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Economic Commission for Europe

Inland Transport Committee

Working Party on the Transport of Dangerous Goods

Joint Meeting of Experts on the Regulations annexed to the European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways (ADN) (ADN Safety Committee)

Fortieth session

Geneva, 22–26 August 2022

Item 5 of the provisional agenda

Reports of informal working groups

Correspondence group on fumigated cargo

Submitted by Germany****

Introduction

1. At its thirty-eighth session in August 2021, the Safety Committee gave the mandate to facilitate a correspondence group to deliberate the need for regulating the carriage of fumigated bulk cargoes in cargo holds and fumigated cargo holds of dry-cargo vessels, based on the proposal submitted by Germany for a new section 5.5.5 (ECE/TRANS/WP.15/AC.2/2021/22 and informal document INF.5 (Austria)). A new proposal should focus on the safety of crew members and other persons on board taking into account all possible risks.
2. Germany has taken over the chairmanship of the correspondence group and made available a work area on a national state-operated document server. Besides the Contracting Parties France, Germany, and the Netherlands, the delegations of the European Barge Union (EBU), European Skippers Organisation (ESO) and Grain and Feed Trade Association (GAFTA) participate in the group.
3. The Chair had compiled some background documents, such as specialist articles on the fumigation of grain cargoes in sea-going vessels, and had made them available to the group in the aforementioned work area. Moreover, an English translation of the German national provisions on the fumigation of and in transport units was made available. GAFTA and EBU/ESO have submitted explanations on fumigation procedures and the safety measures to be expected; the Netherlands have submitted an amended draft proposal. France

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** A/76/6 (Sect.20), para. 20.76..



has made available extracts from the corresponding International Maritime Organization (IMO) regulations for sea-going vessels.

I. Preliminary results

4. Both in the Netherlands and in Germany, there are rules and regulations in the field of occupational health and safety that govern fumigation measures also on inland waterway vessels and are based on corresponding regulations of the European Union on handling biocides but comprise provisions that differ in detail on fumigation on board inland waterway vessels.

5. The Dutch delegation and the EBU/ESO delegation believe that an initial fumigation of the cargo in the cargo hold of an inland waterway vessel, prior to or during the journey, should not be permitted (no “on-board fumigation”), while GAFTA considers a properly performed fumigation prior to the start of the journey acceptable if the vessel remains in port until it is given clearance.

6. Instead, scenarios should be considered where the inland waterway vessel accepts bulk cargoes for carriage that have been fumigated beforehand. This could be cargo:

- (a) that has previously been fumigated in a silo of a shore facility;
- (b) that has previously been fumigated in a sea-going vessel;
- (c) that has been fumigated for a previous transport operation by freight train.

7. With regard to measures necessary to make safe carriage by inland waterway vessel possible, the following, partly contradictory, proposals and requirements were put forward:

(a) For vessels carrying fumigated bulk cargoes, no certificate of approval is required. No expert (ADN) must be present on board the vessel;

(b) During loading, the master must be provided with comprehensive information about the fact that the accepted cargo has previously been fumigated;

(c) The fumigated cargo must not release toxic gases above a threshold still to be determined (legal PPM threshold). This has to be confirmed by an (official) measurement. In this context, the “fumigated” state needs to be defined in more detail;

(d) Goods should not be discharged from a sea going vessel/warehouse or train until cargo is declared safe to discharge by a licenced/trained fumigator i.e. they should not be moved from other modes of transport or storages to barge until they are below the threshold in any case;

(e) Cargo whose emissions are below this threshold is not subject to ADN. Cargo whose emissions exceed the above threshold may only be carried under special conditions and only after individual approval by port authorities;

(f) When loading the inland waterway vessel, measurements have to be carried out and the loading must be supervised by a licensed person. The master of the inland waterway vessel must be provided with instructions for further measurements and appropriate measures to be taken in the case of rising concentrations of toxic gases during the journey;

(g) All persons on board have to be equipped with personal protective equipment and gas warning devices to be worn on the body;

(h) The cargo holds of the vessel are closed as tightly as possible to prevent toxic gases from spreading uncontrollably on board. Currently, however, the cargo hold covers of dry-cargo vessels are not gas tight;

(i) At several locations in the area of the cargo holds of the vessel, special warning plates are affixed that clearly indicate that the cargo holds contain fumigated cargo. It has to be noted that such warning plates are already required to be affixed in accordance with the occupational health and safety regulations mentioned above. The requirements concerning the design of the warning plate should not differ between the various codes;

(j) After unloading the inland waterway vessel, the cargo holds have to be ventilated extensively before the warning plates are allowed to be removed.

8. The proposal by Austria to extend section 5.5.2 instead of inserting a new section 5.5.5 (informal document INF.5 of the thirty-eighth session) has not yet been discussed.

9. The provisions of ADN should be subject to the reservation that other rules and regulations may generally prohibit the carriage of fumigated bulk cargoes.

10. Rules on the question by whom and how fumigations should and are permitted to be carried out on board sea-going vessels or in silos on shore are not covered by the conditions of carriage in the framework of ADN.

II. Next steps

11. The Safety Committee is asked to discuss and evaluate the preliminary work results. It could advise the correspondence group on what direction the group's work should take.
