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

Geneva, 17–27 September 2019

Item 5 (b) of the provisional agenda

Proposals for amendments to RID/ADR/ADN:

New proposals

Classification of substances of Class 9 other than environmentally hazardous substances

Transmitted by the Government of Switzerland*, **

Summary

Executive summary: The preponderance of other hazards in Class 9 in relation to the environmental hazard must be clarified.

Action to be taken: Amend the text of 2.2.9.1.10.6 and 2.1.3.8 to make clear that, for given dangerous goods, the entries of UN Nos. 3077 and 3082 are applicable only if no other entry of Class 9 is applicable.

Introduction

1. The question of the classification and marking of other substances in Class 9 that in addition meet the criteria for classification as environmentally hazardous substances in 2.2.9.1.10.6 is not adequately addressed in RID/ADR.
2. 2.2.9.1.10.6 of RID/ADR stipulates the following:

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

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“2.2.9.1.10.6 Assignment of substances or mixtures classified as environmentally hazardous substances (aquatic environment) according to the provisions in 2.2.9.1.10.3, 2.2.9.1.10.4 or 2.2.9.1.10.5

Substances or mixtures classified as environmentally hazardous substances (aquatic environment), not otherwise classified under RID/ADR shall be designated:

UN No. 3077 ENVIRONMENTALLY HAZARDOUS SUBSTANCE, SOLID, N.O.S.; or

UN No. 3082 ENVIRONMENTALLY HAZARDOUS SUBSTANCE, LIQUID, N.O.S.

They shall be assigned to packing group III.”

3. At the same time, 5.2.1.8.1 of RID/ADR stipulates the following:

“5.2.1.8.1 Packages containing environmentally hazardous substances meeting the criteria of 2.2.9.1.10 shall be durably marked with the environmentally hazardous substance mark shown in 5.2.1.8.3”.

4. On the one hand, substances or mixtures shall only be assigned to entries of UN Nos. 3077 or 3082 if they are not otherwise classified according to RID/ADR; on the other, whatever the contained dangerous goods, when they contain environmentally hazardous goods, the consignment must be identified with the mark shown in paragraph 5.2.1.8.3.

5. In some cases, such as elevated temperature substances of UN No. 3257 that at the same time meet the criteria for environmentally hazardous substances, for example, it is not possible to decide whether they should be assigned to the entry of UN No. 3257 or 3082. The information on the orange-coloured plate is different depending on the case. Instead of 99/3257 for UN No. 3257, we would have 90/3082 for UN No. 3082. The latter does not provide all the necessary information to the persons involved.

6. The wording of the second sentence of 2.1.3.8 is even misleading: “Other substances meeting the criteria of no other class, but those of 2.2.9.1.10 are to be assigned to UN Nos. 3077 and 3082 as appropriate.” It may thus be concluded that other substances of Class 9 meeting the criteria of 2.2.9.1.10 are to be assigned to UN Nos. 3077 and 3082 as appropriate.

7. This conclusion is contrary to that in 2.9.2 of the UN Model Regulations, which reads as follows:

These designations [i.e. UN Nos. 3077 and 3082] are used for substances and mixtures which are dangerous to the aquatic environment that do not meet the classification criteria of any other class or another substance within Class 9.”

8. It may be inferred from the text of the Model Regulations that the entries of UN Nos. 3077 and 3082 are not to be used if another entry of Class 9 (or another class) can be assigned to a given product.

9. In order to clarify the text of RID/ADR, we propose the introduction of the wording used in 2.9.2 of the Model Regulations into 2.2.9.1.10.6 and to amend 2.1.3.8 in the following manner.

10. Considering that ADN does not contain a paragraph 2.2.9.1.10.6 and that the provisions of 2.2.9.1.10.1 with respect to the preponderance of hazards in Class 9 are clear, in ADN, only subsection 2.1.3.8 should be amended.

Proposals

11. In 2.2.9.1.10.6 RID/ADR, amend the text as follows (the added text is shown in bold and underlined and the deleted text in strikethrough):

“2.2.9.1.10.6 Assignment of substances or mixtures classified as environmentally hazardous substances (aquatic environment) according to the provisions in 2.2.9.1.10.3, 2.2.9.1.10.4 or 2.2.9.1.10.5

Substances or mixtures classified as environmentally hazardous substances (aquatic environment) ~~; not otherwise classified under RID/ADR~~ **that do not meet the classification criteria of any other class or another substance within Class 9** shall be designated:

UN No. 3077 ENVIRONMENTALLY HAZARDOUS SUBSTANCE, SOLID, N.O.S.; or

UN No. 3082 ENVIRONMENTALLY HAZARDOUS SUBSTANCE, LIQUID, N.O.S.

They shall be assigned to packing group III.”

12. In 2.1.3.8 of RID/ADR/ADN, amend the text as follows (the added text is in bold)

“2.1.3.8 Substances of classes 1 to 6.2, 8 and 9, other than those assigned to UN Nos. 3077 and 3082, meeting the criteria of 2.2.9.1.10 are additionally to their hazards of classes 1 to 6.2, 8 and 9 considered to be environmentally hazardous substances. Other substances meeting the criteria of no other class **or of no other substance of Class 9** but those of 2.2.9.1.10 are to be assigned to UN Nos. 3077 and 3082 as appropriate.”

Justification

13. In the example of elevated temperature substances it becomes clear that, if they meet the requirements of UN No. 3257, they should not be transported under UN No. 3082. Thus, the information provided by the orange-coloured plates and the placards will correspond to the primary hazard without neglecting the environmental hazard, because the mark shown in 5.2.1.8.3 must also be present according to 5.3.6.1 if at the same time they meet the criteria of 2.2.9.1.10.