

## 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

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Item 3 of the provisional agenda

**Listing, classification and packing**

### **Transport provisions for small quantities of environmentally hazardous paints and printing inks (and related materials) - Request for an informal lunchtime work group meeting**

**Transmitted by the World Coatings Council (WCC)**

#### **Introduction**

1. Paints, printing inks, adhesives, and related materials used to be mainly solvent-borne and based on flammable liquids. However, industry has moved significantly to more water-borne products to satisfy environmental, health, and climate change concerns. Many of the solvent-borne products benefitted from an exemption (up to 450 L) from classification as flammable due to their viscosity (see 2.3.2.5). Solvent-borne products also benefitted from an exemption from the performance testing provisions (see special packing provision PP1 in packing instruction P001). The newer water-borne products were generally non-hazardous for transport with lower safety concerns due to their lack of flammability.

2. Unfortunately, some of the preservatives, added at very small levels to protect the products from spoilage, are causing these water-borne products to be classified as environmentally hazardous substances (Class 9). As a result, the newer water-borne products are now being regulated as dangerous goods for transport as UN 3077 and UN 3082. Industry now finds itself in a situation where the safer water-borne products are treated more severely than the more dangerous solvent-borne products used to be. Due to ongoing evaluations of the preservatives and other additives used in paints and printing inks by the authorities, as well as the re-classification as environmentally hazardous, industry is experiencing a continued increase in the number of paint and printing inks being classified as UN 3082 based on applicable transport of dangerous goods regulations throughout the world.

3. Special provision 375 currently exempts packages containing small amounts (i.e., packages or inner packaging containing  $\leq 5$  L / 5 kg) of UN 3082 and UN 3077 from all requirements of the Model Recommendations other than certain general packing provisions of section 4.1.1. Alternatively, packages containing similar quantities of paints, printing inks, adhesives, and resin solutions assigned to UN 3082 are not required to meet the performance tests in Chapter 6.1 when transported in certain configurations such as pallets or combination packaging (see PP1). UN-approved packaging required to carry these products in quantities above 5 L is not yet available and/or appropriate for all product types. They are not well suited to the paint industry due to the type of closure used, which allows the product to be opened for tinting and re-closed for further transport.

4. In 2012, a similar matter was raised to the Sub-Committee. At that time, Class 9 environmentally hazardous was a scarce classification in the industry. However, in recent years, industry has seen an increase in those classifications. An intersessional work group developed a proposal for special provision 375 (see ST/SG/AC.10/C.3/2012/93), which was agreed to by the Sub-Committee at its forty-second session. The Dangerous Goods Advisory

Council (DGAC) and the Council for the Safe Transport of Hazardous Articles (COSTHA) attempted to address this problem in their document ST/SG/AC.10/C.3/2018/47, which aimed to increase special provision 375 from 5 to 30 L or kg.

## Discussion

5. For the coatings industry, the classification changes are primarily impacting water-based paints, coatings, and inks, especially in decorative paints in 10 litre plastic pails, printing inks in 25 litre pails, and industrial coatings in 25 litre pails. This is an issue that is affecting the coatings industry on a global scale, and no practical solutions have been identified.

6. Paint and printing ink are regularly transported in quantities between 5 and 30 litres to meet the requirements of the market. To meet these requirements, packaging that can be safely and securely reclosed or resealed multiple times is necessary.

7. The nature of the class 9 classification for environmentally hazardous substances seems to be disproportionate for existing mixtures. Even the presence of an amount  $\geq 0.025\%$  of an environmentally hazardous additive will cause the product to be classified as a dangerous good. The UN numbers for environmentally hazardous substances (UN 3082 and UN 3077) require Packing Group III UN-approved packaging. Currently, there are no UN-approved plastic packaging between 5 and 30 litres widely available. As such, a general review of the classification for environmentally hazardous substances as dangerous goods is necessary.

8. The regulations already differentiate within one UN number on the danger posed via the use of multiple packing provisions that do or do not exempt a substance from the packing regulation based on the danger posed by the substance. This can be seen in UN 2814 and UN 3373 for infectious substances. This sets a precedent that it is possible to exempt, or at least differentiate, based on the real transport hazard potential posed by the substance.

9. At the 60<sup>th</sup> and 61<sup>st</sup> sessions of the Sub-Committee, WCC presented four different proposals to resolve this issue. When drafting the proposals, WCC was cognizant of the existing language in the Model Recommendations and considered the consequences of any textual changes to ensure minimal impact. Ultimately, none of the proposals were supported. WCC's understanding is that the overall disagreement with the proposals was due, in part, to the fact that a few environmentally hazardous substances (i.e., paint and printing ink classified as environmentally hazardous) would be treated differently than other products that are also classified as environmentally hazardous. The consensus was that certain environmentally hazardous products should not be treated differently based on their end-use.

## Proposal

10. In consideration of the information above, WCC kindly requests a lunchtime workgroup meeting to convene on Tuesday, July 4, 2023, to discuss industry's transport issues related to small packaging of Class 9 environmentally hazardous materials. If the Sub-Committee approves, all interested member states and delegations are welcome to attend. WCC welcomes any input or proposals on how to solve this matter in a pragmatic way in preparation for future discussions during this biennium.

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