

## **Economic Commission for Europe**

### **Inland Transport Committee**

#### **Working Party on the Transport of Dangerous Goods**

7 September 2011

#### **Joint Meeting of the RID Committee of Experts and the Working Party on the Transport of Dangerous Goods**

Geneva, 13-23 September 2011

Item 6 (a) of the provisional agenda

**Proposals for amendments to RID/ADR/ADN: pending issues**

### **Description of pollutants on documents**

#### **Transmitted by the European Council of the Paint, Printing Ink and Artists' Colours Industry (CEPE)**

#### **Introduction**

1. At the March 2011 Joint Meeting CEPE and other trade associations presented a proposal in ECE/TRANS/WP.15/AC.1/2011/5 to amend the description of pollutants in documents and to permit the use of 'MARINE POLLUTANT' as an alternative to 'ENVIRONMENTALLY HAZARDOUS'.
2. During discussion this proposal was not adopted but the possibility of using 'MARINE POLLUTANT/ENVIRONMENTALLY HAZARDOUS' was accepted (see report of the meeting ECE/TRANS/WP.15/AC.1/122 VI.B.3 para. 35). It was also agreed (see para. 36 of the report) that verification should be sought from the International Maritime Organisation (IMO) as to whether a more generic inscription such as 'AQUATIC POLLUTANT' could be accepted, which would better meet requirements and facilitate multimodal transport.
3. All transport modes now base classification on Chapter 4.1 of the UN GHS, which refers throughout to "hazardous to the aquatic environment" and degrees of aquatic toxicity. CEPE sees the compromise description, accepted at the last Joint Meeting, of "marine pollutant/environmentally hazardous" as very cumbersome and "environmentally hazardous" is not in accordance with GHS.

#### **Information and Action Requested**

4. In the light of the action agreed at the last Joint Meeting with respect to IMO, the International Paint & Printing Ink Council (IPPIC) has submitted a proposal to the 16<sup>th</sup> Session of the IMO Sub-Committee on Dangerous Goods, Solid Cargoes and Containers (DSC16) (paper DSC 16/3/12 attached) proposing options for revision of the description of such pollutants. Germany in their paper DSC 16/3/4 also reported to IMO on the proposed "marine pollutant/environmentally hazardous" description.
5. As DSC16 and the Joint Meeting are being held concurrently this year, it is unlikely to be possible to report the conclusions from the IMO meeting back to the Joint Meeting in time to take any appropriate action.

6. The Joint Meeting is therefore requested to note the action taken by IPPIC in presenting their paper to IMO and to note that, depending upon the outcome, CEPE may present a further paper to the next Joint Meeting in March 2012, requesting appropriate changes for the 2013 editions of RID/ADR/ADN to better facilitate multimodal transport.

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SUB-COMMITTEE ON DANGEROUS  
GOODS, SOLID CARGOES AND  
CONTAINERS  
16th session  
Agenda item 3

DSC 16/3/12  
17 June 2011  
Original: ENGLISH

**AMENDMENTS TO THE IMDG CODE AND SUPPLEMENTS, INCLUDING  
HARMONIZATION OF THE IMDG CODE WITH THE UN RECOMMENDATIONS  
ON THE TRANSPORT OF DANGEROUS GOODS**

**Documentation of aquatic and marine pollutants**

**Submitted by the International Paint and Printing Ink Council (IPPIC)**

**SUMMARY**

<i>Executive summary:</i>	This document proposes the revision of the description of pollutants on transport documents to achieve multi-modal harmony
<i>Strategic direction:</i>	5.2
<i>High-level action:</i>	5.2.3
<i>Planned output:</i>	5.2.3.1
<i>Action to be taken:</i>	Paragraph 12
<i>Related documents:</i>	DSC 10/17, paragraph 3.69; DSC 16/3, annex 3 (pages 2 to 4); DSC 16/3/4; UN GHS Chapter 4.1; RID/ADR/ADN Joint Meeting: ECE/TRANS/WP.15/AC.1/2011/5; ECE/TRANS/WP.15/AC.1/11/BE/INF40; and ECE/TRANS/WP.15/AC.1/122

**Background**

1 IPPIC notes and thanks Germany for submitting the proposals contained in document DSC 16/3/4 to amend the description of marine pollutants in transport documents, etc. However, for the reasons set out below, IPPIC believes that a simpler harmonized description in accordance with UN GHS chapter 4.1 for all modes would be more appropriate. This follows on from the attempts during 2004 at the TDG Sub-Committee and DSC meetings to agree on such a harmonized description.

2 As part of this process, DSC Sub-Committee had agreed to adopt a change from "Marine Pollutant" to "Aquatic Pollutant". However, at its December 2004 meeting the TDG Sub-Committee decided not to confirm a requirement to identify pollutants in Classes 1 to 8 on documents. DSC 10

**INF.27**

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therefore decided to make no change and continue with the description "Marine Pollutant" (see DSC 10/17, paragraph 3.69). Although there was modal disharmony, and the description was not in accordance with GHS, for several years this did not create too many problems for industry as the land modes did not require any such

annotation on documents. However, the RID/ADR/ADN Joint Meeting subsequently decided to introduce such a requirement from 2011, but using a different description of "environmentally hazardous" (although permitting the use of "marine pollutant" for carriage in a transport chain including a maritime leg).

## Discussion

3 All modes now base classification on Chapter 4.1 of the UN GHS, which refers throughout to "hazardous to the aquatic environment" and degrees of aquatic toxicity. Particular note should also be taken of the considerations in 4.1.1.7, which focuses on the other consideration for the harmonized system for classifying substances for the hazards they present to the aquatic environment.

4 The modal disharmony from 2011 is creating problems for industry and in an attempt to resolve the issue, four trade associations submitted a paper to the March 2011 RID/ADR/ADN Joint Meeting making a compromise proposal that the consignor should have the choice of using "environmentally hazardous" or "marine pollutant" on land mode documents (*reference to annex deleted*). During discussion, an alternative, set out in document INF40 (*reference to annex deleted*) was provisionally agreed combining the two descriptions. The meeting also agreed that the matter should be raised with IMO with a view to adopting a more generic description for all modes, such as "aquatic pollutant" (*reference to annex deleted*).

5 The description "marine pollutant/environmentally hazardous" is very cumbersome and "environmentally hazardous" is not in accordance with GHS. IPPIC would much prefer a shorter generic description. It would recognize that the shortest option of "pollutant" could not be adopted as there could be confusion with air pollutants. It should therefore like to see IMO take up the position that was originally taken in 2004 and now adopt the description "aquatic pollutant". There should then be no reason for the Joint Meeting not to adopt the same description, which would be in accordance with GHS.

6 It should be noted that 2.9.3.2.2 of the IMDG Code states that "... it has been agreed that freshwater and marine species toxicity data can be considered as equivalent data ...". This further reinforces the argument for using the generic term "aquatic". Some authorities already apply the IMDG Code to their inland waterways and lakes.

7 IPPIC recognizes that the term "marine pollutant" will be incorporated in many IT systems and an enforced change may be difficult in the short term, although advantageous in the long term. Therefore, whilst expressing a strong preference for the single description "aquatic pollutant", IPPIC is suggesting the alternative option of using either marine or aquatic multi-modally at the choice of the consignor.

8 As set out in annex 3 of document DSC 16/3 (pages 2 to 4), the revisions to MARPOL Annex III agreed by resolution MEPC.193(61) should mean that, if adopted, the proposals set out below would not in themselves require further amendment to MARPOL. They would automatically come into force on 1 January 2014.

**Proposal**

9 Amend the headings and descriptions set out in Parts 3 and 5 to read as follows:

"3.1.2.9 **Aquatic and Marine Pollutants**

3.1.2.9.2 Examples illustrating the selection of the Proper Shipping Name supplemented with the recognized technical name of goods for such entries are indicated below:

UN 1993 FLAMMABLE LIQUID, N.O.S. (propyl acetate, di-n-butyltin di-2-ethylhexanoate) class 3 PG III (50°C c.c.) [AQUATIC POLLUTANT][AQUATIC POLLUTANT or MARINE POLLUTANT]

UN 1263 PAINT (triethylbenzene) class 3 PG III (27°C c.c.) [AQUATIC POLLUTANT][AQUATIC POLLUTANT or MARINE POLLUTANT]

5.4.1.4.3.5 *Aquatic and Marine Pollutants*: If the goods to be transported are marine or aquatic pollutants, the goods shall be identified as "[AQUATIC POLLUTANT][AQUATIC POLLUTANT or MARINE POLLUTANT]", and for generic or "not otherwise specified" (N.O.S.) entries the Proper Shipping Name shall be supplemented with the recognized chemical name of the marine or aquatic pollutant (see 3.1.2.9);

5.4.1.4.4 **Examples of dangerous goods descriptions:**

UN1098 no change

UN 1092, Acrolein, stabilized, class 6.1 (3), PG I, (-24°C c.c.) [AQUATIC POLLUTANT][AQUATIC POLLUTANT or MARINE POLLUTANT]

UN 2761, Organochlorine pesticide, sold, toxic, (Aldrin 19%), class 6.1, PG III, [AQUATIC POLLUTANT][AQUATIC POLLUTANT or MARINE POLLUTANT]

10 Amend other references and cross-references (e.g., Note at beginning of chapter 2.0; 2.0.1.2.1; chapter 2.10; 7.1.4) as appropriate.

11 Confirm that no further amendments are required to MARPOL over and above the "automatic" updating in accordance with the revisions to regulations 3 and 4 from 1 January 2014.

**Action requested of the Sub-Committee**

12 The Sub-Committee is invited to consider the above information and proposals and take action as appropriate.

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