

COMMITTEE OF EXPERTS ON THE TRANSPORT OF
DANGEROUS GOODS AND ON THE GLOBALLY
HARMONIZED SYSTEM OF CLASSIFICATION
AND LABELLING OF CHEMICALS

Sub-Committee of Experts on the

Transport of Dangerous Goods

(Twenty-first session, 1-10 July 2002,

Agenda 11(a))

GLOBAL HARMONISATION OF SYSTEMS OF CLASSIFICATION AND LABELLING
OF CHEMICAL

Environmentally Hazardous Substances

Comments on document ST/SG/AC.10/C.3/2002/51 (Italy)

Transmitted by the expert from the United Kingdom

1. The expert from the United Kingdom considers it essential for the Committee to adopt text at the end of the current biennium to reflect the final GHS criteria for substances and mixtures deemed to be hazardous to the environment - as adapted for transport - in the next revised edition of the Model Regulations. It will be then particularly important to have given a clear lead at modal level when IMO comes to prepare Amendment 32-04 to the IMDG Code and to revise Annex III to MARPOL. Subject to there being no risk whatever of prejudicing the agreement at the twentieth session of the Sub-Committee to proceed with the text we proposed (see document ST/SG/AC.10/C.3/40/Add.2), the United Kingdom is ready to review favourably most of the ideas proposed now by Italy.

2. For obvious reasons the drafts proposed successively by the United Kingdom preserved the exact language used in the various OECD draft documents, but now that there is an agreed 'transport' text, it is true that many of the drafting changes proposed to it by Italy would help to make it read more like regulatory text and conform more to the wording of classification criteria in other chapters of Part 2 of the *Model Regulations*. Quoting by reference the (almost) definitive OECD document ENV/JM/MONO (2001) 6 may remove the need for the lengthy footnotes that caused concern in the past. Assuming that the 13 Rationale Notes will be found in the definitive GHS document, which will be referenced, the United Kingdom could agree to deleting them from the adopted 'transport' text.

3. It is also proposed to delete the table in 2.9.2.6, which is the abbreviated version for transport of the final agreed GH table, presumably because in fact it duplicates the immediately following flowchart? This too would be correct for regulatory text, but the effect is to break the link with the GHS work from which the transport scheme derives. At the very least the secretariat should have this historical material on record. The United Kingdom's preference would be to include this in the proposed UN Model Regulations Guiding Principles.

4. It is not clear why Italy's document includes both Annexes A and B from the United Kingdom's document ST/SG/AC.10/C.3/2001/39, but with all the text deleted, since neither was included with the adopted text in ST/SG/AC.10/C.3/40/Add.2, but again perhaps the Sub-Committee should consider retaining this historical material in the Guidance Document? But it will be important for this historical material to be available at IMO when the Dangerous Goods, Solid Bulk Cargoes and Containers Sub-Committee addresses this subject.

5. The expert from the United Kingdom does not agree with the proposed deletion of the mixtures bridging principle text. It is suggested that it would be more appropriate to discuss this concept in a more general context applicable to other classes. Possible future parallels might be seen in division 6.1 and class 8, but the preparation of suitable proposals – presumably initially at GHS level – and their discussion, agreement and adoption could last for years. In the meantime, without these bridging principles for mixtures of potentially environmentally hazardous substances in December 2002, the Transport Committee will not have a complete transport version of the final GHS system.

6. The new text in 2.9.2.1.1 runs “.....solutions and mixtures of such substances (such as preparations and wastes).”, but ‘such as’ should surely be ‘including’?

7. The proper shipping names quoted in 2.9.2.8 are still shown in square brackets, but in fact no written proposals have been made to amend these to reflect some form of aquatic pollution only, as was once mooted. The square brackets should therefore now be deleted.

8. Proposals

The expert from the United Kingdom now proposes;

- (a) To retain material linking the ‘transport’ text to the GHS system in the proposed UN Model Regulations Guiding Principles document.
- (b) To retain the text relating to bridging principles for mixtures and included in ST/SG/AC.10/C3/40/Add 2.
- (c) To Amend 2.9.2.1.1 proposed by Italy.
- (d) To remove the square brackets around the proper shipping names in 2.9.2.8.