure receptacles approved by the United States of America Department of Transportation may be carried from the location of the temporary storage to the end-user under the following conditions:

- a) When imported from a non-ADR contracting party/non-RID member state/non-ADN contracting party, the conformity of the pressure receptacles to this sub-section shall be verified and recorded by the

consignor. The verification record shall be kept for five years to allow for inspection by the competent authority and shall include the identification of the pressure receptacles, the name of the person making the verification and the date.

- b) The pressure receptacles shall be marked and labelled in accordance with Chapter 5.2 of RID/ADR/ADN.
- c) All relevant requirements of RID/ADR/ADN with regard to filling ratios and periodic testing frequency shall be fulfilled.
- d) When the pressure receptacles are empty or when the end-user has no further use for the gas or liquid, the pressure receptacles shall not be refilled and shall be returned to the country from which they were imported.
- e) The consignor for the ADR/RID/ADN journey shall include the following entry in the transport document:

“Carriage in accordance with 1.1.4.7”.

## Annex

Comments which are not part of the proposed texts are shown in *italics*. The additions made as a result of the DOT comment process are shown in square brackets

	<b>Proposed changes to RID/ADR/ADN</b>	<b>Proposed change to CfR §171.23(a)</b>
1.1.4.7	Notwithstanding 6.2.3.4, 6.2.3.5, 6.2.3.6, 6.2.3.7, 6.2.3.8 and 6.2.3.9 of ADR/RID gases and liquids listed in the tables of 4.1.4.1 P200 and P208 of ADR/RID imported in accordance with 1.1.4.2 in refillable pressure receptacles approved by the United States of America Department of Transportation may be carried from the location of the temporary storage to the end-user under the following conditions:	(3) Pressure receptacles that are marked with a pi mark in accordance with the European Directive 2010/35/EU on transportable pressure equipment (TPED) and that comply with the requirements of Packing Instruction P200 [or P208] and 6.2.2 of ADR concerning pressure relief device (PRD) use, test period, filling ratios, test pressure, maximum working pressure, and material compatibility for the lading contained or gas being filled, are authorized as follows: (i) Filled pressure receptacles imported for intermediate storage, transport to point of use, discharge, and export without further filling; and
	<i>There is no equivalent EIGA proposal for this CfR text</i>	(ii) Pressure receptacles imported [or domestically sourced] for the purpose of filling, intermediate storage, and export.
	(a) When imported from a non-ADR contracting party/non-RID member state/non-ADN contracting party, the conformity of the pressure receptacles to this sub-section shall be verified and recorded by the consignor. The verification record shall be kept for five years to allow for inspection by the competent authority and shall include the identification of the pressure receptacles, the name of the person making the verification and the date.	<i>There is no requirement in CfR for this record keeping as proposed by EIGA.</i>
	(b) The pressure receptacles shall be marked and labelled in accordance with Chapter 5.2 of RID/ADR/ADN.	<i>There are labelling requirements in CfR</i>
	(c) All relevant requirements of RID/ADR/ADN with regard to filling ratios and periodic testing frequency shall be fulfilled.	<i>The petition is asking for compliance to P200 not to CfR, though there is little variation.</i>
	(d) When the pressure receptacles are empty or when the end-user has no further use for the gas or liquid, the pressure receptacles shall not be refilled and shall be returned to the country from which they were imported.	<i>Point (i) of the petition shown above and repeated here cover this:</i> (i) Filled pressure receptacles imported for intermediate storage, transport to point of use, discharge, and export without further filling;
	(e) The consignor for the ADR/RID/ADN journey shall include the following entry in the transport document: "Carriage in accordance with 1.1.4.7".	<i>Not relevant to CfR.</i>