



WORKING PAPER

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

Abu Dhabi, United Arab Emirates, 7 to 11 November 2010

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 2013/2014 Edition

2.2: Part 2 — Classification

ENVIRONMENTALLY HAZARDOUS SUBSTANCES

(Presented by the Dangerous Goods Advisory Council)

SUMMARY

This paper proposes to harmonize the effective date for revised criteria for substances hazardous to the aquatic environment.

Action by the DGP-WG is in paragraph 2.

1. INTRODUCTION

1.1 With the regulation of environmentally hazardous substances (EHS) by the Technical Instructions, criteria for EHS as provided in the 16th edition of the UN Model Regulations were adopted. The criteria in that edition of the Model Regulations had been updated to account for chronic toxicity when chronic data is available.

1.2 The criteria in the IMDG Code were not updated consistent with the UN 16th Edition since it will be necessary for IMO to amend a convention in order to adopt the revised criteria. It is expected that IMO will adopt the new criteria in its next edition of the IMDG Code, taking effect on 1 January 2013 on a voluntary basis and mandatorily on 1 January 2014. Consistent with the anticipated effective date under the IMDG Code, the European road and rail regulations were updated so that the criteria currently in use may continue to be used until 31 December 2013 (see ECE/TRANS/WP15/204 Corr.1, Page 6, where transitional measure 1.6.1.19 is revised to read:

“1.6.1.19 The provisions of 2.2.9.1.10.3 and 2.2.9.1.10.4 concerning the classification of environmentally hazardous substances applicable until 31 December 2010 may be applied until 31 December 2013.”

1.3 Consequently, the criteria that will be used in the 2011-2012 period under the Technical Instructions will differ from criteria used by other modes. DGAC members applying the revised criteria

have found the changes are significant. As such, a considerable number of substances not regulated as EHS under the new editions of the IMDG Code, and the ADR/RID will be regulated as EHS under ICAO.

1.4 DGAC does not recall any discussion within working groups or the DGP over the course of the past two years suggesting that the panel intentionally adopted criteria that would differ from EHS criteria used by other modes and believes disharmony was unintentional.

2. ACTION BY THE DGP-WG

2.1 The DGP-WG is invited to consider issuing a corrigendum to the 2011-2012 Edition of the Technical Instructions to clarify that the EHS criteria appearing in the 15th Edition of the UN Model Regulations may continue to be used. DGAC recommends that the working group reflect the panel's intent in its report to provide guidance in the interim. A revised text in 2;9.2.1 a) could read:

9.2.1 Class 9 includes, inter alia:

- a) Environmentally hazardous substances (aquatic environment) are those that meet the criteria in 2.9.3 of the UN Model Regulations, 15th revised edition, or that meet criteria in international regulations or national regulations established by the appropriate national authority in the State of Origin, transit or destination.

Substances or mixtures dangerous to the aquatic environment not otherwise classified under these Instructions must be assigned to Packing Group III and designated:

UN 3077 Environmentally hazardous substance, solid, n.o.s.; or
UN 3082 Environmentally hazardous substance, liquid, n.o.s.

2.2 DGAC also recommends that for the 2013-2014 Edition of the Technical Instructions, the current criteria be authorized for use until 31 December 2013.

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