



**WORKING PAPER**

**DANGEROUS GOODS PANEL (DGP)  
MEETING OF THE WORKING GROUP OF THE WHOLE**

**The Hague, 3 to 7 November 2008**

**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 2011/2012 Edition**

**2.5: Part 5 — Shipper's Responsibilities**

**ENVIRONMENTALLY HAZARDOUS SUBSTANCES**

(Presented by CEFIC, FEA and GEA)

**SUMMARY**

CEFIC, FEA and GEA propose to publish an addendum to the 2009/2010 Technical Instructions concerning marks or labels of other regulations in order to avoid problems in the multimodal transport-chain for environmentally hazardous substances (EHS) and the introduction of a transitional period.

Action by the DGP-WG is in paragraph 2.

**1. INTRODUCTION**

1.1 Paragraph 5;2.4.9 of the Technical Instructions (2009-2010 Edition) requires the environmentally hazardous substance (EHS) mark in the GHS shape (Figure 5-2) for UN 3077 and UN 3082. However there is no indication how to treat substances of Classes 1 to 9, other than UN 3077 or UN 3082, which meet the GHS criteria for EHS.

1.2 According to amendment 34-08 of the IMDG Code, which will become mandatory on 1 January 2010 (voluntary application as of 1 January 2009), substances which meet the GHS classification criteria for EHS, have to be marked with the EHS mark:

- in addition to the standard danger label(s) for substances of Classes 1 to 9, other than UN 3077 or UN 3082
- in addition to the danger label for class 9 for substances, classified as UN 3077 or UN 3082,

1.3 The ADR/RID marking legislation coming into force on 1 January 2009 is identical with the 34<sup>th</sup> amendment of the IMDG Code with the only difference of a transitional period until 1 January 2011 for substances of Classes 1 to 9, other than UN 3077 or UN 3082.

1.4 Driven by both the inherent necessity of the sea mode and due to clarity, a substantial number of companies will shift to the new EHS marking legislation by 1 January or 1 July 2009, even for substances of Classes 1 to 9, other than UN 3077 or UN 3082.

1.5 Considering that the Technical Instructions do not require the EHS mark for shipments other than UN 3077 or 3082, it cannot be excluded that problems will emerge on the interface between the land and air mode (i.e. during the dangerous goods acceptance) with packagings marked as such notwithstanding that the Technical Instructions do tolerate markings of other regulations.

1.6 Paragraph 5;2.4.12 states:

#### **2.4.12 Markings required by other modes of transport**

Markings required by other international or national transport regulations are permitted in addition to markings required by these Instructions, provided that they cannot be confused with or conflict with any markings prescribed by these Instructions, because of their colour, design or shape.

1.7 A similar paragraph for “Labels required by other modes of transport” does not yet exist in the Technical Instructions.

1.8 Another problem exists for goods which are being produced “on stock”. Many products are being produced, packed and labelled in the year 2008 according to current regulations. If such goods would be shipped after 1 January 2009 they would have to be supplemented with the new EHS-mark. In many cases the application of the required mark on its appropriate position would cause big problems. We therefore propose to introduce a transitional period of 6 months. (ADR/RID have a transitional period of 6 months as well, IMDG 12 months).

## **2. ACTION BY THE DGP-WG**

2.1 The DGP-WG is invited to agree to the following proposals:

### **2.1.1 Proposal 1**

2.1.1.1 To avoid expected problems caused by EHS-marks used for shipments other than UN 3077 and 3082, we propose to publish an addendum to Part 5, Chapters 2 and 3 of the 2009-2010 Edition of the Technical Instructions as follows:

#### **2.4.12 Markings required by other modes of transport**

Markings required by other international or national transport regulations (such as the environmentally hazardous substance (EHS) mark as subsidiary hazard mark for dangerous goods of Classes 1-9, other than UN 3077 or UN 3082) are permitted in addition to markings required by these Instructions, provided that they cannot be confused with or conflict with any markings prescribed by these Instructions, because of their colour, design or shape.

2.1.1.2 Being aware that the problem described in this paper is connected to a “mark”, we propose to introduce at the same time a similar paragraph for “labels” in Part 5, Chapter 3.

**3.x Labels required by other modes of transport**

Labels required by other international transport regulations are permitted in addition to labels required by these Instructions, provided that they cannot be confused with or conflict with any labels prescribed by these Instructions, because of their colour, design or shape.

**2.1.2 Proposal 2**

2.1.2.1 In order to provide a transitional time to address the issue of products “on stock” we propose to publish an addendum to Part 5, Chapter 2 of the 2009-2010 Edition of the Technical Instructions as follows:

**2.4.9 Special marking provisions for environmentally hazardous substances**

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2.4.9.4 Packages, which have been prepared for shipping on or before 31 December 2008 (such as materials produced on stock) without the environmentally hazardous substance (EHS) mark should be accepted for transport without the EHS mark until 30 June 2009.

2.2 CEFIC, FEA and GEA are fully aware that there is extremely little time left until the end of year 2008 in order to publish an addendum considering the necessary processes. We are confident that the panel recognizes the problems described. Other solutions how we could overcome these problems are therefore most welcome.

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