

Consultation Response Document:

The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009 – RID / ADR 2013 amendments

Summary of Response

Introduction and Background

The 2013 editions of RID, ADR and ADN came into force on 1 January 2013 with the mandatory implementation required from the Contracting Parties (countries signatories to the above agreements) by 1 July 2013. In Great Britain this is now automatically done through The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009 as amended (CDG 2009) by directly implementing the latest regulatory amendments.

Although CDG 2009 does not need amending, there is still an expectation to produce an Impact Assessment detailing the impact of the latest adopted amendments on the dangerous goods industry. Therefore, the purpose of this exercise was to gather industry-specific data to feed into the cost / benefit impact analysis and complete the Impact Assessment (Annex A).

Dangerous goods are vital to our economy, whether they are the ingredients for the chemical industry or consumer goods like batteries for powering our gadgets. However, they are unlikely to stay safe if they are not transported securely. That is why this Government strives to promote safety and minimise risks associated with the transport of dangerous goods through effective regulation whilst at the same time supporting trade and economic growth.

Dangerous goods need to be carried across international borders and by different modes of transport, so it is only appropriate that there are internationally agreed rules for doing it safely and securely. The Department for Transport deals with the policy for the safe and secure carriage of dangerous goods by road and rail and works closely with the dangerous goods industry to ensure that these international rules remain fit for purpose. These rules are revised on a two year cycle. The latest amendments listed in the Annexes to Directive 2008/68/EC on the inland transport of dangerous goods have been adopted by the European Commission as per Directive 2012/45/EU of 3 December 2012. The Annexes are: RID (Regulations concerning the International Carriage of Dangerous Goods by Rail) and ADR (European Agreement Concerning the International Carriage of Dangerous Goods by Road). ADN (European Agreement Concerning the International Carriage of Dangerous Goods by Inland Waterways) is also an Annex but the

UK is not required, as permitted by the Directive 2008/68/EC, to implement any part of ADN except that part which relates to the granting of safety advisor qualifications.

The agreed amendments came into force on 1 January 2013. The UK is required, because of its European obligations, to implement the agreed amendments for its domestic as well as for international carriage of dangerous goods by 1 July 2013. These are currently implemented in Great Britain through The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009 as amended (CDG 2009). There are similar but separate regulations in Northern Ireland. The regulations directly implement latest editions of RID, ADR and ADN, thus enabling Great Britain and Northern Ireland to have in place domestic legislation that does not require transposition of the relevant EU Directives every two years.

The latest set of amendments has been adopted by the European Commission with the support of the UK which includes input from the dangerous goods industry through regular briefing sessions run by the Department. We are now looking to summarise the high impact changes to RID / ADR 2013 as listed in Annex B and monetise their potential costs / benefits based on the industry-specific data.

OVERVIEW

Twelve responses to the consultation on **The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009 – RID / ADR 2013 amendments** were received.

There were responses from a range of private sector organisations, trade associations and consultancies, which addressed some or all of the questions posed in the consultation paper. None of the responses quantified any costs or benefits resulting from these amendments.

Structure of Analysis

The comments which some consultees offered have all been gratefully received and given careful consideration. This document is intended to identify the key points made by respondents, it is not the intention to summarise every comment and view. Any changes would need to be negotiated at EU level; at present there are no plans to do this.

Key Points

Overall, respondents supported the proposed amendments and responses showed an overall neutral impact on costs and benefits.

Annex B

The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009 – RID / ADR 2013 amendments summary

The majority of the changes to RID/ADR 2013 are minor in nature and have minimal impact in terms of cost and administrative burden to industry. For the purpose of this exercise, these changes are not summarised here.

We have identified below changes that may have some impact in potential costs to industry. We have also identified changes that should reduce costs to industry (for example, through relaxations and transitional measures). Having already extensively engaged with the dangerous goods industry on the formulation of the latest RID / ADR amendments, our assumption is that any impacts would balance each other out resulting in minimal additional costs to the industry overall.

Chapter 1.1 – Scope and applicability

Sub-section 1.1.3.6.2 has been amended to require security provisions to apply to Class 7 excepted packages of UN 2910 and 2911 if the total activity carried exceeds the A₂ value and to Class 1 explosives of UN 0029, 0030, 0059, 0065, 0073, 0288, 0290, 0360, 0364 and 0439 irrespective of the quantity carried. Sub-section 1.1.3.6.3 has been amended accordingly.

Chapter 1.6 - Transitional measures

New transitional measures have been added including:

- 1.6.2.12 to permit construction and approval of salvage pressure receptacles in accordance with national regulations up to 31 December 2013. Those constructed and approved before 1 January 2014 are permitted for continuous use subject to competent authority approval.
- 1.6.3.41 to allow fixed tanks and demountable tanks constructed before 1 July 2013 in accordance with the requirements in force up to 31 December 2012 continue to be marked according to the requirements applicable up to 31 December 2012 until the next periodic inspection after 1 July 2013 when the marking should be done in accordance with the new marking provisions of 6.8.2.5.2 or 6.8.3.5.6.
- 1.6.4.42 to allow tank-containers constructed before 1 July 2013 in accordance with the requirements in force up to 31 December 2012 continue to be marked according to the requirements applicable up to 31 December 2012 until the next periodic inspection after 1 July 2013 when the marking should be done in accordance with the new marking provisions of 6.8.2.5.2 or 6.8.3.5.6.

- 1.6.4.43 to allow portable tanks and MECGS manufactured before 1 January 2014 not to comply with the new requirement for marking the cross sectional flow area of the pressure-relief devices.
- at 1.6.5.14 allowing continued use of MEMUs which have been approved before 1 July 2013.

Chapter 2.2

Class 3 Flammable liquids

Sub-section 2.2.3.3 has been amended to include articles containing flammable liquids that include fuel cell cartridges contained in equipment or packed with equipment.

Class 6.2 Infectious substances

New sub-section 2.2.62.1.5.7 has been added to exempt uncleaned medical devices (such as surgical instruments) which are carried for purposes of disinfection, cleaning or sterilization before their subsequent reuse from the provisions of RID/ADR if packed in rigid, puncture-resistant packagings of metal or plastic, which shall be designed to meet the construction requirements listed in 6.1.4.

This provision does not apply to uncleaned medical devices containing infectious substances in Category A or to medical devices contaminated or filled with other dangerous goods that meet the definition of another class.

Class 9 Miscellaneous dangerous substances and articles

A new sub-section 2.2.9.1.7 has been added on lithium batteries including a requirement in (e) for the cells and batteries to be manufactured under a quality management programme.

Chapter 3.3 - Special Provisions applicable to certain articles and substances

- A new special provision SP 363 has been added which exempts from the requirements of ADR machinery or equipment containing liquid fuel, other than those exempted under paragraphs (a) or (b) of ADR 1.1.3.3, subject to certain conditions. One of those conditions is a requirement to display dangerous goods labels depending on the capacity of the means of containment.
- A new special provision SP 366 has been added which exempts manufactured instruments and articles containing not more than 1kg of mercury from the requirements of ADR.
- Amendment to SP 636(b) exempts from the requirements of ADR the carriage of used lithium batteries together with other non-lithium batteries for disposal to the intermediate processing facility subject to certain conditions.

- A new special provision SP 658 has been added which permits the carriage of UN 1057 LIGHTERS and UN 1057 LIGHTER REFILLS in accordance with certain provisions applicable to the carriage in limited quantities subject to certain conditions.

Chapter 3.4 – Dangerous Goods packed in limited quantities

Sub-section 3.4.1 has been amended to include a reference to a new sub-section 7.5.2.4 which prohibits mixed packing of limited quantities with any type of explosive substances and articles other than those of Division 1.4 and UN 0161 and UN 0499.

Chapter 3.5 – Dangerous Goods packed in excepted quantities

This chapter has been amended to include a new sub-section 3.5.1.4 exempting certain dangerous goods carried in excepted quantities under certain circumstances from the requirements of ADR except for provisions of 3.5.2 and 3.5.3.

Chapter 4.1 - Packing Instructions

New sub-section 4.1.1.20 has been added on the use of salvage pressure receptacles in accordance with 6.2.3.11.

New packing instructions have been added to this chapter:

- P206 applicable to UN Nos 3500, 3501, 3502, 3503, 3504 and 3505 authorising the use of cylinders and pressure drums conforming to requirements of Chapter 6.2 subject to certain conditions;
- P207 applicable to UN 1950 which requires the use of UN approved fibreboard packagings for a maximum net mass of 55kg and other than fibreboard for packagings with a maximum net mass of 125kg.

New entries have been added to the packing instruction IBC520 in the sub-section 4.1.4.2 for UN 3119:

- UN 3119 Diisorbutyryl peroxide, not more than 28% as a stable dispersion in water;
- UN 3119 Diisorbutyryl peroxide, not more than 42% as a stable dispersion in water.

Chapter 4.2 – Use of portable tanks and UN multiple-element gas containers (MEGCs)

Sub-section 4.2.2 has been amended to include “chemicals under pressure”.

Portable tank instruction T50 in sub-section 4.2.5.2.6 has been amended to include new entries for UN 3500, UN 3501, UN 3502, UN 3503, UN 3504 and UN 3505.

New portable tank special provisions have been added to 4.2.5.3 - TP38 and TP39 allowing instructions T9 and T4 to be applied until 31 December 2018 respectively.

Chapter 5.4 – Documentation

This chapter has been amended to permit the use of the term ‘marine pollutant/environmentally hazardous’ on the transport document.

Chapter 5.5 – Special Provisions

New sub-section 5.5.3 has been introduced on the special provisions applicable to packages and vehicles and containers containing substances presenting a risk of asphyxiation when used for cooling or conditioning purposes such as dry ice (UN 1845) or nitrogen, refrigerated liquid (UN 1977) or argon, refrigerated liquid (UN 1951)). These provisions include a requirement for the vehicles and containers containing dangerous goods used for cooling or conditioning to be marked with a warning mark.

However, the UK has initiated a Multilateral Agreement 260 (MLA 260) which, once signed, would be valid until 31 December 2014 and which exempts from requirements in sub-sections 5.5.3.6 and 5.5.3.7 subject to the risk assessment for asphyxiation. Packages containing dry ice (UN 1845) as a coolant are assumed not to present such a risk in the MLA 260.

Chapter 6.2 – Requirements for the construction and testing of pressure receptacles, aerosol dispensers, small receptacles containing gas (gas cartridges) and fuel cell cartridges containing liquefied flammable gas.

Sub-section 6.2.1.15 has been amended to include reference to the testing of pressure of cylinders, tubes, pressure drums and bundles of cylinders in accordance with packing instruction P200 and for chemicals under pressure in accordance with packing instruction P206.

New sub-section 6.2.3.9 has been added on marking of bundles of cylinders on a plate permanently attached to the frame of the bundle.

New sub-section 6.2.3.11 has been added to recognise and specify requirements for salvage pressure receptacles. A new transitional measure has been inserted in ADR 1.6.2.12 to permit construction of salvage receptacles according to national provisions up until 31 December 2013.

There are changes to the tables of standards in ADR 6.2.4.1 used for design, construction and testing of non-UN pressure receptacles and in ADR 6.2.4.2 for periodic inspection and testing of refillable LPG cylinders and valves, which are mandatory from 1 January 2015.

Chapter 6.5 – Requirements for the construction and testing of intermediate bulk containers (IBCs)

This chapter has been amended to include minimum dimensions of the stacking mark to be 100mm x 100mm.

Section 6.5.1.1.3 has been amended to clarify that IBC tests and inspections can be performed in countries other than the country in which IBC has been approved without that country's competent authority's recognition of the inspection body as long as these are in accordance with the requirements specified in IBC's approval.

Chapter 6.6 – Requirements for the construction and testing of large packagings

This chapter has been amended to include minimum dimensions of letters, numerals and symbols used on the packaging marks in sub-section 6.6.3.1. New sub-section 6.6.3.3 has been added to this chapter with the requirements for stacking marks for large packagings.

Chapter 6.7 – Requirements for the design, construction, inspection and testing of portable tanks and UN multiple-element gas containers (MEGCs)

A new requirement has been added to the marking of pressure-relief devices sub-section 6.7.2.13.1 requiring the cross sectional flow areas of the spring loaded pressure-relief devices to be clearly and permanently marked. Transitional measure in sub-section 1.6.4.43 excludes valves manufactured before 1 January 2014 from this requirement.

Chapter 6.8 – Requirements for the construction, equipment, type approval, inspections and tests, and marking of tanks, bulk containers and special compartments for explosives of Mobile Explosives Manufacturing Units (MEMUs)

Sub-sections 6.12.3.1.2 and 6.12.3.2.2 have been amended with the requirement for the competent authority approval of the bursting discs or other means of pressure relief for tanks carrying UN 1942 or UN 3375. There is a new transitional measure in 1.6.5.14 which allows continued use of tanks approved before 1 July 2013.

Chapter 7.3 - Provisions concerning carriage in bulk

Sub-section 7.3.3, special provision VV15 has been amended to include carriage of solid substances in bulk.

Chapter 7.5 - Provisions concerning loading, unloading and handling

Sub-section 7.5.2.4 has been added which prohibits mixed loading of dangerous goods packed in limited quantities with any type of explosive substances and articles, except those of Division 1.4 and UN 0161 and UN 0499.

Chapter 8.5 – Additional requirements relating to particular classes of substances

Special provisions S1, S11 and S12 have been amended to remove requirement for Class 1 and Class 7 driver specialization training. However, the unintended consequence of those amendments resulted in drivers carrying UN 2915 and UN 3332 (UN numbers subject to S12) being required to comply with the general requirements

concerning the training of drivers as set out in 8.2.1 except for 8.2.1.4. The UK competent authority is aware of this issue and we are looking into possible solutions.

Chapter 8.6 – Road tunnel restrictions for the passage of vehicles carrying dangerous goods

Sub-section 8.6.4 has been amended to restrict passage through tunnels of category E for transport units which are required to display limited quantity markings in accordance with 3.4.13. Transport units carrying dangerous goods packed in limited quantities and marked in accordance with IMDG code are not subject to this tunnel restriction.

Chapter 9.7 – Additional requirements concerning fixed tanks, battery-vehicles and complete vehicles used for carriage of dangerous goods in demountable tanks with a capacity greater than 1m³ or in tank containers, portable tanks or MEGCs of a capacity greater than 3m³ (EX/III, FL, OX and AT vehicles)

New section 9.7.9 has been inserted requiring that EX/III vehicles should be equipped with automatic fire extinguisher systems for the engine compartment and that the load should be protected by metal thermal shields against tyre fire.

This new requirement has a standard 6 months transitional period.

Impact Assessment

The Impact Assessment prepared on the basis of the twelve responses received cannot quantify any costs or benefits as none were set out. As such it can be deduced that the impact of these amendments are cost neutral.