

Training Advisory Panel Meeting 9th Jan 2008

Summary of Meeting

The meeting followed the usual format, and I have highlighted what I think are the points of interest to our membership.

Jeremy Rolstone introduced himself as the divisional manager of the Dangerous Goods branch at the Department for Transport.

Jeremy explained that when the contract for driver training went out to SQA in 2006, the Department were anxious to have a seamless transition from City & Guilds so as to cause minimum disruption to the providers, he stated that in the main this had happened.

Now we are over a year in to the new contract it is felt that the time is right to review the whole issue of driver training, and to see if any changes, or improvements are appropriate.

There are concerns about the issuing of ADR VTC's by DVLA, these in the main are to do with incorrect information, and hand written VTC's.

Jeremy said that he had asked SQA to look at the system for issuing the ADR VTC as part of the review.

DfT also feel that there is a "clear link" between ADR and the driver CPC due in August 2009, and Jeremy stated that although SQA will still continue in there present function, he felt that DSA should become involved and take a role in management of the ADR scheme, and DfT, whilst still providing support and expertise to DSA, would step back a bit.

The possibility of integrating the ADR training into the Qualifications and Curriculum Authority (QCA) framework was also to be looked at, consultation will involve

the Sector Skills Council (SSC) and investigate things like costs to industry, what to do with existing certificate holders etc.

I am not at all clear as to what benefits would be produced by this integration?

The problems with issuing of the ADR VTC arose again later as an agenda item, and the chairman had evidence of several errors that had occurred.

Desmond Waite suggested that individuals who are affected by these errors at DVLA should follow the appropriate complaints procedure, issuing of incorrect VTC's was clearly a major issue.

DVLA were invited to attend TAP, but declined until they had seen the evidence themselves, this was to be followed up by Rob Timms of the DfT.

It was alleged from the floor that the requirements for driver training within the ADR could not be met unless a full initial course was attended, this course must include packages otherwise the provider was not in compliance!

Following on from some serious discussion Robert Newman of the DfT stated that this issue would be addressed as part of the review.

It was also suggested from the floor that there are some training providers who are very poor at presenting courses, and as such there should be a minimum requirement that instructors hold a teaching qualification.

Your thoughts would be of interest!

The next meeting is scheduled for 9th July 2008.

**Many Thanks to Chris Rawnsley of Lancaster Training for attending TAP
and for producing this article**

The Joint Meeting adopted a decision at the September 2007 meeting to look at all substances/ mixtures/solutions no matter what classes/UN numbers they are in already marking packages of all classes where relevant as to whether they will meet the aquatic pollutant classification criteria with a transitional period through to end 2010 to complete any additional classification?

This overturns the old RID/ADR approach where you only need to consider aquatic pollutancy if a substance does not get a UN number for any other reason. This decision would bring the RID/ ADR into line with the IMDG Code in the sense that it has always required one to consider the pollutants of a substance/mixture/solution whether or not it is classified as dangerous goods for any other reason.

Also, the September Joint Meeting that Limited Quantities packages will have to be marked with orientation arrows from 2011?

Vehicles carrying more than 12 tonnes of Limited Quantities? From what I can see we will have in Chapter 3.4:

"3.4.9 Consignors of dangerous goods packed in limited quantities shall inform the carrier of the total gross mass of such goods to be consigned, in advance of carriage not involving maritime transport.

3.4.10 a) (RID:) Wagons/(ADR:) Transport units with a maximum mass exceeding 12 tonnes carrying packages with dangerous goods in limited quantities shall be marked in accordance with 3.4.11 (RID:) on both sides/(ADR:) at the front and on the rear unless already marked in accordance with Chapter 5.3.

b) (RID:) Large containers/(ADR:) Containers carrying packages with dangerous goods in limited quantities shall be marked in accordance with 3.4.11 on all four sides unless already marked in accordance with Chapter 5.3.

If the marking affixed to the large containers/containers is not clearly visible from outside the (RID:) carrying wagon/(ADR:) carrying transport unit, the same marking shall also be affixed (RID:) to both sides/(ADR:) at the front and on the rear of the (RID:) wagon/(ADR:) transport unit.

3.4.11 Markings specified in 3.4.9 may be dispensed with, if it can be demonstrated that] the total gross mass of the packages containing dangerous goods packed in limited quantities carried does not exceed 8 tonnes per (RID:) wagon or large container/(ADR:) transport unit.

3.4.12 The marking shall consist of "LTD QTY" in black letters not less than 65 mm high on a white background.

Markings according to Chapter 3.4 of the IMDG Code are also acceptable

REGULATIONS

At its 83rd session, WP15 was presented with a paper from the Secretariat detailing amendments agreed by the joint RID/ADR/ADN Experts, which will form the basis for the 2009 editions of the European land transport regulations. This consolidated draft runs to more than 170 pages. The paper, Inf.26, can be accessed at www.unece.org.

The Australian Dangerous Goods Code, 7th edition (ADG7) has at long last been published. The Code comes in two volumes or on CD. More details, along with ordering information and a document listing the major changes compared to ADG6, can be found at www.ntc.gov.au.

The Australian Dangerous Goods Code Edition 7 hard copy consists of a 2 volume set cost \$127.22 Australian Dollars and \$67.20 Australian Dollars postage. The CD-ROM version cost \$109.04 Australian Dollars and \$10.00 Australian Dollars postage

The Emergency Action Code List 2007 for road and rail carriage of dangerous goods in tanks and in bulk transport units can now be accessed free of charge on the Communities and Local Government website at <http://www.communities.gov.uk/hazard>.

June 28, 2007

REGULATIONS

The UK Transfrontier Shipment of Waste (TFS) Regulations 2007 entered into force in July. They replace the TFS Regulations 1994 and will help to fully transpose the EU Waste Shipments Regulation (EC/1013/2006) that was amended last year to take account of changes to the Basel Convention. The new UK regulations extend the range of individuals against whom enforcement action can be taken but also simplify the control and notification procedures. DEFRA will soon publish a revised Plan on Shipments of Waste setting out policies on the import and export of waste for disposal.

REGULATIONS

UK HSE has published an updated edition of its Carriage of Dangerous Goods Manual, which is intended primarily for its own enforcement personnel. However, HSE recognises that it has value to the regulated community and offers it as a way for them to check that they are in compliance. The Manual explains the regulatory and legislative framework and how the regulations are enforced in the UK. It is structured in the same way as ADR, allowing transport operators to cross-check easily against the regulations themselves. The Manual is freely available on the HSE website at www.hse.gov.uk.



From 1st April 2007 the responsibility of certification of packages, large packages and IBC's passed from PIRA International to Vehicle Certification Agency.

VCA website:

www.vca.gov.uk



The CHCS

The Chemical Hazards Communication Society (CHCS) was established in 1994. In this article Desmond Waight of DanGoods, one of the founder members and Chairman of its main committee since its formation, describes its creation, aims, and achievements.

Pre 1994

There had been concerns expressed about standards in the chemical hazard communication area for a number of years. Whilst attempts had been made to get industry backing for the establishment of an Open University course, these hadn't come to anything.

Following a visit by Bob Warner of the Health and Safety Executive (HSE) to a meeting of the Society for Chemical Hazard Communication (SCHC) in the USA, Bob suggested the formation of a society in Britain.

His idea was taken up and a Terry McKinley (who sadly died shortly after formation of the CHCS) organised a meeting of interested parties at the HSE's London Headquarters' premises. About 40 people from Government and Industry attended this meeting, where it was agreed that a professional Society should be formed. Volunteers willing to get the Society formed were called for, and the 12 that did so then retired to a local public house to discuss how this could be done, and the rest, as they say, is history.

Initial funding issues were resolved by a generous donation of £1000 from Dow Chemical.

Aims and membership

One of the first issues was to set out the aims of the Society of which the main ones are still as applicable in 2008 as then:

- Provide a forum for sharing experiences, views and information
- Promote the need for specific training and aim towards the setting of competency standards
- Make information available to members and other relevant bodies

Membership is open to anyone with an interest in Chemical Hazards Communication (CHC), whether industry, governmental or trades union, but, like all professional bodies, in a personal capacity. There are no qualifications required before one can become a member, and the CHCS does not have different grades of membership.

Membership from outside the UK is permitted and indeed the Society does have a number of non-UK members. Initially membership rose rapidly but now runs at around 500.

The current membership fee is just £47 per year, and application forms and other details are available on the CHCS website at www.chcs.org.uk . There is no initial joining fee.

A survey of members carried out in December 2005 showed that whilst the membership are predominantly (83%) involved with preparation of safety data sheets (SDSs) there is also a substantial involvement with transport with:-

73% are involved in classification for transport

64% are involved in the labelling of dangerous goods

43% are involved in the packaging for transport

43% are involved in producing transport documentation

33% are qualified DGSA's

The survey also showed a wide spectrum of membership with people from one man companies to major multinationals.

What CHCS do

Events

Soon after conception the CHCS started running information seminars, where members are informed of significant new events. These have been most popular and have informed our membership about significant issues and changes as they are developed and introduced. The most recent of these events covered the pre-registration requirements of REACH (which admittedly does not affect those involved in the transport of dangerous goods).

Being a not for profit professional Society means that we are often able to attract significant speakers from the regulators and offer these events at very competitive rates.

Questions Forum

In 1998 an e-mail based Questions and Answers Forum was established, and is open to anyone with an interest in CHC matters, and does not require subscribers to be CHCS members. This totally free, and voluntary provided, service now has an international membership of just nearly 400, and deals with all sorts of questions, including many directly or indirectly related to dangerous goods transport issues.

Forum members send a question, or just simply some information that they wish to share, to the forum administrator. This is then circulated to all subscribers. All subscribers are free to answer, if they wish, any question raised. The replies are then circulated to all forum subscribers, so that all can benefit.

The sort of questions asked / answered can be very wide ranging. For example a recent question was about what subscribers do to comply with the requirement in ADR 1.10.1.2 to "properly identify carriers", and whether the wording of the requirement was clear.

Training

Then in 2001 the CHCS launched a modular training scheme aimed particularly at compilers of safety data sheets (SDS) as this area had been shown from surveys, including one performed by the CHCS, to be one where the degree of 'compliance' was well below the desired standard.

The 15 modules cover the whole spectrum of issues concerned with compiling a compliant SDS, inclusive of Module 8 - Classification for Transport, and Module 10 - Transport Labelling and Documentation . The modules are of one days duration are strictly limited to a maximum of 12 students in order to ensure maximum learning opportunity. The Module programme is being expanded all the time and in January 2008 Module 70 was introduced providing detail training in the packaging of dangerous goods for transport,

Whilst only an attendance certificate is issued at this time, with nearly 1000 certificates having been issued so far, it is the intention of the CHCS to progress over time towards assessment of the delegates in due course.

In the words of one delegate "*the training modules that I have attended were very informative*".

Information provision

In order to make information available in addition to the seminar events an occasional Newsletter provides some information to members.

Further information is provided on the web site in both public, and member's only, areas. This information is provided and maintained by volunteer members, though we contract the services of the professional webmaster, but, like the National Dangerous Goods Training Consortium (NDGTC), the CHCS does not aim to be a main stream information provider.

Why should one be a member

Apart from membership being a requirement for attendance at any of the events or training modules, or to gain access to the information held in the member's only area of the website, members operate in an area where there are no competitive issues to cause concern, and a friendly and supportive atmosphere exists. The aim is to ensure that all are as aware of legislation and best practice and the good hazard communication is practiced so as to comply with legislation and ensure the health and safety of all.

Further Information

Further information can be obtained from the CHCS Office at PO Box 222, Lymington, Hampshire SO42 7QW Alternatively telephone 07000 790 337, fax to 07000 790 338, e-mail on chcs@chcs.org.uk, or visit the web site at www.chcs.org.uk.



Tanker driver arrested

The driver of a tanker was arrested on suspicion of people trafficking after eight people were taken to hospital suffering with breathing difficulties.

The 55-year-old man was being questioned at a south London police station.

Witnesses heard the stricken passengers desperately banging on the sides of the tanker and screaming "Help, help...we're going to die".

The tanker, from Cologne, was carrying a coal-like substance called lignite coke. It is believed the group suffered the ill-effects of gas emitted from the haul. A passer-by said: "They looked dazed, limp and covered in soot."

"The tanker was stuck in traffic and we heard banging and shouting. I could hear screaming and people shouting 'Help, help' and 'We're going to die.'

A specialist hazardous area response unit was sent to the scene, along with an air ambulance, four ambulances and a fast response car.

The vehicle, owned by German company H Freund, has now been driven away by police.

Websites

Two great websites for instructors.

<http://www.trainingzone.co.uk/>



And

<http://www.businessballs.com/>



I have signed up for the training zones newsletter that keeps me up to date on teaching practices.

Just received the latest copy of Wheels magazine (URTU) February 2008

ADR DRIVERS

United road transport union regional officer, Malcolm Williams recently obtained an employment tribunal judgment, which has an affect on all companies needing ADR qualified drivers.

The case was brought on behalf of a driver who received training, paid for by the company, to qualify for an ADR qualify for an ADR licence.

He signed an agreement with the company agreeing to repay the cost or part of the cost, of the training if he left the company within five years.

He did leave in under five years and the company deducted nearly £200.00 from his final wage packet.

The tribunal's decision was that such training was covered under Section 9 of the Health and Safety at Work Act 1974, and the employer was not entitled to charge for the training provided. Therefore, the deduction, even though the driver agreed to it at the time, was unlawful and the company was ordered to repay the wage deduction to the driver.

Thanks to David Gibson for this article.

Industrial Tribunals

It must be remembered that the decisions of an Industrial Tribunal are not legally binding i.e. the case does not set a legal precedent.

The same case in a different tribunal area could have arrived at a different outcome.

HSE Prosecution database

The HSE prosecution database has been moved to the following web address:

<http://www.hse.gov.uk/enforce/reports.htm>

Very useful to see what is going on.

TOXIC TRAIL

Trucker leaked poison for 80 miles

By ALAN DOW

A LORRY driver left an 80-mile trail of deadly poisonous acid and gas across Scotland, a court heard yesterday.



March 5, 2008

LORRY DRIVER'S 80-MILE TOXIC ACID SPILL 'PANIC'

He spread a trail of deadly poison through villages

By Donna Watson
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A LORRY driver left a toxic trail of poisonous acid for 80 miles down the west coast.

panicked" and tried to raise the alarm when the deadly leak began after a delivery in Oban. Instead, he headed for his Glasgow base through several villages and small towns with 1000 litres of formic acid pouring on to the road. The 42-year-old was eventually stopped almost 80 miles later after his bosses phoned him and told him to pull over. Justin Farrell, prosecuting, told Oban Sheriff Court: "The acid was extremely poisonous, can cause severe burns and, if inhaled, can be fatal."

Ignored
The court heard one worker splashed in the face with formic acid in a previous incident died just six hours later. Schofield, of Thornliebank, Glasgow, had stopped off at an Oban primary school shortly before the leak began last April. Mr Farrell said the driver carried detailed instructions from his employers. Haulage, of Glasgow and Inverness, on what to do in an emergency, but he ignored them.

HQ after he accidentally left a sale note in the lay-by. They contacted Schofield's bosses, who phoned and got him to stop near Arrochar. The acid had been intended for a fish farm 20 miles south of Oban to treat fish guts. When the leak was discovered, six others who had come into contact with the acid or fumes were treated in hospital. Two major routes in Argyll were closed for six hours while firemen with breathing gear and protective clothing hosed down the roads. A firefighter was one of those treated. David MacNeill, defending, said: "A loose pallet punctured the container. He found the spillage but panicked and headed back to his depot as fast as possible."

"panicked" when highly-toxic formic acid started leaking from a container shortly after he made a delivery of other goods to a primary school.

Instead of informing emergency services in Argyll the 42-year-old headed back towards his base in Glasgow, going through several towns and villages.

The driver and six other people along the route - including a firefighter - were taken to hospital.

He was stopped after a couple noticed a strong-smelling fluid coming from his truck, like the one above far left, while it was in a lay-by in Kilninver.

Police were able to track down the source of the spillage because the driver accidentally left a sales note in the lay-by.

Hosed

He was phoned in his cab by his bosses and halted near Arrochar, Oban Sheriff Court heard.

Two roads were closed for six hours after the incident last April while firemen hosed down the surface.

Dad-of-three of Glasgow, was carrying 1,000 litres of the acid to a fish farm near Oban, where it was to be used to treat fish guts.

Fiscal Justin Farrell said: "The acid was extremely poisonous, can cause severe burns and if inhaled can be fatal."

Schofield admitted culpably and recklessly driving in the knowledge that a hazardous cargo was leaking from his vehicle and failing to notify emergency services. He got 160 hours community service.

Sheriff Douglas Small said: "It was fortunate nobody was seriously injured."

There's a good bit of hyperbole in the reporting. As ever any and every chemical is "highly toxic", reflecting ignorance, unbalanced reporting and unnecessary reinforcement of prejudices against chemicals.

Do you know how formic acid got its name? It was first discovered in the gut of ants. It's a digestive juice for ants. Named after the Latin name for poisonous - formica. Whilst it is certainly dangerous, even at the concentrated state it is only Class 8, PG II in my experience it is only likely to be tanker loads moved of PG II solutions.

Most commercial preparations have already been diluted to the PG III level or even gone out of scope. These weaker solutions stand comparison to similar in danger to phosphoric acid found in Cola drinks, usually at about 8% concentration? I double-checked in the CHIP approved list - no mention of any kind of toxic effect, acute or chronic, for formic acid, only R35 for greater than 90% solutions. Solutions >85% also being considered to be subrisk flammable - see UN 1779.

Nevertheless the action of this driver cannot be excused.