

## 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

5 March 2021

Bern, 15–19 March 2021

Item 5 (b) of the provisional agenda

Proposals for amendments to RID/ADR/ADN

### Environmentally hazardous paints and printing inks

Transmitted by The European Council of the Paint, Printing Ink, and  
Artist's Colours Industry (CEPE)

#### Introduction

1. There has been a consistent move from solvent-borne paints and inks to water-borne versions. This trend reduces volatile organic solvents (VOCs) to protect the environment. It is done to meet regulatory obligations or, voluntarily, for social responsibility reasons. The move results in an increase in the number of paint and printing inks coming into the scope of the transport of dangerous goods regulations because of classification as environmentally hazardous under GHS. However, it has created problems and concerns within industry as water-borne paints contain biocides to protect against spoilage of the product. Most recently the 15<sup>th</sup> ATP to the European Union (EU) Classification, Labelling and Packaging regulation (CLP) has adopted changes in classification which will mean that products containing > 0.025% of the preservatives DCOIT, OIT and ZnPT will be classed as UN 3082, PG III.
2. Preservatives are important to ensure that the performance and shelf-life of the products are maintained to avoid spoilage and unnecessary waste. Due to the lack of availability of alternatives substitution of these preservatives can be difficult.
3. Under EU CLP, companies have 18 months to make labelling changes in response to a change in classification. The 15<sup>th</sup> ATP applies from the **1<sup>st</sup> March 2022**. As dangerous goods, these products will come within the scope of packaging requirements for dangerous goods.
4. UN approved packaging required to carry these products in quantities above 5 litres is not yet available for all product types as they are not very well suited for the paint industry. Plastic packaging is predominantly used for water-borne paints, due to the type of closure used allowing for the product to be reopened and closed for in-store tinting. Previously, the requirement for UN approved packaging for water-borne decorative paints has been very limited and availability for this type of packaging in the market reflects this.
5. The current timeframe to make these changes to ensure products can continue to be carried under ADR is insufficient. It is technically challenging throughout the whole value chain to develop UN packaging to meet the requirement for decorative paints both in plastic and metal within 18 months. The packaging industry need time to adapt to the changes in regulations and develop new packaging solutions.
6. Special Packing Provision PP1 in P001 exempts packaging of paints and inks, assigned to UN 3082 in quantities of 5 litres or less per packaging from the requirement to use UN approved packaging if carried in accordance with provisions detailed in PP1. Furthermore, small quantities up to 5 litres of UN 3082 are not subject to any other provisions of the ADR, provided that the packaging meets the general provisions of 4.1.1.1, 4.1.1.2 and 4.1.1.4 to 4.1.1.8.

## Proposal

7. In accordance with the transitional arrangements of Chapter 1.6 of ADR:

(a) Environmentally hazardous materials of UN 3082, PG III may continue to be carried in non-UN packaging until June 30<sup>th</sup>, 2027 if all other applicable criteria are fulfilled.

(b) The transitional arrangement is only applicable to products carried in packagings of 30 litres or less per packaging.

(c) GHS/CLP and all other mandatory requirements in ADR shall continue to be met.

8. CEPE hope that the Joint Meeting will recognise the importance of the issues raised in this paper and will be minded to adopt the change relating to Class 9 products in accordance with the proposal.

## Justification

9. Paint and printing ink are extremely high volume commodities in the global marketplace. Current data suggests that some 50% of the paint and printing ink shipped is water-borne, a high percentage of which is now regulated in Class 9. In the European Union alone, this is estimated to exceed some 5 million tonnes per annum. These water-borne and high flash-point products have historically been transported as unregulated products, as they presented little or no safety risk, when compared with those of PG III for flammability or corrosivity.

10. A transitional period for paints, printing inks and related materials which are currently assigned to UN 3082 would ensure industry to continue transporting these materials whilst the necessary changes are made to the formulation or packaging without prejudicing safety or the work of emergency responders.

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