ECONOMIC COMMISSION FOR EUROPE

MEETING OF THE PARTIES TO THE CONVENTION ON THE PROTECTION AND USE OF TRANSBOUNDARY WATERCOURSES AND INTERNATIONAL LAKES

CONFERENCE OF THE PARTIES TO THE CONVENTION ON THE TRANSBOUNDARY EFFECTS OF INDUSTRIAL ACCIDENTS

Intergovernmental Working Group on Civil Liability

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PURPOSE OF DEFINING HAZARDOUS SUBSTANCES FOR THE HAZARDOUS ACTIVITIES

(Submitted by the Joint ad hoc expert group on water and industrial accidents[2])

This paper contains a draft of annex I on Hazardous substances and their threshold quantities for the purposes of defining hazardous activities under the new legally binding instrument on civil liability for transboundary damage caused by hazardous activities within the scope of the Water and Industrial Accidents Conventions as agreed on by the joint ad hoc expert group on water and industrial accidents.

The draft annex was drawn up by the Joint ad hoc expert group on water and industrial accidents, at its meeting in Budapest on 15-16 April 2002[3], in response to a request made by the Intergovernmental Working Group on Civil Liability. It takes into account the scope of application of the future instrument - damage resulting from pollution of transboundary waters caused by an industrial accident at a hazardous activity – as decided by the Working Group at its second meeting on 4-6 February 2002.

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[1] This paper has not been formally edited.
[2] This is a joint body under the auspices of the Meeting of the Parties to the Water Convention and the Conference of the Parties to the Industrial Accidents Convention.
[3] The meeting of the Joint ad hoc expert group was attended by experts representing ten UNECE member countries.

Annex I

Hazardous substances and their threshold quantities for the purpose of defining hazardous activities

1. The threshold quantities set out below relate to each activity or group of activities.

2. Where a substance or preparation named in part II also falls within a category in part I, the threshold quantity set out in part II shall be used.

PART I. ***Categories of substances and preparations not specifically named in part II***

Category	*Threshold Quantity (Tonnes)*
1. Very toxic [1(a)] ……....	20
2. Toxic [1(b)] ……...	200
3. Dangerous for the environment [1(c)] ……..	200

PART II. ***Named substances***

Substance	*Threshold Quantity (Tonnes)*
"Petroleum products: (a) gasolines and naphthas, (b) kerosenes (including jet fuels), (c) gas oils (including diesel fuels, home heating oils and gas oil blending streams)"	25000

Notes:

1. Indicative criteria. In the absence of other appropriate criteria such as e.g. the EU classification criteria for substances and preparations, the Parties may use the following criteria when classifying substances or preparations for the purposes of part I of this annex.

(a) VERY TOXIC: substances with properties corresponding to those in table 1 or table 2 below, and which, owing to their physical and chemical properties, are capable of creating industrial accident hazards;

Table 1

LD50(oral)(1) mg/kg body weight	LD50(dermal)(2) mg/kg body weight
LD50 ≤ 25	LD50 ≤ 50

Table 2

Discriminating dose mg/kg body weight	< 5

where the acute oral toxicity in animals of the substance has been determined using the fixed-dose procedure.

(b) TOXIC: substances with properties corresponding to those in table 3 or 4 and having physical and chemical properties capable of creating industrial accident hazards;

Table 3

LD_{50}(oral)(1) mg/kg body weight	LD_{50}(dermal)(2) mg/kg body weight
$25 < LD_{50} \leq 200$	$50 < LD_{50} \leq 400$

Table 4

Discriminating dose mg/kg body weight	5 to <50

where the acute oral toxicity in animals of the substance has been determined using the fixed-dose procedure.

(c) DANGEROUS FOR THE ENVIRONMENT: substances showing the values for acute toxicity to the aquatic environment corresponding to table 5;

Table 5

LC50(1) mg/l LC50 ≤ 10	EC50(2) mg/l EC50 ≤ 10	IC50(3) mg/l IC50 ≤ 10
(1) LC50 fish (96 hours)		
(2) EC50 daphnia (48 hours)		
(3) IC50 algae (72 hours)		

where the substance is not readily degradeable, or the log Pow > 3.0 (unless the experimentally determined BCF < 100)

(d) LD - lethal dose;

(e) LC - lethal concentration ;

(f) EC - effective concentration ;

(g) IC - inhibiting concentration;