



**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****Sixtieth session**

Geneva, 27 June-6 July 2022

Item 11 of the provisional agenda

Unified interpretations of the Model Regulations**Direct delivery of dangerous goods to end customers
(overpacks)****Submitted by the Council On Safe Transportation of Hazardous
Articles (COSTHA)*****Introduction**

1. At the March 2022 session of the Joint Meeting of the RID Committee of Experts and the Working Party on the Transport of Dangerous Goods (WP.15/AC.1), COSTHA presented the following paper as an informal document to gather input for a future proposal. The document was submitted late, but many delegations were able to provide initial comments on the subject. Although this document addresses issues specific to the Agreement concerning the International Carriage of Dangerous Goods by Road (ADR), COSTHA would like to draw the Sub-Committee's attention to the discussion, and specifically the differences in the definition of "overpack" between the UN Model Regulations and the ADR. Because this discussion may have impacts regionally and beyond countries that utilize the annexes of ADR for ground regulations, we would appreciate any comments on the topic from the Subcommittee.

Informal document previously submitted to Joint Meeting

2. The amount of dangerous goods transported directly to end consumers has increased in volume in recent years. However, the ADR, as written, predominantly covers transportation between businesses whether those businesses are manufacturers, shippers, retail locations, or distribution sites. The direct delivery to an end consumer has historically been handled by parcel delivery companies, postal services, and the consumer themselves. To that end, the regulations have exceptions intended to limit the transport requirements for some of these types of shipments through the concept of limited quantity, which we support. COSTHA supports risk-based regulations and believes there are some minimum requirements such as "suitable outer packagings" and marking that may need to be clarified.

* A/75/6 (Sect.20), para. 20.51

3. For example, when limited quantity materials are packaged and further consigned within an overpack, the regulations require the overpack to be marked according to 3.4.11 of the ADR (LQ mark and “Overpack”). However, direct-to-consumer companies (parcel delivery and postal services) have the established practice of using a handling device (bag) during delivery operations and it is unclear if these bags constitute overpacks. When dealing with operations involving a box truck or lorry, similar bags are utilized to ease the loading and organization of trucks. The bags also increase the overall safety of these parcels in transport by providing yet another level of containment and protection. These bags are then unloaded at different stops along a delivery route. Similar bags are utilized in other operations such as delivery by bike and hand delivery. Postal services and other delivery operations involving the hand carriage of parcels will often utilize bags to facilitate the person tasked with carrying multiple parcels. Bike services utilize bags to ease the burden of steering the bike while handling additional packages.

4. Within the ADR, these bags could be interpreted as meeting the definition of “Overpack” (“an enclosure to contain one or more packages”). However, throughout the delivery route, the contents of these bags are constantly changing as the driver delivers individual parcels. Since these bags contain both marked and unmarked dangerous goods, a driver/delivery person will not know at any given time when the final marked dangerous good is removed from the bag. Once the last package containing dangerous goods is removed from the bag, the marking required for an overpack would need to be removed from the exterior of the bag, when it is no longer applicable or appropriate according to the regulations. Not removing this marking would communicate a hazard that does not exist and would be violating the regulations. Complying, and removing the marks, would place a burden on a driver/delivery person whose primary duty is the safe navigation and delivery of the packages.

5. Based on our interpretation of the regulations, we do not believe that these bags are “overpacks” based on the use (delivery operations) and the original concept of an overpack (consolidating packages for transport from point A to point B). Delivery operations are more dynamic (changing contents of packages), and last mile delivery companies are utilizing these bags to facilitate more efficient delivery operations while providing some additional (ancillary) safety benefits to the operation. Additional safety benefits would include limiting the potential for a package to be dropped/impacted or to fall within the vehicle.

Definition of overpack

6. In the Model Regulations, an overpack *means an enclosure used by a single consignor to contain one or more packages and to form one unit for convenience. Examples of overpacks are a number of packages either:*

- (a) *Placed or stacked onto a load board such as a pallet and secured by strapping, shrink wrapping, stretch wrapping, or other suitable means; or*
- (b) *Placed in a protective outer packaging such as a box or crate.*

7. In ADR, an overpack *means an enclosure used (by a single consignor in the case of radioactive material) contain one or more packages, consolidated into a single unit easier to handle and stow during carriage. Examples of overpacks:*

- (a) *A loading tray such as a pallet, on which several packages are placed and stacked and secured by a plastics strip, shrink or stretch wrapping or other appropriate means; or*
- (b) *An outer protective packaging such as a box or a crate.*

Interpretation questions

8. Are bags (within trucks/vans, on bikes, and when carried by hand) filled by the transportation company considered an overpack when utilized as described above for last mile delivery? If yes, why and how would this be different than other handling devices or storage locations on the vehicle?

9. The ADR is presently silent on the possibility of the contents of the goods inside the overpack changing during a journey. How would the regulations apply with respect to the changing contents of the overpack as described above? Would the marking on the overpack be required to change as appropriate based on the contents?

10. It is noted that none of the examples of overpack in the definition refer to 'bags' or equivalent or similar circumstances. Is the intent of the overpack provisions of the regulations to cover these bags, as utilized in the specific situations described above?

11. If these bags are considered an overpack, is there an added safety benefit of marking these bags in accordance with 3.4.11? For context, this information is sought for clarity and in hopes of presenting an alternative solution in the future (if the proposal below is not acceptable).

Request

12. COSTHA would like to clarify that these bags are not subject to ADR and is interested in receiving the opinions of the delegations on these questions. Delegations are invited to send comments to mail@costha.com for further consideration.
