

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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Listing, classification and packing

Informal Working Group on the development of a comprehensive approach following reclassification of existing entries in the Dangerous Goods List (DGL)

Transmitted by the expert from Canada

I. Introduction

1. The informal working group on the development of a comprehensive approach following reclassification of existing entries in the Dangerous Goods List (DGL) met virtually on 27 March 2024. Canada would like to thank all participants for their active and productive participation.
2. Three principal areas of impact were identified as requiring discussion following the reclassification of existing entries in the DGL:
 - (a) Packaging.
 - (b) Limited and excepted quantities.
 - (c) Transitional periods.
3. The overall objective of the working group was to establish a framework to determine the impact following a change in classification.

II. Approach

4. A questionnaire was sent to all interested parties ahead of the meeting to provide a starting point for the discussion. The questionnaire aimed to determine if different approaches should be considered depending on the type of change in classification in relation to the three areas of impact considered.
5. The results of the questionnaire were summarized during the meeting. Of note, there was no clear consensus or trend following the compilation of the responses.
6. Here is a summary of the different approaches that were proposed:
 - (a) Aligning the new packaging and tank requirements with the guiding principles following reclassification (in all cases).
 - (b) Aligning the new packaging and tank requirements with the guiding principles but with exceptions permitted based on:
 - (i) if practice has shown that deviation from these principles does not result in dangerous situations.
 - (ii) Others (to be discussed).

III. Discussion

7. During the meeting, the above was discussed in more detail, with an initial focus on packaging requirements.

8. The view of most of the participants was that the guiding principles should be followed in all situations except in very specific situations where it is demonstrated that there are no safety impacts in maintaining the original packaging or tank provisions. Furthermore, all deviations would need to be indicated in the guiding principles and the justification for the deviation could also be added if deemed necessary.

9. The group had challenges in identifying what would constitute valid arguments for maintaining the original packaging or tank provisions. Here are a few elements for consideration that were proposed:

(a) A socioeconomic evaluation considering safety along the entire supply chain:

(i) The safety of workers: For example, the case of cobalt dihydroxide where the original packaging was maintained since this type of packaging represented a safety gain for the workers involved in the manufacturing and packaging of the product without compromising significantly the safety in transport.

(ii) Inherent difficulties and economic impact: may be considered if a strong enough case can be made with impact beyond the increase in the cost of packaging (i.e. The entire production line would need to be changed to deal with the new packaging requirements or significant global impact to the supply chain).

(iii) Industry experience: may be considered for a particular product based on long-standing knowledge.

10. A few potential arguments were deemed not appropriate in the justification for maintaining the original packaging or tank provisions:

(a) Accident data – not necessarily indicative of the safety in transport of that substance in that specific packaging.

(b) Cost of packaging.

(c) Inconvenience (i.e. using old stock of packagings and labels) – which can be dealt with transitional periods.

11. It was noted that any deviation from the guiding principles exposes the subcommittee to a contradictory narrative. If the Sub-Committee allows a deviation for a substance being reclassified to a certain class or packing group, the need for more stringent packaging for all other substances in this same class and packing group becomes difficult to justify. As such, it was strongly recommended by the participants to follow the guiding principles except in exceptional cases, which should be evaluated on a case-by-case basis.

12. Transitional periods were also briefly discussed. It was acknowledged that providing lengthy transitional periods provides the industry with greater opportunities to adjust to the impending change. However, such extended transitional periods undermine the rationale for the change in packaging provisions and decreases the imperativeness for the change.

13. However, it was noted by some participants that transitional periods might be necessary when a change in classification results in a change in tank provisions. Since portable tanks are used for extended periods, any alteration to tank provisions significantly impacts industry. Additionally, shortening the lifespan of existing tanks is not sustainable because they typically cannot be repurposed. Consequently, any modifications to tank provisions should be carefully reviewed for safety benefits, with special consideration given to the need for longer transitional periods.

14. Based on the discussions during the first meeting, it became clearer that developing a framework following the reclassification of substances would be impractical and most likely too rigid. Furthermore, the strong view of the group to follow the guiding principles except in exceptional cases was such that it could be inferred that this would apply not only to

packaging and tank provisions but also to limited and excepted quantities. Therefore, it was determined that additional intersessional meetings on this topic would not be beneficial.

15. This informal proposal supports sustainable development goal 6, “*peace, justice, and strong institutions*”. Specifically, adopting a more comprehensive and systematic approach to reclassification in the *Model Regulations* enables the creation of more consistent regulations, thus contributing to the implementation of target 16.6 to “*develop effective, accountable and transparent institutions at all levels*”.

IV. Conclusion

16. While a formal framework was considered unnecessary, it was emphasized that the review of papers leading to the reclassification of existing entries in the DGL should be conducted comprehensively, holistically, and consistently. This approach ensures that the transport provisions for all substances in the DGL adhere to the guiding principles.
