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## Committee of Experts on the Transport of Dangerous Goods and on the Globally Harmonized System of Classification and Labelling of Chemicals

15 June 2021

### Sub-Committee of Experts on the Transport of Dangerous Goods

#### Fifty-eighth session

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Item 11 of the provisional agenda

#### Unified interpretations of the Model Regulations

## Unified Interpretations of the Model Regulations

### Transmitted by the expert from the United States of America

### Introduction

1. The concept of unified interpretations was added to the agenda at the fifty-seventh session of the Sub-Committee based on document ST/SG/AC.10/C.3/2020/73.
2. The Model Regulations present a global framework of provisions that allow uniform development of national and international safety regulations governing the various modes of transport. The Model Regulations are updated on a biennial cycle and then various modal, national, or regional regulations incorporate or align with these regulations.
3. While there remains the need to continuously address new technologies and evolving risk in the transportation system, the Model Regulations are relatively mature. Many proposals submitted to this Sub-Committee arise from questions concerning the applicability of existing provisions in the Model Regulations (e.g., ST/SG/AC.10/C.3/2021/2, ST/SG/AC.10/C.3/2021/5, and ST/SG/AC.10/C.3/2021/7).
4. The safety provisions of the Model Regulations are primarily performance based and can be subject to interpretation. Differing interpretations of key provisions of the Model Regulations, and implementing regulations, can provide uncertainty for carriers, offerors, and competent authorities. This regulatory uncertainty may lead to misapplication of the Model Regulation provisions or differing requirements being implemented in multiple countries/regions potentially creating confusion, multiple sets of requirements for the same shipment, or potentially the misapplication of safety provisions. Individual competent authorities are often compelled to interpret the intent of the provisions of the Model Regulations. No mechanism for a unified interpretation of the Model Regulations exists within the Sub-Committee.

### Discussion

5. There are examples of interpretations being provided in various modal, regional, and national administrations. The agreement concerning the International Carriage of Dangerous Goods by Road (ADR) provides interpretation statements adopted by the Working Party on the Transport of Dangerous Goods.<sup>1</sup> The International Maritime Organization (IMO) utilizes a system of Unified Interpretations (UIs) to address interpretation of existing regulatory issues. In IMO practice, UIs are approved by the respective committees to ensure uniform application of technical requirements or to provide more specific guidance on certain provisions. The UIs are published as circulars of the committees, inviting member governments to apply the UIs as appropriate or to use them as guidance and to bring them to

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<sup>1</sup> <https://unece.org/transportdangerous-goods/adr-interpretation-list>

the attention of all parties concerned. The United States of America provides letters of interpretation of their domestic regulations.<sup>2</sup>

6. This paper proposes to continue the discussion on the merits and potential mechanics of providing interpretations of the Model Regulation provisions. In addition, any information that modal, regional, or national parties may have concerning other mechanisms utilized for providing interpretations of dangerous goods regulations or experience in working with existing interpretation systems are requested.

### **Action requested**

7. The Sub-Committee is invited to discuss the merits of providing a unified interpretation system for provisions in the Model Regulations. If time and technology allow and the discourse warrants additional discussion a lunch time informal discussion may be useful.

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<sup>2</sup> <https://cms7.phmsa.dot.gov/regulations/title49/b/2/1>