



Department
for Transport

***The Carriage of Dangerous Goods and Use of
Transportable Pressure Equipment Regulations
2009 – RID / ADR 2015 amendments***

Call for Evidence

DfT-2015-21

The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009 – RID / ADR 2015 amendments

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Introduction

The 2015 editions of RID, ADR and ADN came into force on 1 January 2015 with the mandatory implementation required from the Contracting Parties (countries signatories to the above agreements) by 1 July 2015. 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 referencing the latest amendments.

Although CDG 2009 does not need amending, there is still an expectation to produce an issue a Call for Evidence detailing the impact of the latest adopted amendments on the dangerous goods industry. Therefore, the purpose of this exercise is to gather industry-specific data to feed into the cost / benefit impact analysis.

In addition we have a requirement to conduct a post implementation review in respect of the 2011 regulations and to this end there are a set of additional questions designed to determine the impact of these regulations, whether they are still required and whether the same outcome could be achieved using an alternative to regulation

Who should read this consultation document?

This is of relevance to anyone who is involved in the transport of dangerous goods.

How to Respond

The call for evidence period began on 12 October 2015 and will run until 12 November 2015, please ensure that your response reaches us by that date. If you would like further copies of this document, it can be found at <https://www.gov.uk/government> or you can contact us at the address below if you need alternative formats (Braille, audio CD, etc).

Please send your responses to:

By Email: DangerousGoods@dft.gsi.gov.uk

By Post: Department for Transport
Dangerous Goods Division
3/26 Great Minster House
33 Horseferry Road
London SW1P 4DR

Please mark the envelope "Call for evidence response".

When responding, please state whether you are responding as an individual or representing the views of an organisation. If responding on behalf of a larger organisation please make it clear who the organisation represents, and where applicable, how the views of members were assembled.

Background

The Commission Directive 2014/103/EU of 21 November 2014 adapted the Annexes to Directive 2008/68/EC of the European Parliament and of the Council on the inland transport of dangerous goods to scientific and technical progress. 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.

RID, ADR and ADN are updated every two years with the latest editions having come into force on 1 January 2015. 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 2015. These are currently implemented in GB through CDG 2009. There are separate but similar Regulations in Northern Ireland. The Regulations directly reference latest editions of RID, ADR and ADN, thus enabling GB and NI to produce domestic legislation that does not require transposition of the relevant 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 2015 and monetise their potential costs / benefits based on the industry-specific data.

A summary of the changes that may have an impact on business is at Annex B.

Freedom of Information

Information provided in response to this call for evidence, including personal information, may be subject to publication or disclosure in accordance with the Freedom of Information Act 2000 (FOIA) or the Environmental Information Regulations 2004.

If you want information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.

In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but

we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department will process your personal data in accordance with the Data Protection Act and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

Call for evidence Questions

The Questionnaire is at Annex A.

What will happen next

We will complete the Impact Assessment based on the data received from this exercise and publish it within three months of the closing date for this exercise on <https://www.gov.uk/government> Paper copies will be available on request.

The call for evidence process

This call for evidence is being conducted in line with the Government's key consultation principles. Further information on these is available on the Better Regulation Executive's web site at <https://www.gov.uk/government/publications/consultation-principles-guidance>

If you have comments about this process please contact:

Chris Simon
Consultation Co-ordinator
Department for Transport
Zone 1/29 Great Minster House
33 Horseferry Road
London, SW1P 4DR

email: consultation@dft.gsi.gov.uk

The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009 – RID / ADR 2015 amendments

Questionnaire

We are seeking your input on the potential cost / benefit impacts of the adopted RID / ADR 2015 amendments to your business / organisation. Your feedback will be essential in providing us with the evidence-based cost / benefit analysis and will equip the Government with the information to shape future policy developments. It is our intention to ensure that all parties affected by these amendments are notified and that this call for evidence document is clear and concise.

We would also like you to tell us if there any other RID / ADR 2015 amendments that have not been included in the attached Summary of changes and whether these amendments are likely to result in additional costs / benefits to your business / organisation.

Please use the questionnaire which begins on the next page. By completing this form it will enable us to assess responses more efficiently and provide a quicker response to your comments; please ensure you complete it clearly. You can add extra pages with comments if necessary.

Please send your completed questionnaire to us by one of the following methods (it should reach us by 12 November 2015):

By e-mail: DangerousGoods@dft.gsi.gov.uk

By post: **Dangerous Goods Division
Department for Transport
Zone 3/26
Great Minster House
33 Horseferry Road
LONDON SW1P 4DR**



**Department
for Transport**

***The Carriage of Dangerous Goods and Use of Transportable
Pressure Equipment Regulations 2009 – RID / ADR 2015
amendments***

Questionnaire

a

Name of organisation or company:	
Your name:	
Address:	
Telephone number:	
e-mail address:	

b

Which best describes your organisation's role?	<input checked="" type="checkbox"/>	
	Govt Department	<input type="checkbox"/>
	Other Govt organisation	<input type="checkbox"/>
	LA Association	<input type="checkbox"/>
	Small firm / self-employed association	<input type="checkbox"/>
	Employer organisation / trade association	<input type="checkbox"/>
	Trade Union	<input type="checkbox"/>
	Training provider	<input type="checkbox"/>
	Consultancy	<input type="checkbox"/>
	Private company	<input type="checkbox"/>
	Tunnel manager	<input type="checkbox"/>
<i>Other (*)</i>	<input type="checkbox"/>	

	*Please specify :

c

If you are an employer, how many employees are there in your organisation? If you are a trade association, how many companies do you represent?	<input checked="" type="checkbox"/>	0 – 50 <input type="checkbox"/>	51 - 200 <input type="checkbox"/>	> 200 <input type="checkbox"/>
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d

Is your organisation involved in the carriage of dangerous goods by road or rail?	<input checked="" type="checkbox"/>	Road <input type="checkbox"/>	Rail <input type="checkbox"/>	Both <input type="checkbox"/>
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e

Is your organisation involved in the domestic or international carriage of dangerous goods?	
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Please take time to complete the questions and, if necessary, expand on your answers using another sheet.

Question 1 Do any of the adopted RID / ADR 2015 amendments, listed in the attached Summary of changes, have significant costs implications to your business / organisation? Please provide details.

Yes No Don't know

Question 2 Do any of the adopted RID / ADR 2015 amendments, listed in the attached Summary of changes, have significant cost savings to your business / organisation? Please provide details.

Yes No Don't know

Question 3 Do any of the adopted RID / ADR 2015 amendments create any other significant benefits to your business / organisation? Please provide details.

Yes No Don't Know

Question 4 Do any of the adopted RID / ADR 2015 amendments create any other significant dis-benefits to your business / organisation? Please provide details.

Yes No Don't Know

Question 5 Are there any other RID / ADR 2015 amendments that are likely to have an impact on your business / organisation but have not been listed in the Summary of changes? Please provide details including costs / savings involved.

Yes No

Additional Comments

The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009 – RID / ADR 2011 post implementation review

The following questions seek your views as to what extent is the existing regulation working

Question 6 Have there been any unintended effects? If yes, please provide details

Yes No

Question 7 What have been the actual costs / benefits resulting from the regulations?

For small and micro businesses only

Question 8 What have been the impacts on your business?

Summary of changes for 2015

Part 1: General Provisions

Chapter 1.1 Scope and applicability

All amendments considered as no cost or cost reduction.

Chapter 1.2 Definitions

The definition of “service equipment” has been amended to include “additive devices” to reflect the inclusion of a new special provision 664 in Chapter 3.3 which provides for additive devices in the service equipment of fixed tanks or demountable tanks.

Chapter 1.6 Transitional Measures

Deleted transitional measures

All amendments considered as no cost or cost reduction.

New transitional measures

Transitional measures are used to retain the status quo, so are therefore considered cost neutral

Amended transitional measures

All amendments considered as no cost or cost reduction.

Chapter 1.7 Radioactive material – general provisions

Various editorial amendments have been made in section 1.7.1, the most significant being in subsections 1.7.1.1, 1.7.1.4, 1.7.1.5.1 and 1.7.1.5.2. Section 1.7.3 previously entitled ‘Quality assurance’ has been renamed to ‘Management System’ and amended to include in its scope all activities within the scope of ADR as identified in sub-section 1.7.1.3.

Chapter 1.8 Support measures - accreditation

Paragraph 1.8.6.4.1 has been amended to include specific accreditation requirements for entities subcontracted by inspection bodies to carry out specific inspection tasks.

Chapter 1.9 Tunnel restrictions

All amendments considered as no cost or cost reduction

Part 2: Classification

Chapter 2.1 Classification – general provisions

All amendments considered as no cost or cost reduction

Chapter 2.2 Class specific provisions

ADR 2.2.1 Class 1 Explosives

All amendments considered as no cost or cost reduction

ADR 2.2.2 Class 2 Gases

All amendments considered as no cost or cost reduction

ADR 2.2.3 Class 3 Flammable Liquids

All amendments considered as no cost or cost reduction

ADR 2.2.51 Class 5.1 Oxidizing Solids

Paragraphs 2.2.51.1.6 and 2.2.51.1.7 regarding the classification of oxidizing solids and the assignment of packing groups have been amended to include a new Test O.3 in the Manual of Tests and Criteria, sub-section 34.4.3.

ADR 2.2.62 Class 6.2 Infectious Substances

All amendments considered as no cost or cost reduction

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ADR 2.2.7 Class 7 Radioactive material

All amendments considered as no cost or cost reduction

ADR 2.2.9 Class 9 Miscellaneous dangerous substances and articles

New entries UN Nos. 3508, CAPACITOR, ASSYMETRIC, and 3509, PACKAGINGS, DISCARDED, EMPTY, UNCLEANED have been added.

Part 3: Dangerous Goods List, Special Provisions, LQ and EQ

Chapter 3.3 Special Provisions

A total of 14 new special provisions have been added to this chapter, 16 have been amended and 3 have been deleted. Details regarding new and amended special provisions are provided below according to the relevant substances or groups of substances, and some miscellaneous new and amended special provisions are provided under 'miscellaneous special provision changes'.

Lithium batteries

Special provision 636(b) which applies to the carriage of lithium batteries handed over for disposal or recycling as far as the intermediate processing facility, has been amended to provide details of watt hour rating and lithium content of individual lithium ion cells and batteries and individual lithium metal cells and batteries respectively, and provides new marking for the packages. The special provision refers to new packing instruction P909 and has a **new note** to explain how to assess the total quantity of lithium cells and batteries in a battery mix by means of a statistical method included in the quality assurance system.

A new special provision 376 has been created to address the carriage of lithium ion and lithium metal cells and batteries that have been identified as being damaged or defective. It includes a description of what constitutes damaged or defective cells or batteries, describes how the packages must be marked, and packaged in accordance with new packing instructions P908 or LP904 as appropriate.

New special provision 377 applies to the carriage of lithium ion and lithium metal cells and batteries for the purposes of disposal or recycling, and describes how the packages must be marked, and packaged in accordance with new packing instruction P909.

Special provision 661 has been deleted as it has been superseded by special provision 376 above.

Additive Devices

New special provision 664 has been created with details of the applicable provisions when substances carried in fixed tanks or demountable tanks are equipped with additive devices. It includes a paragraph to describe what is (and isn't) considered to be an additive device. The list of requirements includes those for:

- construction and use of the means of containment
- tank approval
- testing for the additive devices
- transport document, training, placarding and marking

See also transitional measure 1.6.3.44.

Asymmetric capacitors

Special provision 372 has been introduced to provide the conditions required for a new entry in the dangerous goods list, UN No. 3508, CAPACITOR, ASYMMETRIC, with an energy storage capacity greater than 0.3Wh. Capacitors with energy storage of 0.3Wh or less are not subject to ADR.

Packagings, discarded, empty, uncleaned

Special provision 663 has been introduced to provide the scope and provisions required for new entry in the dangerous goods list, UN No. 3509, PACKAGINGS, DISCARDED, EMPTY, UNCLEANED, which can only be used for packagings which have been emptied to the extent that only residues of dangerous goods adhering to the packaging parts are present when they are handed over for carriage. The scope is very clear as to which substances and classes of substances this entry cannot be applied. See also 'new entries' to the Dangerous Goods List in Chapter 3.2 for more detail in relation to this entry.

Paint and paint related material

New special provision 367 lists the proper shipping names to be used on documentation accompanying consignments of paint, paint related material and printing ink related material in mixed packages.

Safety devices

Special provisions 235, 280 and 289 which accompany entries UN No. 0503, SAFETY DEVICES, PYROTECHNIC, Class 1 and UN No. 3268, SAFETY DEVICES, electrically initiated, Class 9, have been amended to reflect the revised proper shipping names for the two entries. The special provisions 235 and 280 provide examples for each of the different types of safety devices, which are used to enhance safety in vehicles, vessels and aircraft.

Miscellaneous special provision changes

A new special provision 371 has been inserted providing detailed requirements for articles containing a small pressure receptacle with a release device.

The **footnote** in special provision 660 concerning the carriage of fuel gas containment systems has been amended to include motor vehicles using **liquefied natural gas (LNG)** in their propulsion systems.

Special provisions 580 and 585 have been deleted, the latter of which (provision for Cinnabar, the common ore of mercury) has been replaced by new special provision 66.

Part 4: Packing and Tank Provisions

Chapter 4.1 Packing provisions – use of packagings

The definition of "L" has been amended in subsection 4.1.3.1 to include "LL", special packaging provisions specific to ADR.

New packing instructions

The following new packing instructions have been added to subsection 4.1.4.1:

P208 applies to Class 2 adsorbed gases (the existing P208 has been renumbered as P209).

P505 applies to UN No. 3375, AMMONIUM NITRATE EMULSION or SUSPENSION or GEL, intermediate for blasting explosives, liquid and solid.

P805 applies to new UN No. 3507, URANIUM HEXAFLUORIDE, RADIOACTIVE MATERIAL, EXCEPTED PACKAGE.

P908 applies to damaged or defective lithium ion and lithium metal cells and batteries, including those contained in equipment, of UN Nos. 3090, 3091, 3480 and 3481.

P909 applies to UN Nos. 3090, 3091, 3480 and 3481 carried for disposal or recycling. This packing instruction is provided with the consequential deletion of packing instructions **P903a** and **P903b** for used cells and batteries.

LP903 applies to a single battery, including a battery contained in equipment, of UN Nos. 3090, 3091, 3480 and 3481.

LP904 applies to damaged or defective lithium ion and lithium metal cells and batteries, including those contained in equipment, of UN Nos. 3090, 3091, 3480 and 3481.

Miscellaneous amendments to packing instructions

P003 has been amended to include a new special packing provision **PP91** to authorise the carriage of large fire extinguishers unpackaged, with reference to what is meant by large fire extinguishers as provided in amended special provision 225. Additionally, a new special packing provision **RR9** has been added to provide for empty packagings carried under new UN No. 3509.

P200 for cylinders, tubes, pressure drums and bundles of cylinders has been amended to a significant extent. Along with various editorial adjustments, new provisions have been added under Special Packing provisions, paragraph (10) and a new paragraph (13) has been added.

P901 which applies to UN No. 3316, CHEMICAL KIT or FIRST AID KIT, has been amended to stipulate a packing group II performance level for packages containing kits which contain only dangerous goods to which no packing group is assigned (see also amended special provision 251 regarding documentation for such kits).

P906 which applies to PCBs and polyhalogenated biphenyls or terphenyls, solid and liquid, has been amended to broaden the packaging instructions for transformers and condensers and other devices.

IBCs and Large Packagings

Under **IBC02** two new special provisions have been added, **B16** to provide that Competent Authority approval is required for the carriage of UN No. 3375 in certain types of IBC, and **BB4** for specific UN numbers to prohibit the use of IBCs with a capacity of greater than 450 litres (see also section covering amendments to the Dangerous Goods List, Chapter 3.2). In **IBC08** a new "Special packing provision specific to RID and ADR" has been added, **BB3**, which lists the conditions for the packaging of UN No. 3509, PACKAGINGS, DISCARDED, EMPTY, UNCLEANED, under this provision.

UN No. 0222, AMMONIUM NITRATE with more than 0.2% combustible substances, must now be packaged in accordance with the provisions of **IBC100**, with two associated new special packing provisions, **B3** and **B17**.

In **LP02** a new “Special packing provision specific to RID and ADR” has been added, **LL1**, which lists the conditions for the packaging of UN No. 3509, PACKAGINGS, DISCARDED, EMPTY, UNCLEANED, under this provision.

Special packing provisions for goods of Class 2 and goods of other classes assigned to packing instruction P200 (Section 4.1.6)

The standards in subsection 4.1.6.15 has been amended and updated.

Chapter 4.2 Use of portable tanks and UN MEGCs

In subsection 4.2.5.3 special provision TP32 has been amended and a new portable tank special provision **TP41** has been added.

Chapter 4.3 Use of ADR tanks

Paragraph 4.3.2.2.1 which provides formulas for the calculation of degree of filling of tanks has been amended to include environmentally hazardous substances, to take into account the recent revision of the classification criteria for such substances (introduced to the ADR in 2009 and 2011).

Chapter 4.5 Use of Vacuum operated waste tanks

A new subsection 4.5.2.6 has been added to include precautions to be taken to avoid ignition of flammable liquids in vacuum pumps/exhauster units.

Part 5: Consignment Procedures

Chapter 5.1 General Provisions

Section 5.1.2 on the use of OVERPACKS has been amended to introduce a minimum size for the marking of overpacks [subsection 5.1.2.1. (a)] and to update the rules with respect to the use of orientation arrows [subsection 5.1.2.1. (b)]. The former has a new transitional measure 1.6.1.31 associated with it.

Chapter 5.2 Marking and Labelling

Subsection 5.2.1.3 on the use of salvage packagings has been amended to introduce a minimum size for the marking of the word “SALVAGE”. This amendment has an associated new transitional measure 1.6.1.32.

Chapter 5.4 Documentation

In the section on the transport document and related information, a new paragraph 5.4.1.1.19 has been added to cover new special provisions for the carriage of packagings, discarded, empty, uncleaned (UN 3509).

Section 5.4.2 on the large container or vehicle packing certificate, **footnote ‘5’**, referring to the IMDG Code, subsection 5.4.2.1, paragraph .8, has been amended to refer to the new provisions in relation to substances presenting a risk of asphyxiation (subsection 5.5.3.6 of both the IMDG Code and the ADR).

Part 6: Requirements for Construction and Testing of Packagings, Tanks and Bulk Containers

Chapter 6.2 Construction and testing of pressure receptacles

Paragraph 6.2.1.1.5 has been amended to refer to the test pressure for adsorbed gases and the related new packing instruction P208.

Non-UN Pressure Receptacles

New paragraphs 6.2.3.1.5 and 6.2.3.5.2 have been added, respectively, to prohibit the fitting of fusible plugs on acetylene cylinders and to provide for the periodic inspection and test for closed cryogenic receptacles.

Chapter 6.4 Construction, Testing and Approval of Radioactive Material and Packages

A new subsection 6.4.2.11 has been added under 'General requirements' to provide for package shielding so as to ensure that the radiation levels at any point on the external surface are within defined limits.

Requirements for packages containing fissile material

Substantial amendments have been made to subsection 6.4.11.2 to include calculations to determine whether fissile material can be excepted from the requirements of 6.4.11.4 to 6.4.11.14. New subsection 6.4.11.3 provides for plutonium in particular.

Applications and approvals for radioactive material carriage

Two new subsections 6.4.23.9 and 6.4.23.10 have been added, respectively, to list the requirements for applications for approval of design for fissile material excepted from 'FISSILE' classification and for approval of alternative activity limits for exempt consignments of instruments or articles.

Two new subsections, 6.4.23.14 and 6.4.23.18, have been added to the list of information which must be included in a certificate of approval issued by a competent authority for, respectively, material excepted from classification as 'FISSILE' and alternative activity limits for exempt consignments of instruments or articles.

Chapter 6.6 Construction and testing of Large Packagings

Large salvage packagings

The code for designating types of large packagings has been amended in subsection 6.6.2.2 to include a new letter "T" to signify a large salvage packaging. An example of the use of such a code is provided in subsection 6.6.3.2, fourth example.

A new paragraph 6.6.5.1.9 has been added to provide the test requirements for large salvage packagings.

Chapter 6.7 Construction and Testing of Portable Tanks and UN MEGCs

Service equipment

Four new paragraphs 6.7.2.5.12 – 6.7.2.5.15 have been inserted with additional requirements for tank heating systems and associated equipment.

Chapter 6.8 ADR Tanks

Design and construction

Various new standards and amended dates for applicability for new type approvals or for renewals have been added to the table in 6.8.2.6.1 so it is advisable to check this table as applicable for new and updated standards in relation to the design and construction of ADR tanks.

Part 7: Conditions of Carriage, Loading, Unloading and Handling

Chapter 7.3 Carriage in bulk

The alphanumeric codes for the special provisions for carriage in bulk as indicated in column (17) of the dangerous goods list, have been changed from codes starting with the letters "VV" to **two sets of codes**, starting with the letters "VC" , indicating the primary provision, which may be supplemented by an additional provision identified by the letters "AP". Subsection 7.3.1.1 (b) has been amended to reflect this change.

Section 7.3.3 concerning provisions for carriage in bulk when 7.3.1.1. (b) is applied, has been substantially amended to reflect the new codes. Subsection 7.3.3.1 provides the meanings for the 'VC bulk codes' (VC1, VC2 and VC3) and subsection 7.3.3.2 provides the additional 'AP codes' which are listed according to class of dangerous goods (AP1 to AP10).

Chapter 7.5 Loading, unloading and handling

Additional provisions applicable to Class 7

A new CV37 has been inserted to include additional cooling, containment and marking provisions for aluminium smelting and aluminium remelting by-products.

Part 8: Vehicle Crews, Equipment, Operation and Documentation

Chapter 8.1 Transport units and equipment on board

Firefighting equipment

A new requirement to carry out inspections of fire extinguishers in accordance with authorised national standards has been added to subsection 8.1.4.4, second paragraph.

Chapter 8.2 Training of vehicle crew

Certificate of driver's training

A new paragraph 8.2.2.8.6 has been added to confer an obligation on Contracting Parties to provide an example of the national model of the driver's training certificate to the UNECE secretariat, which will in turn make the information available to all Contracting Parties.