



WORKING PAPER

DANGEROUS GOODS PANEL (DGP)

TWENTY-FIFTH MEETING

Montréal, 19 to 30 October 2015

Agenda Item 2: Development of recommendations for amendments to the *Technical Instructions for the Safe Transport of Dangerous Goods by Air (Doc 9284)* for incorporation in the 2017-2018 Edition

USE OF ENVIRONMENTALLY HAZARDOUS SUBSTANCE MARK

(Presented by T. Muller)

SUMMARY

This paper is proposing the re-introduction of the exception for the use of the environmentally hazardous substance mark for packagings with a quantity of 5 L or less for liquids or 5 kg or less for solids

Action by the DGP: The DGP is invited to consider the proposed amendment shown in the appendix to this working paper.

1. INTRODUCTION

1.1 In the 2015-2016 Edition of the Technical Instructions Special Provision A197 was introduced which is equivalent to SP 375 of the Model Regulations.

A197 (375) These substances when transported in single or combination packagings containing a net quantity per single or inner packaging of 5 L or less for liquids or having a net mass per single or inner packaging of 5 kg or less for solids, are not subject to any other provisions of these Instructions provided the packagings meet the general provisions of 4;1.1.1, 4;1.1.3.1 and 4;1.1.5.

1.2 At the same time the following exception was deleted in the Model Regulations and as a consequence 5.2.4.9.1 was also amended in the 2015-2016 Edition of the ICAO Technical Instructions:

“Packages containing environmentally hazardous substances meeting the criteria of 2.2.9.1.10 shall be durably marked with the environmentally hazardous substance mark shown in 5.2.1.8.3 *with the exception of single packagings and combination packagings where such single packagings or inner packagings of such combination packagings have:*

— *a net quantity of 5 L or less for liquids*

— *a net mass of 5 kg or less for solids*”

1.3 Since the introduction of Special Provision A197, several discussions have clarified that the use of Special Provision A197 is not a mandatory requirement and that certain companies may choose to continue to transport UN 3077 — **Environmentally hazardous substance, solid, n.o.s.** and UN 3082 — **Environmentally hazardous substance, liquid, no.s.** in accordance with the regulations. However, because of the deletion of the exception for the use of the environmentally hazardous substance mark (EHS mark) for packagings of less than 5 L or 5 kg, the use of the EHS mark did become a mandatory requirement for all packagings transported by air even when transported under the provisions for limited quantities. Being no safety issue this is only putting an extra burden on the shippers and is creating confusing since ADR has maintained the exception in their regulations.

2. ACTION BY THE DGP

2.1 The DGP is invited to re-introduce the exception for the EHS mark in the Technical Instructions as it is believed it was never the intention to require the EHS mark to be used on single packagings or on combination packagings containing inner packagings of 5L or 5kg or less.

2.2 We do realize that the UN Committee of Experts should in principle be approached first with a request to re-introduce the exception again in the Model Regulations; however this would mean that the exception would only be re-introduced in the 2019-2020 Edition of the Technical Instructions. For that reason we propose to advise the UN Committee of Experts of the actions taken by the Dangerous Goods Panel and to request the committee to adopt the exception again.

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APPENDIX

PROPOSED AMENDMENT TO PART 5 OF THE TECHNICAL INSTRUCTIONS

Part 5

SHIPPER'S RESPONSIBILITIES

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2.4 MARKING SPECIFICATIONS AND REQUIREMENTS

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2.4.9 Special marking provisions for environmentally hazardous substances

2.4.9.1 Unless otherwise specified in these Instructions, packages containing environmentally hazardous substances meeting the criteria of 2.9.2.1 a) (UN Nos. 3077 and 3082) must be durably marked with the environmentally hazardous substance mark and the packages must also bear a Class 9 hazard label, with the exception of single packagings and combination packagings where such single packagings or inner packagings of such combination packagings have:

- a net quantity of 5 L or less for liquids; or
- a net mass of 5 kg or less for solids.

— END —