



## **DANGEROUS GOODS PANEL (DGP)**

### **TWENTY-FIFTH MEETING**

**Montréal, 19 to 30 October 2015**

#### **Agenda Item 7: Other business**

### **CONSIDERATION OF PROPOSAL TO THE 48TH SESSION OF THE UN SUBCOMMITTEE OF EXPERTS**

(Presented by D. Brennan)

#### **SUMMARY**

A formal paper has been submitted to the 48<sup>th</sup> session of the UN Subcommittee of Experts on the Transport of Dangerous Goods that proposes to deregulate consumer and pharmaceutical products containing ethyl alcohol.

**Action by the DGP:** The DGP is invited to consider the proposal in the UN working paper (ST/SG/AC.10/C.3/2015/45) as to the potential impact on air transport. Based on the considerations the panel is invited to provide input to their national delegations at the UN Subcommittee and to also provide direction for the Secretary on the proposal.

#### **1. INTRODUCTION**

1.1 At the 47<sup>th</sup> session of the UN Subcommittee in June 2015, a paper was submitted by the Association of Hazmat Shippers (AHS) (ST/SG/AC.10/C.3/2015/25) proposing the addition of a special provision that would except from the regulations products such as foods, cosmetics and concentrates containing not more than 70 per cent ethyl alcohol by volume.

1.2 The basis for the proposal was the long-standing special provision applied to alcoholic beverages (Special Provision 59 of the UN Model Regulations) as well as a long-standing special permit that has now been formally adopted into the United States domestic regulations (49 CFR, §173.150(g) refers).

1.3 The proposal by AHS was not supported by a large majority of the Subcommittee who saw that there was ample scope to move these products under the provisions for dangerous goods in excepted quantities or as limited quantities.

1.4 The representative from AHS withdrew the proposal, but advised that the comments provided would be taken into account in the development of a new proposal for the next meeting of the Subcommittee.

1.5 The AHS has now submitted a formal paper for the 48<sup>th</sup> session of the Subcommittee which is included in the appendix to this working paper.

## 2. ACTION BY THE DGP

2.1 The DGP is invited to consider the proposal in the working paper submitted to the UN Sub-Committee of Experts on the Transport of Dangerous Goods shown in the appendix to this working paper and to provide direction to the Secretary for discussions at the Sub-Committee's Forty-eighth session (Geneva, 30 November to 9 December 2015).

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APPENDIX

WORKING PAPER SUBMITTED FOR CONSIDERATION AT THE FORTY-EIGHTH  
SESSION OF THE UNITED NATIONS SUB-COMMITTEE OF EXPERTS ON THE  
TRANSPORT OF DANGEROUS GOODS

United Nations

ST/SG/AC.10/C.3/2015/45



Secretariat

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**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**

**Forty-eighth session**

Geneva, 30 November – 9 December 2015

Item 3 of the provisional agenda

**Listing, classification and packing**

**Proposed new special provision for the transport of  
consumer and pharmaceutical products containing ethyl  
alcohol**

**Transmitted by the Association of Hazmat Shippers (AHS)<sup>1</sup>**

**Background**

1. At the forth-seventh session of the Sub-Committee, AHS submitted proposed new special provisions for consumer and pharmaceutical products (ST/SG/AC.10/C.3/2015/25). AHS also submitted informal document INF.14 modifying those proposals to add restrictions on outer packaging.
2. The proposals were based primarily on the longstanding relief from transport regulation granted to UN3065, Alcoholic beverages, in prescribed inner receptacle sizes. See special provisions 145 and 146. It also was based in substantial part on a successful 30-year history of a United States exemption generally equating consumer products and pharmaceutical products containing ethyl alcohol to distilled spirits for beverages. This

<sup>1</sup> In accordance with the programme of work of the Sub-Committee for 2015-2016 approved by the Committee at its seventh session (refer to ST/SG/AC.10/C.3/92, paragraph 95 and ST/SG/AC.10/42, para. 15).

exemption was held individually by more than 350 companies, required incident reporting, and had to be renewed every two years with a report of any adverse experience. It applied in all modes of transport. Since 2013 it has been part of the general dangerous goods transport regulations of the United States, at 49 Code of Federal Regulations, section 173.150(g).

3. The previous AHS proposal was written to accommodate the specific structure of the U.S. regulation. Admittedly, this made the proposed new special provisions difficult to read. Based upon constructive criticism of the Sub-Committee, the former AHS paper was withdrawn and has been revised significantly for consideration at the forty-eighth session. Like special provisions 145 and 146, the former proposal drew a distinction between mixtures containing more or less than 70% ethyl alcohol, but AHS believes that the reduction of the proposed maximum volume of the inner receptacles from 5 litres to 1 litre makes the need for this breakpoint unnecessary.

4. The previous proposal included solids containing ethyl alcohol. The new proposal is limited to liquids in Packing Groups II and III.

5. The former proposal included a marking on the outer packaging. This proposal does not.

6. Like the U.S. regulation, the former proposal included “medical screening solutions and concentrates used therein.” That wording has been deleted.

7. Several delegations asked why limited quantity provisions were insufficient. The issue is international trade which, of necessity, includes air and ocean transportation where limited quantity relief is not adequate. This paper proposes operational equivalency to beverage ethanol, that is not subject to the air and ocean limited quantity shipping paper, marking, labelling burdens and related dangerous goods fees.

## **Rationale**

8. The products described in this proposal bear no significant differences from those in exceptions in the UN, ADR, ICAO, and IMO for alcoholic beverages. The very long safety record in handling beverages is not subject to question.

9. AHS believes that this long success is due in part to the composition of the products, but more importantly to the economic value of the products and the consequent care used in the design and filling of the packaging.

10. In large part, this is because no retailers of alcoholic beverages want the inner receptacles and any intermediate receptacles to be dented, soiled, or otherwise damaged so as to make them unacceptable to the consignees or ultimate purchasers. The same high value and customer satisfaction concerns are applicable to consumer products and flavor/fragrance samples as described in this proposal.

11. In addition to this factor, the influence of many other governmental bodies serves to enhance the quality of the packaging. These include national taxing authorities, food and drug safety authorities, and consumer product safety authorities.

12. Finally, taking these parallel products out of the regulatory stream brings greater efficiency and ability to direct attention to materials that pose far greater risks.

## Proposal

13. In consideration of this information, AHS proposes that the Sub-Committee adopt a new Special Provision XXX for the entries UN1170 Ethyl alcohol, UN1266 Perfumery products, and UN1197, Extracts, flavoring, liquid:

14. XXX Beverages, foods, medicines, and cosmetics containing ethyl alcohol mixtures classed as a flammable liquid in Packing Groups II or III, in packagings intended or suitable for retail sale or pharmaceutical distribution, are not subject to these Regulations provided that:

- (a) For glass inner receptacles the capacity does not exceed 250 mL capacity;
- (b) For non-glass inner receptacles, the capacity does not exceed 1 L; and
- (c) The gross mass of the completed package does not exceed 30 kg. Inner receptacles shall be secured within the outer packaging to prevent breakage, leakage, and excessive movement. Outer packaging shall meet the provisions of 4.1.1.1, 4.1.1.2, and 4.1.1.4 to 4.1.1.8.

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