

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**

12 September 2022

Geneva, 12-16 September 2022

Item 5(b) of the provisional agenda

**Proposals for amendments to RID/ADR/ADN :
new proposals**

Exemptions of direct deliveries

Submitted by RECHARGE the Advanced Rechargeable and Lithium Batteries Association

Introduction

1. During the sixtieth session of the Sub-Committee of Experts on the Transport of Dangerous Goods, the Council on Safe Transportation of Hazardous Articles (COSTHA) presented working (TDG) documents ST/SG/AC.10/C.3/2022/27 and ST/SG/AC.10/C.3/2022/28 to clarify suitable packaging for deliveries stemming from a retail location, distribution centre to the end customer. COSTHA questioned the added safety benefit of further packaging of dangerous goods for last mile transportation when the retail packaging is intended to provide sufficient containment or marking handling devices as overpacks when the device is prepared by the carrier. The documents highlighted ADR is currently not reflecting ever growing e-commerce last mile deliveries to the end customers and the challenge for the industry to comply with regulations in terms of marking and labelling delivery containers used to aid carrier operations as Overpacks. This informal document aims to provide the Joint Committee more context and support of RECHARGE to the working documents ECE/TRANS/WP.15/AC.1/2022/27 - Online grocery delivery services (COSTHA) and ECE/TRANS/WP.15/AC.1/2022/28 - Direct delivery of dangerous goods to end customers (overpacks) (COSTHA).

Discussion

2. RECHARGE believes that the issues raised by COSTHA are valid and important to address within the regulations, UN Model Regulations or ADR, as necessary. RECHARGE notes that based upon the inquiry of COSTHA on how national delivery companies and services apply the national regulations for retail deliveries (e.g. in paper or plastics bags regardless of whether they are considered as a “suitable outer packaging” or “overpack”, in particular regarding the marking), some experts reported on their experiences and solutions implemented at national level through guidelines for domestic deliveries or derogations on limited quantities and packing provisions according to chapters 3.4 and 4.1 of the Model Regulations. The Sub-Committee also noted differences in the definition of “overpack” between the Model Regulations and the ADR, and also in the interpretations of and implementation by countries.

3. With respect to retail deliveries, the current exception in paragraph 1.1.3.1 (a) provides the framework and baseline rationale for addressing the issue of deliveries from retail or distribution locations to the end consumer. The current exception is limited to “carriage of dangerous goods by private individuals” and further limited to “personal or domestic use or for their leisure or sporting activities”.

4. In our view, this exception should be extended to address the issue raised by COSTHA regarding retail deliveries. Many times, a private individual will offer to pick up groceries for a sick or elderly neighbour. Based upon the current language of the exception, this activity would not be excepted as the dangerous goods would not be for *their* personal use. However, the risk posed is the same regardless of who is using the dangerous good, and the current safety measures have an extensive and effective history. This point is valid as many of the newer delivery services being offered today are conducted by private individuals in their own cars delivering goods to individuals and/or businesses. In each case, these deliveries are to the end consumer/user of the product being delivered.

5. Additionally, as highlighted by COSTHA, the definition of “Overpack” within ADR is currently at conflict with the definition provided by the UN Model Regulations. RECHARGE believes that the definition of “Overpack” should be amended within the ADR to provide consistency throughout the different regulatory texts including the ICAO TI and IMDG Code. If, as described at the TDG Sub-Committee session, there are additional requirements necessary for carrier operations when carriers are utilizing a handling device (bag) to more efficiently load and segregate packages, we recommend that these operational requirements are appropriately placed in Parts 7 or 8 as appropriate and necessary.

Proposal

6. RECHARGE receives from the industry involved in carriage of DG to the end customer feedback about different authorities interpreting ADR regulations and specifically last mile deliveries and handling devices (bags) utilized by carriers. RECHARGE believes the current limitations (i.e. “packaged for retail sale”) stipulated within the exception in 1.1.3.1 (a) coupled with minor changes (i.e. “from distribution centres and retail locations to end consumers”) are adequate to ensure the safe transportation of these products through the final leg of transportation. Therefore, the following alternative amendments are proposed to address the issues presented and identified by COSTHA :

In document ECE/TRANS/WP.15/AC.1/2022/27 :

7. Amend 1.1.3.1 paragraph (a) to read as follows (new text added is underlined, deleted text is stricken ~~through~~):

“1.1.3.1 Exemption related to the nature of the transport operation

The provisions laid down in ADR do not apply to:

- (a) The carriage of dangerous goods by private individuals or last mile delivery services from retail locations or distribution centres where the goods in question are packaged for retail sale and are intended for ~~their~~ the recipient’s personal or domestic use or consumption ~~or for their leisure or sporting activities~~ provided that measures have been taken to prevent any leakage of contents in normal conditions of carriage. When these goods are flammable liquids carried in refillable receptacles filled by, or for, a private individual, the total quantity shall not exceed 60 litres per receptacle and 240 litres per transport unit. Dangerous goods in IBCs, large packagings or tanks are not considered to be packaged for retail sale;”

In document ECE/TRANS/WP.15/AC.1/2022/28 :

8. RECHARGE supports the proposal to amend the definition of “Overpack” in 1.2.1 of RID/ADR/ADN to harmonize with the one in the Model Regulations.