

Committee of Experts on the Transport of Dangerous Goods and on the Globally Harmonized System of Classification and Labelling of Chemicals

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Sub-Committee of Experts on the Transport of Dangerous Goods

Sixty-second session

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Item 3 of the provisional agenda

Listing, classification and packing

Report from the correspondence group on the differentiation between UN 1950 and UN 2037

Transmitted by the expert from Germany

Introduction

1. At the 61st session of the Sub-Committee Germany presented working document ST/SG/AC.10/C.3/2022/51 on the differentiation between UN 1950 (aerosols) and UN 2037 (gas cartridges) with the intention of proposing a clear distinction between both UN numbers in the Model Regulations. Before and during the session of the Sub-Committee many different views, opinions and ideas on this issue were expressed (e.g. see informal document INF.16 of the 61st session). In a subsequent informal discussion during the last session of the Sub-Committee Germany offered to set up a correspondence group to address the feedback already received and to continue working on the proposal (see also report ST/SG/AC.10/C.3/122, paras. 35-37).

Report

2. After the 61st session Germany contacted the delegations that had previously announced their interest in working in the group and began the revision of the original proposal by considering the discussion and the options proposed during the last session of the Sub-Committee. While the original proposal focused on the existence of a release device as a crucial characteristic for distinguishing between both UN numbers, the new proposal took a different approach by identifying the different purposes and functions of aerosols as opposed to gas cartridges which could provide a suitable way for differentiation. After presenting this revised proposal to the members of the group, Germany suggested to host an online meeting to provide an opportunity for discussion.

3. At the online meeting (12th May 2023) Germany introduced the revised proposal and explained the underlying rationale for choosing this approach. Even though the proposal itself did not convince the group, it did open the general debate. Representatives of the competent authorities continued to support the idea of a clear distinction in the Model Regulations to prevent that in some cases consignors may choose between UN 1950 and UN 2037 and facilitate enforcement. Representatives of the industry were not aware of incidents, enforcement problems or legal gaps and did not see a concrete reason for amending the definitions; while consignors in some cases may choose between UN 1950 and UN 2037, the consignors must follow the relevant legal requirements. The group agreed that there are no direct safety concerns but some expressed that a clear distinction is necessary for both consignors and competent authorities.

4. Taking into account the various applications of articles classified under UN 1950 and UN 2037 and recognizing the fact that these articles have been on the market for a substantial

period of time the participants acknowledged the complexity of the issue. The differences in the definitions of UN 1950 in the applicable legal frameworks was identified as a major factor contributing to the complexity. While the definitions of “aerosol dispenser” in the Model Regulations, the ICAO Technical Instructions, the IMDG Code and the GHS are harmonized, the definition may vary in other pieces of national/regional legislation, for example the European Aerosol Dispenser Directive (Council Directive 75/324/EEC). It was concluded that a different route to investigating a clear distinction should be pursued.

5. Going back to the original idea of focusing on the release device itself, the following part of the discussion led to an exchange of views on the question whether a self-closing valve is always interpreted as being a release device. As this interpretation was generally confirmed, the participants examined the interpretation by applying it to different articles under UN 1950 and UN 2037. Even though this exchange did not have immediate and conclusive results the group – while acknowledging that changing definition(s) could have a significant market impact – saw potential in this new refined approach to investigating a clear distinction.

6. Germany agreed to continue working on a suitable way for distinguishing between UN 1950 and UN 2037. By exploring the term "release device" in the light of the last part of the discussion, Germany intends to draw a new proposal and to once again present it to the members of the correspondence group. For this particular work, Germany is thankful for the additional support from another member of the group. Germany would also like to thank all the members for their interest, their insights as well as the invaluable expertise offered to the work of the correspondence group.
