



WORKING PAPER

DANGEROUS GOODS PANEL (DGP)

TWENTY-NINTH MEETING

Montréal, 13 to 17 November 2023

Agenda Item 2: Managing air-specific safety risks and identifying anomalies (Ref: REC A DGS 2025)

2.2: Develop proposals, if necessary, for amendments to the Technical Instructions for the Safe Transport of Dangerous Goods by Air (Doc 9284) for incorporation in the 2025-2026 Edition

RETENTION OF DOCUMENTS BY THE SHIPPER

(Presented by Eric Gillett)

SUMMARY

This paper outlines the importance of correct classification and the difficulty for States to verify the effectiveness of this process during oversight and enforcement.

Action by the DGP: The DGP is invited to consider the amendment to the Introductory Chapter of Part 2 to the Technical Instructions provided in the appendix to this working paper.

1. INTRODUCTION

1.1 At the DGP Working Group Meeting in 2023 (DGP-WG/23, 15 to 19 May 2023, Rio de Janeiro, Brazil), the importance of correct classification and concerns over the absence of requirements within the Technical Instructions for the shipper to retain evidence of how classification was reached were raised (see paragraph 4.2.2.3 of the DGP-WG/23 Report (DGP/29-WP/3)).

1.2 Whilst the shipper or freight forwarder might retain documentation such as commercial invoices and packing lists, often these do not identify the commodities in sufficient detail to know precisely what product has been shipped and enable evidence of classification to be requested. Consequently, States are unable to verify the correct classification of dangerous goods during occurrence investigations. This problem also relates to routine oversight, meaning latent failures by a shipper or forwarder can remain unidentified leading to a future dangerous goods accident or incident.

1.3 An amendment requiring the shipper to retain information or documentation demonstrating the basis of classification was proposed at DGP-WG/23 to remedy the issue. The report records that there was sympathy for the objective of the proposal, but some concerns over the specific proposal were made (see paragraph 4.2.2.3.2 of the DGP-WG/23 Report (DGP/29-WP/3)).

1.4 One concern related to the types of information identified within a proposed note that could be used to demonstrate the basis for classification, particularly a reference to safety data sheets. A note does not constitute a requirement. Furthermore, the Globally Harmonized System of Classification and Labelling of Chemicals includes standards for the structure and content of Safety Data Sheets including transport information consistent with the UN Model Regulations and ICAO Technical Instructions.

1.5 Another concern was that an explicit requirement to retain documentation would impose an undue burden on shippers. With the aim of gaining consensus, it is now proposed for the information to be made available to the appropriate national authority upon request.

1.6 There was a suggestion that the proposal would have multimodal implications. It is suggested that it is reasonable for this matter to be addressed directly within the Technical Instructions due to the explicit obligation on States within Annex 18 for the investigation of dangerous goods accidents, dangerous goods incidents and undeclared/misdeclared dangerous goods.

1.7 There was also a suggestion that guidance material might be a better approach towards achieving the intent. It is not clear how guidance can achieve the objective of ensuring that the information used by a shipper to assign a classification is available to the national competent authority if there is no requirement for the shipper to do so.

2. ACTION BY THE DGP

2.1 The DGP is invited to consider the amendment to the Introductory Chapter of Part 2 to the Technical Instructions provided in the appendix to this working paper.

APPENDIX

PROPOSED AMENDMENT TO PART 2 OF THE TECHNICAL INSTRUCTIONS

Part 2

CLASSIFICATION OF DANGEROUS GOODS

INTRODUCTORY CHAPTER

1. RESPONSIBILITIES

1.1 Classification must be made by the appropriate national authority when so required or may otherwise be made by the shipper.

1.2 Where classification of the dangerous goods is made by the shipper, information used by the shipper to assign a classification must be made available to the appropriate national authority upon request.

Note.— Examples of such information include the known composition of a substance, the known physical characteristics of articles such as vehicles, the results of classification testing and other applicable requirements as identified within Part 2 of these Instructions and a safety data sheet issued in accordance with the Globally Harmonized System of Classification and Labelling of Chemicals (GHS).

~~4.2~~1.3 A shipper who has identified, on the basis of test data, that a substance listed by name in column 1 of the Dangerous Goods List in Part 3, Chapter 2, Table 3-1 meets classification criteria for a hazard class or division that is not identified in the list, may, with the approval of the appropriate national authority, consign the substance:

- a) under the most appropriate generic or not otherwise specified (n.o.s.) entry reflecting all hazards; or
- b) under the same UN number and name but with additional hazard communication information as appropriate to reflect the additional subsidiary hazard(s) (documentation, label) provided that the primary hazard class remains unchanged and that any other transport conditions (e.g. limited quantity, packaging provisions) that would normally apply to substances possessing such a combination of hazards are the same as those applicable to the substance listed.

~~4.2~~1.3.1 A copy of the document of approval must accompany the consignment.

Note.— When an appropriate national authority grants such approvals, it should inform the United Nations Sub-Committee of Experts on the Transport of Dangerous Goods accordingly and submit a relevant proposal of amendment to the Dangerous Goods List. Should the proposed amendment be rejected, the appropriate national authority should withdraw its approval.

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