



Dangerous ENews

Email update for National Dangerous Goods Training Consortium

July 2006 Issue

ADR TENDER DOCUMENT

SQA, CGLI, DSA (the Driving Standards Agency), OCR (Oxford Cambridge and RSA Examinations) and WJEC (Welsh exam board) were invited to tender for the ADR contract. I'm told that the actual submission of bids is covered by commercial confidentiality, so I don't know who responded.

The winner of course is SQA who take over from C&G on 1st October 2006.

SQA and TAP

SQA are planning to set up road shows when they have established what they are going to do and how they are going to do it.

The system which I have seen at an early stage seems very impressive. It will reduce the amount of time taken to register courses or even to amend or cancel courses already booked.

SQA have published a consultation document which I emailed to you last week. If you did not receive a copy SQA will be posting them to you very soon. If you have any comments to make, please in the first instance contact either Chris Pursey or David Ritchie.

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Changes to the Rule for Training of Drivers of Vehicles carrying Dangerous Goods.

Currently drivers of vehicles with a permissible maximum mass exceeding 3.5 tonnes have to possess an ADR training certificate.

From 1st January 2007 the exemption for drivers of vehicles less than 3.5 tonnes expires. From that date drivers of all vehicles that carry dangerous goods will be required to hold a vocational training certificate (ADR).

General Training Requirements

Since 1999 all persons (not only drivers) such as consignors, carriers, packers and container operators, whose duties concern the carriage of dangerous goods require some form of training. They have to receive training appropriate to their responsibilities and duties. This training is usually an awareness course.

The awareness course must cover the following subjects:

General Awareness Training
Function-specific Training &
Safety Training

Driver Training from 1st Jan 2007

When would a driver require an ADR certificate?

There will be some exemptions that can still be claimed for the driver to have an ADR. These can be found in section 1.1.3.1 - 1.1.3.6.4 of ADR. Some examples are:

Please see the paper submitted by Roy Boneham on this matter which starts on Page 7

There is an additional exemption where the quantity of dangerous goods carried does not exceed the values set out in table 1.1.3.6. of ADR. To know if this exemption can be claimed, you first need to establish what transport category the goods belong to. This information should be available from the consignor. The second piece of information required would be the quantity of dangerous goods on the vehicle.

If the quantity of dangerous goods carried does not exceed the value indicated for the given transport category the carrier can then claim exemption for the requirement of the driver for having an ADR certificate.

For example:

For Transport Category 0 there are no exemptions

For Transport Category 1. The exemption applies until the quantity carried exceeds 20 (kilograms or litres)

For Transport Category 2. The exemption applies until the quantity transported exceeds 333 (kilograms or litres)

For Transport Category 3. The exemption applies until the quantity transported exceeds 1,000 (kilograms or litres)

Although the driver is exempt from an ADR certificate he would still be required to have awareness training. Where these values (or values for mixed loading in 1.1.3.6.4) are exceeded then the driver would be required to have an ADR.

How the changes came about

August 2002

The Government of Liechtenstein proposed mandatory training for drivers carrying dangerous goods regardless of the permissible maximum weight of their vehicle.

November 2002

Opinions at the United Nations Economic Commission for Europe were divided on the proposal. Some delegates noted that these vehicles were regularly able to carry goods in quantities greater than the exemption limits of 1.1.3.6 and those vehicles were increasingly being used to carry dangerous goods since they were subject neither to the same speed limits as heavy vehicles nor to weekend travel restrictions (for certain countries).

Others considered that in view of the number of drivers concerned, a measure of this nature would have considerable economic consequences and that the cost for carriers should be carefully evaluated with a view to the benefits in terms of safety, which needed to be supported by accident statistics. It was also noted that the drivers of these vehicles were in any case subject to the general company training requirements of Chapter 1.3.

The representative of Liechtenstein was asked to submit a new proposal for the next session, which would take into account the necessary consequential amendments.

May 2003

Liechtenstein resubmits its proposal but this time with support from other countries: Austria, Norway, Poland and most notably Germany

Some delegations said that the proposed obligation concerning the training of drivers of vehicles with a permissible maximum mass not exceeding 3.5 tonnes would involve a very large number of drivers and would therefore have considerable economic repercussions.

Other delegations stressed that training requirements had caused a significant increase in the production cost of the transport of dangerous goods, and that in order to avoid it, the industry was more and more resorting to using vehicles not exceeding 3.5 tonnes, which were increasingly effective in power and speed but fell short of numerous safety requirements.

The representative of Italy proposed that the decision on this proposal should be deferred, so as to give Governments time to collect accident statistics and assess safety advantages in relation to cost. After a vote resulting in equal numbers for and against, the proposal was not accepted.

The Working Party finally decided to adopt the proposal by Liechtenstein to the effect that all drivers of vehicles carrying dangerous goods, irrespective of the permissible maximum mass of the vehicle, subject to the exemptions set out in 1.1.3, must be trained in accordance with 8.2.1. This measure would take effect on 1 January 2007 at the latest.

So industry has not only had the usual six-month introductory period but also it has had 2 years to get ready.

It is unlikely that there will be any extension or exemption as the view is that industry has already had two years to adapt. If they have not adapted by now then they have only themselves to blame.

Although spot checks will not be carried out on January 1st 2007, I have been assured that enforcement will be taking place as of the 2nd of January.

Are you ready?



BTS TAKE TRAINING SERVICE TO NEW LEVEL

Barry Training Services has completed the purchase of the former Kingspan premises on Sully Moors Road, Barry and relocated on the 6th April 2006.

This detached industrial unit consists of 27,000 sq ft of covered training area and 5,300 sq ft of admin office / training / conference rooms and enjoys the benefit of being a secure site consisting of approximately 2.6 acres.

David Phipps Managing Director felt that due to increased demand of Clients for centre-based training a larger better-equipped facility was required with improved support for the company's six other training centres. Our success can be attributed to a number of factors, not least our ability to tailor a course to suit a Clients individual needs and also our ability to respond to training requests at relatively short notice anywhere in Mainland UK as well as European Member States.

The range of training provided varies enormously from basic food hygiene & first aid to plant machinery & health & safety issues, we also have strong network connections with other training providers enabling us to pretty much offer training to suit most companies & individuals specific needs and for whom subject to certain criteria may be able to access funding for their training.

For further information please contact us on 01446 743913

Fax: 01446 746618

E-mail: training@barrytrainingservices.fsnet.co.uk

Web Page: www.barrytrainingservices.co.uk

Many thanks to Barry Training Services for providing this article

I cdnuolt blveiee it

You can read this I cdnuolt blveiee taht I cluod aulacly uesdnatnrd waht I was rdanieg. The phaonmneal pweor of the human mind. Aoccdrnig to a rscheearch at Cmabrigde Uinervtisy, it deosn't mttar in waht oredr the ltteers in a wrod are, the olny iprmoatnt tihng is taht the frist and lsat ltteer be in the rghit pclae. The rset can be a taotl mses and you can sitll raed it wouthit a porbelm. Tihs is bcuseae the huamn mnid deos not raed ervey lteter by istlef, but the wrod as a wlohe. Amzanig huh? Yaeh and I awlyas thought slpeling was ipmorantt.

Tank Vehicles

The Tank vehicles (Loading and Unloading Petroleum Spirit) Regulations 2006 are now expected to be made during the summer and come into force on 1st October 2006. The new regulations will revoke and replace the remaining aspects of CDG Road 1996 (SI 1996 No. 2095). They will not introduce any new provisions.

DG11 MAR06

AGENDA ITEM 8 - INFORMATION REQUIRED BY SHIPPING LINES WHEN DANGEROUS SUBSTANCES OR ARTICLES ARE OFFERED FOR SHIPMENT

The Chamber of Shipping' members are concerned that there is a misconception that they unnecessarily request additional information when Dangerous Goods are being offered for shipment. Shipping lines booking staff are well trained with regard to how they check the information required to satisfy the regulations for the carriage of Dangerous Goods by Sea, as well as the particular requirements of their routes and ships. Accordingly the following guidance is offered to shippers and forwarders.

The incorrect declaration/documentation of Dangerous Goods is regrettably too regular an occurrence and the consequences have the potential to be catastrophic. Where this is through ignorance staff will assist customers in any way in rectifying the problem to facilitate the early carriage of the cargo. In the rare instances where it is evident that no attempt has been made to declare the goods despite all the publicity including notices at terminals, the cargo will be rejected. All shipping lines have well trained DG specialists to assist shippers and accept cargo that is offered. Their training often exceeds statutory requirements, in addition ships' crew are suitably trained. They take great care to ensure that under the companies' quality procedures and the requirements of SOLAS 1974 (as amended) (including the ISM Code), that the cargo accepted is correctly documented and then loaded and stowed appropriately.

Lines are anxious to assist their customers in every way possible and will offer a pre-advice service and if cargo is rejected will normally indicate the reasons. There are a number of reasons why it may be necessary for lines to request additional information to that required by statute. Reasons are varied, but include the configuration of some ships which may restrict the cargo that can be carried, and sound safety reasons. It is not possible to publish a list of cargoes for which additional information may be required as it would require continual updating. Most regular customers are aware of any requirements and work happily with their shipping line, new customers should enquire of their shipping line at the earliest opportunity to discuss any problems which might arise.

The Chamber of Shipping

March 2006

Cleveland Police—HAZMAT Newsletter

Thanks go to Sgt Malcolm Davies for permitting me to use the following material. If you wish to subscribe to this newsletter please contact Sgt Davies at:

E mail: malcolm.davies@cleveland.pnn.police.uk



UN 3291 Clinical Waste.

UN 3291 is allocated to “Clinical Waste Unspecified NOS or (Bio) Medical Waste NOS or Regulated Medical Waste NOS. In a large number of cases this is waste generated by hospitals and is being removed for disposal.

The types of material which fall into UN 3291 would normally be moved as packaged goods and have to comply with those rules. There is however a special provision (V V 11) which allows UN 3291 to be carried in Bulk, providing certain conditions are met. So let's look at how UN 3291 can be moved and the rules which apply.



1. Packaged Goods. UN 3291 falls into Transport Category 2 and has an associated threshold of 333kg/litres.

If the load carried exceeds this threshold then all the rules apply, namely orange boards front and rear, full documentation, full PPE, RPE, equipment etc, driver needs ADR “Other than in Tanks” Class 6.2 (on a vehicle above 3500kg until 31.12.06 then on all vehicles), one fire extinguisher (load ext not needed for Class 6.2). An important point to remember with this is that ALL the packages must be correctly labelled and must be approved type (i.e. they need to have been tested and will be marked with a UN approval number, such as 4HW/Y136/S/06/NL/VL826).

If the load is carried “at or below” the thresholds then the main points to be followed are: the driver only needs awareness training, one 2kg fire extinguisher, packages must be correctly labelled and secure and UN approved for the purpose. Orange plate marking is voluntary and documentation is not required in GB.

2. Bulk Carriage. If the load is to be moved as Bulk then Special Provision V V 11 must be consulted. This clearly states that bulk is permitted only in specially equipped vehicles or containers in a manner which avoids risks to humans, animals and the environment, such as loading the waste into bags or by airtight connection.

This means that the load cannot be carried in open bags or bins or loose.

In addition to this it means the vehicle must be marked up for Bulk carriage, namely Emergency Action Code and UN No plus hazard diamond, but no telephone number. The driver needs to have Class 6.2 “Other than in Tanks” covered on their ADR. The vehicle will need to be fully equipped and full documentation will need to be carried.

Conclusion. It appears that some carriers believe that the way round having to fully comply with the packaged goods rules is just to display bulk labelling panels. They need to remember that all the other requirements for bulk MUST be met in addition.

ADR Exemptions. (An article commissioned by NDGTC and written by Roy Boneham)

The forthcoming end to the derogation for drivers of vehicles of less than 3.5 tonnes maximum permissible mass not to hold a vocational training certificate (ADR certificate) mass may mean that carriers of dangerous goods will look for other avenues for relief from the full burden of the ADR. Many carriers affected by this change tend to be small businesses so that releasing drivers for lengthy dangerous goods training imposes a significant financial burden. There has been a powerful outcry from LPG industry representatives at WP.15 (the ADR committee) at the UN in Geneva about the effect of the end of the derogation on the multitude of small distributors across Europe which has so far gone unheeded.

Carriers will still have the relief provided by exemptions provided for small loads given in 1.1.3.6 of ADR, of course, but these are not the only exemptions provided. The end of the 3.5 tonner (white van man syndrome) exemption presents an opportunity to take a look at some of the other load exemptions of Chapter 1.1, particularly those at 1.1.3.1.

Currently there are five exemption subparagraphs in 1.1.3.1 though this will increase to six in 2007 with the addition of subparagraph (f). Those of you familiar with Authorisation No. 53 issued by the DfT Dangerous Goods Unit earlier this year to allow the application of many of the changes to come into effect with the 2007 ADR may have noted that the amendments to 1.1.3.1 have not so far been authorised for immediate application so we still have to wait to take advantage of the new derogation. I'll say more of this addition later.

Carriage by Private Individuals.

Looking at the existing derogations in 1.1.3.1, the first [(a)] exempts the carriage of dangerous goods by private individuals *provided the goods are packaged for retail sale* and the goods are:

intended for their personal, domestic, leisure or sporting activities; and
provided that measures have been taken to prevent any leakage.

The exemption goes on to say, I suppose realistically, that carriage in IBCs, large packages or tanks are not considered to be retail sale containment systems but does not single out "carriage in bulk" as a non-retail sale containment. Did they forget to mention that "carriage in bulk" is not a retail sale containment system when this exemption was drafted? I can imagine the situation, if stretching credulity a little, where someone with an acre or two of land might beg some UN 2067 ammonium nitrate based fertiliser from a farmer, call by with a car-towed trailer and take it away. Would this carriage be exempted under (a)?

What worries me more about this exemption is the duty imposed on the general public to take measures to prevent leakage in normal conditions of transport. Is it at all reasonable to expect the 60 million subjects or so of the Queen in the United Kingdom to have read the ADR and to be familiar with this requirement? Supposing I, as a son-in-law, need to a part used can of flammable paint thinners round to my mother-in-law's house for a bit of DIY in the boot of my car. Is it reasonable that I

should be aware that I could be committing an offence if the top was not is not fully closed? I'd be committing some kind of offence, too, if I took some liquid BBQ fuel down to the school summer fête without the top on, perhaps because it had been lost, and in stead the opening stuffed with a piece of rag (which could produce a capillary effect).

Yes, we all know that ignorance of the law is no excuse but really – to expect everyone in such circumstances to read the 1400 pages of ADR and (currently) two SIs on top ordinarily must infringe some sort of human right? Might I be in more danger from the wrath of my mother-in-law if I don't do that bit of painting and decorating?

I was called upon a year or two ago to advise a peer of the realm on the transport of dangerous goods. He owned an old, disarmed military tank and transporter which he was restoring. He kept welding equipment including the gas bottles at his residence and took them to the site where these were parked up. Could this be a leisure activity to which derogation (a) applies? Anyone could, in theory, go along to a cutting and welding gas depot and pick up some cylinders for private use. Could one say that the gas cylinders were packaged for retail sale in this case or is this stretching the derogation too far?

Carriage Ancillary to Main Activity.

I would like to skip to the third exemption in 1.1.3.1 at (c) and come back to the second later. This exemption covers carriage by those that is ancillary to their main activity, such as deliveries or returns from building or civil engineering sites, or in relation to surveying, repairs and maintenance in quantities not more than 450 litres per package and the total quantity per vehicle limited to the load limits of 1.1.3.6. This is a useful little exemption to cover small amounts of dangerous goods to be taken e.g. from one closing building site to another.

The examples of ancillary carriage given in the ADR are brief and could be extended to include many more business and professions that lead me to wonder how far this exemption may be taken. What about a doctor or a vet on his rounds? If they take any dangerous goods with them could this be “ancillary carriage”? In my own case a peripatetic nurse had to come from a specialist hospital to my own local hospital to administer some chemotherapy. She brought these toxic chemicals with her, admittedly in the ready-to-use state which may be so diluted as to be out of scope of the regulations. Could, nevertheless, that activity be “ancillary carriage”?

Use of this exemption for tradesmen such as roofers, plumbers, painters & decorators would seem to be a legitimate use of the exemption but how are they to know that should they ever attempt to carry more than a net mass of more than 333 kg. I have seen pick-up vans belonging to roofers where the number of LPG large bottles must have perilously close to this limit. I wonder if they were aware of the consequences of exceeding the 333 kg limit?

There is a rider to this derogation which is aimed at reducing its abuse. The carriage must not be for the actual supply of the goods to a user nor to internal or external distribution. So, for example, if LPG bottles were being supplied by an employer to plumbers working on various sites, the derogation could not be claimed, only by the plumbers themselves as part of their tools and equipment for the job.

Breakdowns

The fourth derogation [(d)] of 1.1.3.1 addresses, in particular, carriage of dangerous goods by breakdown vehicles carrying or towing vehicles which have been involved in an accident or where the vehicles have broken down.

It is important to note that to claim this exemption, the carriage has to be performed by the emergency services or, if not directly performed by them, under their supervision, presumably meaning under escort (or could carriage supervised by continuous CCTV camera cover on a motorway be sufficient “supervision” required by this derogation?).

This derogation has been revised and extended for the 2007 ADR and will read:

"(d) the carriage undertaken by or under the supervision of the emergency services, insofar as such carriage is necessary in relation to the emergency response, in particular carriage undertaken:

- by breakdown vehicles carrying vehicles which have been involved in accidents or have broken down and contain dangerous goods; or
- *to contain and recover the dangerous goods involved in an incident or accident and move them to a safe place;*".

The second indent which I have put in italics should be noted as new text allowing dangerous goods e.g. which has been lost from a load to be recovered separately from the original carrying vehicle but nonetheless, the “supervision” requirement must be complied with.

Saving Human Life or Protecting the Environment.

The fifth derogation [(e)] of 1.1.3.1 deals with emergency transport intended to save human lives or to protect the environment provided all measures are taken to ensure that such transport is carried out in complete safety. This is an extremely important derogation, of course, but what is “complete safety”? How are courts to interpret this given the dictum that there is no such thing as complete safety?

Exemptions for Class 7.

There are number of derogations exempting radioactive materials given in 2.2.7.1.2 which should not be neglected in the search for relief from the full weight of the ADR.

Further GB Derogations.

There are a number of additional GB derogations similar in kind to those of 1.1.3.1 of the ADR. Regulation 3 (5) of SI 568/04 disappplies the rules which has fewer than four wheels and is limited to 25 km per hour or less (would that three-wheeler in “Only Fools and Horses” qualify? – it never looked capable of more than 25 km per hour). It also relieves the operator of an agricultural or forestry tractor from the need to comply.

Regulation 3(9) confirms that the private use derogation of 1.1.3.1 extend to 50 kg net explosive mass of fireworks and 30 kg net explosive mass of other explosives provided that all reasonable steps have been taken to ensure that the manner in which the explosives are loaded, stowed, carried or unloaded will not create a significant risk or significantly increase an existing risk to health and safety.

Regulation 3 (16) (a) re-enacts a long-standing GB derogation for delivering goods between one part of a private premises and a vehicle in the immediate vicinity (though “immediate vicinity” is not defined). This derogation would allow, for example, street loading of vehicles by a fork-lift truck. Ideally this ought not to happen but I suppose we all know of places where this still does occur. Regulation 3 (16) (b) extends this derogation to dangerous goods carried between two premises in the same ownership in the vicinity e.g. where a factory is divided by a public highway.

Carriage of Machinery and Equipment Containing Dangerous Goods.

The UN Model Regulations provide UN 3363 for dangerous goods in machinery or apparatus. Such goods are recommended for Class 9 with a special provision limiting the quantity of dangerous goods to the inner package limit for limited quantities. However, the RID/ADR authorities are minded to allow a much more generous derogation. If you consult the RID/ADR dangerous goods list you will find that UN 3363 goods are not considered dangerous for rail and road transport in any quantity, it seems. This is further confirmed by the third of the derogations in 1.1.3.1 at (c). Any machinery or equipment not specifically mentioned in the ADR which contains dangerous goods may be transported without being subject to its provisions in any way so long as measures have been taken to prevent any leakage of contents.

So, the first thing to check is whether the machinery or equipment is *specifically* mentioned in the ADR. If it is, the rules applicable to its transport would apply as normal. Examples of goods for which this derogation cannot be claimed could include e.g. life-saving appliances (UN 2990, UN 3072), air bag inflators or air bag modules (UN 3268), chemical or first aid kits (UN 3316), articles, pressurized pneumatic or hydraulic (UN 3164) and others.

The decision of the DfT in 2004 to follow the ADR in regulating flammable liquid hydrocarbon fuels of UN 1202 up to 100oC flashpoint has triggered a particular issue with respect to the use of this exemption. There are many mobile electric power generators in service throughout the UK. They may be needed as temporary power supplies for hospitals, building sites, entertainment venues etc. They are diesel powered, usually and have a fuel tank. This is typically located as a box-shaped tank underneath the diesel engine. Prior to the change in the regulations their transport was of little consequence for dangerous goods. However all that changed on 10th May 2004. The fuel, which could be as much as 1500 litres or more represents a significant quantity and possibly not the sort of quantity that the RID/ADR authorities had in mind to exempt when (c) of 1.1.3.6 was drawn up. Realising this, the DfT has placed a paper on the agenda of the Joint RID/ADR meeting asking for a common interpretation as to how far the derogation can be taken. My own take on the situation is that the DfT would be uncomfortable if the derogation were extended to such a quantity of diesel fuel contained in these mobile generators

While the RID/ADR committee deliberates on the matter, the DfT has issued guidance on how the exemption is to be applied (the exemption is shown on page 13 & 14)

Many suppliers of mobile generators need to provide an additional and separate fuel tank. This leads to the question as to how that fuel tank should be regarded for transport, especially could its transport be exempted in any way. This question leads nicely into the new exemption which will be added to 1.1.3.1 in 2007.

Carriage of Uncleaned, Empty Static or Storage Vessels.

A new sixth derogation* will be introduced into 1.1.3.1 in 2007 as (f) which will read:

"(f) the carriage of uncleaned empty static storage vessels and tanks which have contained gases of Class 2, groups A, O or F, substances of Class 3 or Class 9 belonging to packing group II or III or pesticides of Class 6.1 belonging to packing group II or III, subject to the following conditions:

- All openings with the exception of pressure relief devices (when fitted) are hermetically closed;
- Measures have been taken to prevent any leakage of contents in normal conditions of carriage; and
- The load is fixed in cradles or crates or other handling devices or to the vehicle or container in such a way that they will not become loose or shift during normal conditions of carriage.

This exemption does not apply to static storage vessels and tanks which have contained desensitized explosives or substances the carriage of which is prohibited by ADR."

* There were two last minute amendments made to new (f) at the WP.15 meeting May 9-12th 2006 which I have included.

As you can see it is a new and more comprehensive exemption than the current derogation for gas static tanks only at current 1.1.3.2 (f). If a static or storage vessel is to be transported nominally empty with residues of any of the classes, groups and packing groups listed, provided the carriage conditions are observed, such static or storage vessels may be transported without the application of the relevant provisions of ADR. Note that there are no capacity limits set for the static or storage tanks so that they can be as large as you like.

This derogation opens up the possibility of the fuel tanks for generators to be transported separately or alongside the mobile generators to and from sites.

It opens up the possibility, too, for the DfT to abandon the more terse exemption for storage tanks at regulation 5 (14) of SI 568/04. However, there is a sting-in-the-tail. At its most recent session the WP.15 ADR committee decided that a static or storage tank is one which was originally designed for the storage of dangerous goods rather than for their transport. They decided, therefore, that the derogation cannot apply to the carriage of transport equipment such as IBCs or tank-containers, which, not fulfilling the provisions of ADR, are subsequently intended for storage purposes. Given this interpretation handed down by WP.15 it seems to me that tanks which are used for temporary storage of fuels e.g. for mobile generators could not be considered to be static or storage tanks and would either have to be fully cleaned of all residues for transport or be subjected to the full weight of the tank design, construction, inspection, testing and certification requirements of the ADR if “new tanks” or transported under the provisions of Schedule 1 of SI 568/04 or, if small enough, be transported under the Authorisations for existing bowsers. To be a storage or static tank to which new (f) could apply there would need to be some more definite signs of permanence of design such as a clearly observable base and maybe connections and pipework of a more permanent kind, I suggest.

Multimodal Aspects.

I would wish to stress that exemptions of the kind set out in 1.1.3.1 do not extend to sea or air transport.

5.4.1.1.10 Disappearing.

I shall round off this article with the late news that WP.15 has decided to suppress the whole of the provisions of ADR at 5.4.1.1.10 concerning marking the transport document. However this will not come into effect until 2009.

DFT DANGEROUS GOODS GUIDANCE NOTE 11: DANGEROUS GOODS IN MACHINERY OR EQUIPMENT - MEASURES TO PREVENT LEAKAGE

NOTE: This Guidance Note is only intended to give helpful advice. It should not be interpreted as a substitute for reading the Regulations.

Background

1. Regulation 3(6) of the Carriage Regulations applies the RID and ADR exemptions of section 1.1.3 to domestic carriage. Sub-section 1.1.3.1(b) exempts –
“the carriage of machinery or equipment not specified in this Annex and which happen to contain dangerous goods in their internal or operational equipment, provided that measures have been taken to prevent any leakage of contents in normal conditions of carriage;”

Measures to prevent leakage

2. This exemption covers a wide range of machinery, some of which may only be moved very occasionally. The following guidance on measures to prevent leakage also includes a number of mandatory requirements from the Management of Health and Safety at Work Regulations 1999 (MHSWR).

Risk assessment

3. Regulation 3 of the MHSWR requires all work activities to be risk assessed. The assessment should be suitable and sufficient and be carried out by a competent person who has an understanding of the issues. See HSE guidance leaflet INDG163(Rev1) <http://www.hse.gov.uk/pubns/indg163.pdf>

Design of machinery and equipment

4. The machinery and equipment should be robust enough to hold dangerous goods during the normal conditions of carriage. The manufacturer should be able to provide advice.

Quantity of dangerous goods

5. Keep the quantity of dangerous goods as low as practicable.

Preventing leaks

6. All openings, with the exception of pressure relief devices (if fitted), should be properly closed and secured to prevent opening and leakage during carriage.

Loading

7. Ensure the transport unit is appropriate for the carriage, and that the machinery and equipment are properly loaded and secured during carriage. For example, the fixing of the load in cradles, crates or handling devices to the vehicle or container should be in such a way that it will not become loose or shift during normal conditions of carriage.

Displaying information

8. If the quantity of dangerous goods exceeds the threshold in 1.1.3.6, consider displaying appropriate hazard warning information on the transport unit e.g. blank orange-coloured panels on the front and rear of the transport unit.

Information and training for the vehicle crew

9. In accordance with regulations 10 and 13 of MHSWR, ensure the vehicle crew, loaders and unloaders receive appropriate information and training on handling the dangerous goods, machinery and equipment. The information should include “preventative and protective measures”.

Where can I obtain further information?

Text of the Carriage Regulations 2004:
<http://www.opsi.gov.uk/si/si2004/20040568.htm>

Text of the 2005 amendments to Carriage Regulations:
<http://www.opsi.gov.uk/si/si2004/20040568.htm>

Text of 2005 ADR:
www.unece.org/trans/danger/publi/adr/adr2005/05ContentsE.html

"Working with ADR" booklet available on the 'Dangerous Goods transport' pages of DfT's website:
http://www.dft.gov.uk/stellent/groups/dft_transsec/documents/downloadable/dft_transsec_029427.pdf

Enquiry email address: dangerousgoods.roadrailuk@dft.gsi.gov.uk (preferred contact)

Enquiry telephone: 020 7944 2755

Enquiry fax: 020 7944 2039

Health and Safety Executive: <http://www.hse.gov.uk/cdg>

DfT Dangerous Goods Branch February 2006

REGULATIONS

UK DfT has extended by one year the Authorisation exempting the carriage of UN 1202 diesel, gasoil and heating oil from the provisions of the Carriage of Dangerous Goods Regulations. Authorisation No 33 will now run until June 30, 2007. The consultation document on the 2007 regulations will include a thorough review of all authorisations due to run past January 1 and those that are considered still necessary will be reissued.

UK DfT has also set up a new email address for enquiries to the Dangerous Goods Branch. Any such messages should be sent to dangerous-goods@dft.gsi.gov.uk.

Northern Ireland new carriage of dangerous goods by road and rail regulations: consultation

document published

The new Carriage of Dangerous Goods (Northern Ireland) Regulations 2006 that are due to come into effect on 1 August 2006. These implement the 2003 editions of the ADR European Road Dangerous Goods Regulations.

There is now consultation on a set of amending regulations. These amending regulations will implement the security requirements of ADR 2005 and for road extend the threshold for ADR Driver Training below 3.5 tonne.

The regulations are available at: www.hseni.gov.uk under Legislation & Codes of Practice and then Current Consultations to find the Consultative Document on amendments to the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (Northern Ireland) 2006.

Or go to:

http://www.opsi.gov.uk/sr/sr2006/nisr_20060173_en.pdf