DANGEROUS GOODS PANEL (DGP)

MEETING OF THE WORKING GROUP OF THE WHOLE

Abu Dhabi, 4 to 8 October 2004

Agenda Item 2: Development of recommendations for amendments to the *Technical Instructions* for incorporation in the 2007/2008 edition
2.2: Part 2 — Classification

CLASSIFICATION CRITERIA FOR DIVISION 6.1 AND CLASS 8

(Presented by G.A. Leach)

1. BACKGROUND

1.1 Difficulties experienced in the prosecution of a shipper of toxic material in the United Kingdom have highlighted apparent deficiencies in the classification criteria for substances in division 6.1 and also class 8.

1.2 The classification criteria in the Technical Instructions are based on those published in the UN Model Regulations. Part 2; 6.2.2.4.1 of the Technical Instructions (UN 2.6.2.2.4.1) details the criteria for the classification of toxic substances and assignment to the applicable packing group. However, before using these criteria, 2;6.2.2.2 and 3 (UN 2.6.2.2.4.2 and 3) indicate that one must first base the classification on "human experience in instances of accidental poisoning, and of special properties possessed by any individual substance…". It is not clear whether assessing human experience depends on positively researching medical information, or simply on knowledge already possessed by the person making the classification. If the mechanism for obtaining information is unclear, so is the required quality and reliability of that information. There is no indication of what information might be viewed as suitably authoritative.

1.3 If such information can be obtained, a person must then assign the substance to a packing group by making a judgment as to whether the toxicity risk is very severe, serious or relatively low (6.2.2.1). However, what is "very severe" to one person may be "serious" to someone else i.e. the determination is subjective. By contrast, the grouping criteria in Table 2-8 are of course scientific and objective. An objective test is key to underpinning any kind of enforcement action.

1.4 There is also the potential for a person to argue that if human experience is that there has never been a case of accidental poisoning, he need never go to the classification criteria in 6.2.2.4 and Table 2-8.

1.5 The wording of 6.2.2.3 was added in the 2001-2002 edition of the Technical Instructions. Prior to this, human experience was mentioned but in a different context as shown in Part 2; 6.2.1 of the 1999-2000 edition:

> "The substances of Division 6.1 including pesticides, have been allocated among the three packing groups referred to in the introduction to Part 3, according to the degree of their toxic hazards in transport. In making this grouping, account has been taken of human experience in instances of accidental poisoning etc."

This text appears logical i.e. some substances may be not subject to the Technical Instructions if tested In accordance with Table 2-8 but because of human experience it has been decided to regard them as dangerous goods and in which case SP A113 (which is stated against specific substances that classification is based on human experience) has been assigned against them; the new text would appear to render SP A113 redundant.

1.6 Similar problems are noted in the classification criteria for class 8, (2; 8.2.4 requires human experience to be considered prior to using the packing group criteria of 2; 8.2.5) although 2;8.2.2 does at least retain wording similar to that which used to appear for the classification of division 6.1, i.e. it is explained that human experience has been used in arriving at classifications for existing substances. However, an additional discrepancy is noted; 2;8.2.5 (UN 2.8.2.5) details the criteria for allocation to packing groups, but these criteria refer to the destructive effect of "intact skin tissue" which according to 2.8.2.2 is human skin. Consequently, this criteria can only relate to human experience but it is not clear how human experience could be used to apply the very specific criteria of 2; 8.2.

2. SUMMARY

2.1 Prior to the 2001 - 2002 edition of the Technical Instructions, human experience was referred to in the classification of substances in Division 6.1 only to explain how classifications of existing substances had been determined. From 2001, human experience is now required as the primary means of classifying toxic substances. The Working Group is invited to discuss this issue with a view to identifying the adequacy of the current arrangements, and any actions which may be needed.

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