International Civil Aviation Organization

WORKING PAPER

DGP-WG/05-WP/34
21/3/05

DANGEROUS GOODS PANEL (DGP)

MEETING OF THE WORKING GROUP OF THE WHOLE

Montreal, 18 to 22 April 2005

Agenda Item 2: Development of recommendations for amendments to the *Technical Instructions* for incorporation in the 2007/2008 edition
2.3: Part 3 — Dangerous Goods List and Limited Quantities Exceptions

SPECIAL PROVISION A97

(Presented by CEFIC)

1. INTRODUCTION

1.1 At the meeting of the Working Group of the Whole in Abu Dhabi (4 to 8 October 2004) the problem regarding Special Provision A97 (assigned to UN 3077 and UN 3082) was introduced and discussed. Several members confirmed that there is a problem concerning Special Provision A97. The proposal was adopted in principle but the adviser from CEFIC was requested to make a new proposal for the new A97.

1.2 Special Provision A97 in Part 3, Chapter 3 states:

> A97 The designation of this substance is to be decided by the appropriate national authority. Substances classified as UN 3077 or UN 3082 by the regulations of other modes of transport may also be transported by air under these entries. This designation may be used for substances and mixtures which are dangerous to the aquatic environment or which are marine pollutants that do not meet the classification criteria of any other class or another substance within Class 9. This designation may also be used for wastes not otherwise subject to these Instructions but which are covered under the Basle Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal and for substances designated to be environmentally hazardous substances by the appropriate authority of the State of Origin, transit or destination.
>
> *Note.— If any document has been issued in relation to such designation, it is not required to accompany a consignment.*

The designation of such substances by the appropriate national competent authority often leads to delays as the chemistry of such substances becomes increasingly complicated. The situation, that several hundred

products have to be designated, is not exceptional. The appropriate national authority is then overtaxed and has to be supplied with the necessary data and makes decisions based on information supplied by the shipper.

1.3 According to Part 5 Shipper's Responsibilities, Chapter 1, 1.1 General Requirements “the person that offers any package or overpack of dangerous goods for transport by air must ensure, that:

b) the goods are properly classified, marked and labelled and otherwise in a condition for transport as required by these Instructions".

Shipper's have to be familiar with classification criteria of the regulations. We therefore suggest to follow along that line for these products as well.

2. PROPOSALS

2.1 It is proposed, that the text of Special Provision A97 will be amended as follows (two alternative proposals):

2.1.1 Proposal 1

A97 ~~The designation of this substance is to be decided by the appropriate national authority.~~ Substances classified as UN 3077 or UN 3082 by the regulations of other modes of transport may also be transported by air under these entries. This designation may be used for substances and mixtures which are dangerous to the aquatic environment or which are marine pollutants that do not meet the classification criteria of any other class or another substance within Class 9. This designation may also be used for wastes not otherwise subject to these Instructions but which are covered under the *Basle Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal* and for substances designated to be environmentally hazardous substances by the appropriate authority of the State of Origin, transit or destination.

2.1.2 Proposal 2

A97 ~~The designation of this substance is to be decided by the appropriate national authority. Substances classified as UN 3077 or UN 3082 by the regulations of other modes of transport may also be transported by air under these entries. This designation~~ These entries may be used for substances ~~and mixtures~~ which are ~~dangerous~~ hazardous to the ~~aquatic~~ environment ~~or which are marine pollutants that~~ but do not meet the classification criteria of any other class or ~~an~~other substance within Class 9. This must be based on the criteria in the Regulations of other modes of transport or criteria recognized by the appropriate authority of the State of origin, transit or destination. This designation may also be used for wastes not otherwise subject to these Instructions, but which are covered under the *Basle Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal* ~~and for substances designated to be environmentally hazardous substances by the appropriate authority of the State of Origin, transit or destination~~..

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