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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****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****Online grocery delivery services****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 Subcommittee's attention to the discussion, and specifically challenges with direct-to-customer delivery systems. Because this discussion may have impacts or solutions regionally and beyond countries that utilize the ADR for ground regulations, we would appreciate any comments on the topic from the Subcommittee.

**Informal document previously submitted to the Joint Meeting**

2. During the COVID-19 pandemic, many retail delivery services, including grocery delivery, have significantly increased. As a result, groceries are frequently carried out by a delivery service that utilizes an operator's own vehicle (i.e., Instacart, Peapod, Whole Foods Market in the United States of America). The increase in the use of these services creates questions as to whether the requirements of the dangerous goods regulations apply when used by a commercial employee that is more parallel to the traditional consumer retail experience.

3. While it may not be immediately obvious to consumers or commercially contracted employees/drivers, there are many different types of dangerous goods sold and transported out of grocery stores. Some common examples are small lithium batteries (e.g. standalone (hearing aid batteries) as well as those "in equipment" (electric toothbrushes)), flammable

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

liquids (isopropyl alcohol), flammable gases (aerosols – deodorants), organic peroxides (hair dyes), and corrosives (cleaners)).

4. During the traditional retail experience, consumers buy these dangerous goods products and utilize bags (paper, plastic, or reusable) to facilitate their handling/transport to their vehicles and homes. These products in retail packaging are never repackaged for additional safety or marked in accordance with the dangerous goods regulations. When carrying these products out of retail stores, an individual person is not subject to the various regulations. However, the regulations could potentially apply to delivery companies and services.

5. The regulations did not anticipate these new types of operations when originally developed and applying the current regulations to these operations seems impractical and of little benefit to the transportation system. The delivery operations to the end consumer that originate from retail locations don't typically utilize any packaging beyond the retail packaging in place on the store shelf. Paper or plastic bags are typically utilized for convenience in carrying the delivery. However, marking these bags (regardless of whether they are considered a "suitable outer packaging" or "overpack") is not current practice. In addition, if these operations were to be considered subject to the dangerous goods regulations, there would be a significant, negative impact to sustainability and environmental efforts to reduce packaging globally.

6. Further, grocery deliveries to the end consumer are typically limited to short distances, and the goods being carried are not subjected to the forces typically encountered in freight transportation where performance-oriented packaging is needed for safety reasons. Instead, the goods are often placed in bags or directly onto a seat in an individual's vehicle. Based on the differences in operations, these delivery service to the end consumer do not seem to need the same level of safety equivalent to more traditional transportation operations.

## **Interpretation questions**

7. For delivery operations stemming from a retail location, do the dangerous goods have to be packed in "suitable outer packaging"?
8. Is a "shopping bag" considered an outer packaging or overpack?
9. Is the typical "shopping bag" considered "suitable"?
10. Is there an added safety benefit of further packaging these products or marking the packages when the retail packaging is intended to provide sufficient containment (both for storage/display and during traditional carriage to the end consumer)?

## **Potential future proposals**

### **Potential proposal one**

11. COSTHA requests consideration to expressly exclude dangerous goods from the regulations during retail-to-customer delivery operations. The intent of this future proposal is to limit the amount of additional packaging and marking that does not add to the safety for the shipper or carrier and is not necessary for the end consumer. A similar exception to the regulations is provided within 1.1.3.1 (a) of the ADR where transportation by a private individual with certain limitations is excepted from regulations. Excluding the operations described above could be accomplished by additional wording or an additional exception within that section such as provided below:

*"1.1.3.1 (g) The carriage of dangerous goods by enterprises between retail store or distribution centre and an end consumer, where the goods in question are packaged for retail sale and are intended for use by the end consumer provided that measures have been taken to prevent leakage of contents in normal conditions of carriage."*

## Potential proposal two

12. Alternatively, if proposal one is considered too broad in potential applicability, we will consider proposing excluding these operations through additional text in a new section within Chapter 3.4 of the Model Regulations and special provision 188 such as provided below. This proposal would have a similar intent but would limit applicability to limited quantity materials and lithium batteries meeting the conditions in special provision 188 (new text is underlined):

“3.4.12 Exception for final stage of carriage operations by ground

3.4.12.1 For ground transportation, the marking and labelling provisions in 3.4.1(e), packaging requirements in 3.4.1(f), operational requirements in 3.4.1(g) except 7.5.2.4 still applies, requirements for packaging to be a combination package as specified in 3.4.2, marking specified in 3.4.7, overpack requirements in 3.4.11 do not need to be complied with if:

- (a) The dangerous goods for final stage carriage by ground were originally packed in limited quantities in accordance with 3.4; and
- (b) The dangerous goods are in original manufacturer’s packaging (inner and/or intermediate) that are packaged for retail sale; and
- (c) The quantity carried on the transport unit (person, truck, van, bike, etc.) does not exceed 30 kilograms or litres for any single retail package, with a combined maximum of 400 kilograms or litres per transport unit; and
- (d) The dangerous goods have been removed from their outer packaging for the final stages of the carriage operation between a distribution centre or retail store and an end consumer.”

In 3.3.1, amend special provision 188 to read as follows:

“188 Cells and batteries offered for transport are not subject to other provisions of these Regulations if they meet the following:

- (a) through (h)
  - (i) For ground transportation between a retail store or distribution centre and end consumers where lithium batteries are packaged for retail sale and are intended for use by the end consumer, strong outer packaging is not required (as specified in (d) and (e)). Additionally, the marking requirement (as specified in (f)) is not required, and the drop test capability (as specified in (g)) is not required.

As used above in these Regulations (...).”

## Request

13. COSTHA is interested in receiving the opinions of the delegations on the issues raised in this informal paper. Delegations are invited to send comments to [mail@costha.com](mailto:mail@costha.com). Based on the answers received, COSTHA will likely propose these amendments to a future session of the Joint Meeting or of the Sub-Committee.