



*D*angerous *e*news

Email update for National Dangerous Goods Training Consortium

Special Edition

This is a special edition of dangerous enews. First to bring you up to date on the progress of the new syllabus and manual of practice for training of drivers who carry dangerous goods.

SQA are still at the consultancy stage at the present time so “NO” decisions have been made by DfT as of yet. The survey finishes on September 4th with the results being available at the end of September.

If you have not had your say do so now, it is available at:

http://www.surveymonkey.com/s.aspx?sm=DyaerRX01OyMQkfyWLJQpQ_3d_3d

The recent figure to the replies seems to suggest that there is a lack of interest in what happens to driver training. Only 80 had been received by SQA ½ way through the consultation process.

NDGTC have arranged dates for updating our course notes and PowerPoint presentation. This will be for both the new syllabus (if it changes) and the 2009 changes to ADR. As you already know there is to be big changes to Instructions in Writing, Excepted Quantities, the marking of vehicles carrying Limited Quantities and Environmental Hazardous Substances.

Driver CPC



The NDGTC is still trying to convince the powers that be that the ADR course (or a portion of it) should count towards the Drivers Certificate of Professional Competence.

The latest position has not changed from the original - ADR cannot count towards Drivers CPC as it is a legal requirement.

The NDGTC committee has decided that the consortium should be an approved centre but only to register dangerous goods training course and not for any other subjects as this is where our specialist knowledge lies.

Training centres should register their own approval and can then use NDGTC registered training programmes. The reasons why this decision was taken:

1. If any member did not keep to the required standard of instruction etc then the whole consortium could be suspended from carrying out any further training. If you could imagine having to cancel your entire course(s) because of some other centre not doing, as they should.

With SQA and dangerous goods training. Each individual centre is registered and responsible for their compliance, however all centres use the same approved training material, which is produced and maintained by NDGTC. We also have an agreement to undertake some of the administration such as the annual re-registration fee payable to SQA and help in maintaining standards by having our own team of assessors. This along with a very good working relationship with SQA gives us a very strong position.

The committee felt would not be the same for the Joint Approval Unit for Periodic Training (JAUPT).

Our influence to prevent approval of all centres being withdrawn through the fault of one centre would be very limited. We are also up against other large organisations such as RTITB.

2. Administration by the NDGTC would be very expensive. A full administrator and possibly a secretary would be required. The following reasons are given:
 - Each individual instructor would need to be registered
 - Each course would require approval
 - Each course run by centres would need to be registered
 - Every student would need to be registered

- 3 We would need to decide who could belong to the consortium as non-dangerous goods training providers could ask to join.

Some members may not wish to participate in Driver CPC training but may still be expected pay increased membership fees.

This would mean a complete change to the constitution and the rules to which we operate.

Hopefully for these reasons you can see why our involvement should be limited. It would involve a great deal of expense and there would be a lot of risk involved.

Our aim is to produce 2 or 3, 1 day 7hr registered courses which are dangerous goods based and can be applied for when a driver has completed an ADR courses thereby giving a cost / time saving to our customers.

The cost to members using a pre registered NDGTC course would also be a significant saving for each 1-day course per year and avoid the necessity to produce and maintain individual courses.

The NDGTC committee will keep itself up to date on any developments. We believe we can quite easy control dangerous goods training but would find it difficult or impossible to control every other form of training that would be possible to have approved.

Carriage of Dangerous Wastes

I commissioned Roy Boneham of New Alchemy to write an article on dangerous wastes and the problems involved in getting them transported to disposal sites.

Hope it makes you think about how you would deal with these situations.

Carriage of Dangerous Waste

Waste is a pain. It is a nuisance and, for most companies creating waste, there is the ever-increasing cost of its proper disposal which adds nothing to a business' profit line. If that waste is hazardous, this is all the more so.

The disposal of hazardous waste is controlled by regulations enforced by the various Environment Agencies. I say "various" because the control of the disposal of hazardous waste is a devolved government matter – to the Scottish Parliament, the Welsh Assembly, the Northern Ireland Assembly in addition to Westminster for England. Thus there are four sets of regulations and/or amending regulations to contend with. Mercifully, the regulations should all follow the same pattern so that we can make some general comments about it.

On the other hand, the regulation of the transport of dangerous goods is not a devolved matter in Great Britain (England, Scotland and Wales); only in Northern Ireland is it a devolved matter.

These situations add to the regulatory complexity for the transport of hazardous waste.

Application of the Carriage Regulations to Waste.

In principle, the carriage regulations apply equally and indiscriminately to waste which meets the carriage classification criteria and any other dangerous goods so that all the relevant provisions of carriage regulations *as well as* the regulations governing their disposal must be complied with. I have found plentiful examples where this "AND-AND" principle of compliance is ignored or at best, not realised. So often waste producers and carriers are astonished to discover that having complied with the waste regulations the carriage regulations have to be taken into account as well. One possible reason for this lack of appreciation is, dare I say, due to the much higher profile in enforcement of the Environment Agencies compared to the enforcement of the carriage regulations. Nevertheless, compliance with both sets of regulations must be achieved where hazardous waste is also dangerous for carriage.

Classification of Waste Dangerous Goods for Carriage, the Basle Convention and Hazardous / Special Waste Regulations.

There is a classification system for hazardous waste based on a series of H-number definitions of such wastes. This system of classification appears in the various regulations of the countries of the United Kingdom. It stems from a European Directive on hazardous waste.

In turn the European Union (EU) got the idea of the H-number classification system from the Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, (Basle Convention). However, the EU modified it. The original H-number classification scheme of the Basle Convention is much closer to the transport classification scheme than the modified version adopted within the EU.

I have reproduced Annex III from the Convention in the panel below. It shows the:

- H-numbers and the definitions used in the Convention including its comparison of the H-number classification system and the classification system used for dangerous goods
- H-numbers used in the hazardous /special waste regulations.

You will see there is a good deal of discord between the two H-number systems as well as with the transport classification system. Class 2 does not have a corresponding Convention H-number, nor does class 7, for example.

On the other hand, the Convention suggests that wastes which may liberate toxic gases in contact with water (H-10) and should be placed in transport class 9 as should wastes with delayed or chronic toxic effects (H-11). Although the Globally Harmonised System of Classification and Labelling of Chemicals (GHS) recognises the danger of substances which liberate toxic gases in contact with water, the international authorities have yet to determine whether these substances need to be regulated for transport and if so, in which class they should be placed.

The transport authorities have traditionally taken the view that substances and preparations which have delayed or chronic effects of toxicity do not represent a significant hazard in transport and has, by and large, chosen not to regulate them as dangerous for transport. There are one or two notable exceptions, nevertheless, which the UN Sub-committee has chosen to recommend should be regulated on a case-by-case basis because of their delayed effects. The two key examples which are placed in class 9 are asbestos (UN 2212/2590) because inhalation of it may occur in transport and polyhalogenated phenyls (UN 2315/3151/3152/3432) because they can produce dioxins in a fire.

These observations on the three classification systems – transport, Basle Convention and hazardous waste regulations are made to highlight the differences and to show that there is scope for the respective authorities to move towards each other. The RID/ADR/AND Joint Meeting set up a working group on waste a couple of years ago. It noted the differences in H-numbers between the Basle Convention and the EU Directives. As a consequence there will be an amendment to 2.1.3.5.5 of ADR which will read:

2.1.3.5.5 If the substance to be carried is a waste, with a composition that is not precisely known, its assignment to a UN number and packing group in accordance with 2.1.3.5.2 may be based on the consignor's knowledge of the waste, including all available technical and safety data as requested by safety and environmental legislation in force* .

In case of doubt, the highest danger level shall be taken.

If however, on the basis of the knowledge of the composition of the waste and the physical and chemical properties of the identified components, it is possible to demonstrate that the properties of the waste do not correspond to the properties of the packing group I level, the waste may be classified by default in the most appropriate n.o.s. entry of packing group II.

This procedure may not be used for wastes containing substances mentioned in 2.1.3.5.3, substances of Class 4.3, substances of the case mentioned in 2.1.3.7 or substances which are not accepted for carriage in accordance with 2.2.x.2..

** Such legislation is for instance the Commission Decision 2000/532/EC of 3 May 2000 replacing Decision 94/3/EC establishing a list of wastes pursuant to Article 1(a) of Council Directive 75/442/EEC on waste (replaced by the Directive of the European Parliament and of the Council 2006/12/EC (Official Journal of the European Communities No. L 114 of 27 April 2006, page 9) and Council Decision 94/904/EC establishing a list of hazardous wastes pursuant to Article 1(4) of Council Directive 91/689/EEC on hazardous wastes (Official Journal of the European Communities No. L 226 of 6 September 2000, page 3)."*

Whilst this change is helpful in that we will be told for RID/ADR/ADN purposes we can use the EU system as a tool towards classifying waste as dangerous for transport rather than the Basle Convention system it will put these regulations out of harmony with the IMDG Code which will still base its guidance on the latter.

If you consider the present text of 2.1.3.5.5, there has been an attempt to simplify the classification of waste still further from what is presently said which may well benefit consignors and waste disposal contractors in times to come.

ANNEX III OF BASLE CONVENTION LIST OF HAZARDOUS CHARACTERISTICS			HAZARDOUS WASTE REGULATIONS	
UN Class ¹	Code	Characteristics	Code	
1	H1	Explosive An explosive substance or waste is a solid or liquid substance or waste (or mixture of substances or wastes) which is in itself capable by chemical reaction of producing gas at such a temperature and pressure and at such a speed as to cause damage to the surroundings.	H1	"Explosive": substances and preparations which may explode under the effect of flame or which are more sensitive to shocks or friction than dinitrobenzene.
			H2	"Oxidizing": substances and preparations which exhibit highly exothermic reactions when in contact with other substances, particularly flammable substances.
3	H3	Flammable liquids The word "flammable" has the same meaning as "inflammable". Flammable liquids are liquids, or mixtures of liquids, or liquids containing solids in solution or suspension (for example, paints, varnishes, lacquers, etc., but not including substances or wastes otherwise classified on account of their dangerous characteristics) which give off a flammable vapour at temperatures of not more than 60.5°C, closed-cup test, or not more than 65.6°C, open-	H3A	"Highly flammable": - liquid substances and preparations having a flash point below 21°C (including extremely flammable liquids), or - substances and preparations which may become hot and finally catch fire in contact with air at ambient temperature without any application of energy, or - solid substances and preparations which may readily catch fire after brief contact with a source of ignition and which continue to burn or to be consumed after removal of the source of ignition, or

		up test. (Since the results of open-cup tests and of closed-cup tests are not strictly comparable and even individual results by the same test are often variable, regulations varying from the above figures to make allowance for such differences would be within the spirit of this definition.)		<ul style="list-style-type: none"> - gaseous substances and preparations which are flammable in air at normal pressure, or - substances and preparations which, in contact with water or damp air, evolve highly flammable gases in dangerous quantities.
			H3B	"Flammable": liquid substances and preparations having a flash point equal to or greater than 21°C and less than or equal to 55°C.
4.1	H4.1	<p>Flammable solids</p> <p>Solids, or waste solids, other than those classed as explosives, which under conditions encountered in transport are readily combustible, or may cause or contribute to fire through friction.</p>	H4	"Irritant": non-corrosive substances and preparations which, through immediate, prolonged or repeated contact with the skin or mucous membrane, can cause inflammation.
4.2	H4.2	<p>Substances or wastes liable to spontaneous combustion</p> <p>Substances or wastes which are liable to spontaneous heating under normal conditions encountered in transport, or to heating up on contact with air, and being then liable to catch fire.</p>		
4.3	H4.3	Substances or wastes which, in contact with water emit flammable gases		

		Substances or wastes which, by interaction with water, are liable to become spontaneously flammable or to give off flammable gases in dangerous quantities.		
5.1	H5.1	Oxidising Substances or wastes which, while in themselves not necessarily combustible, may, generally by yielding oxygen cause, or contribute to, the combustion of other materials.	H5	"Harmful": substances and preparations which, if they are inhaled or ingested or if they penetrate the skin, may involve limited health
5.2	H5.2	Organic Peroxides Organic substances or wastes which contain the bivalent-o-o-structure are thermally unstable substances which may undergo exothermic self-accelerating decomposition.		
6.1	H6.1	Poisonous (Acute) Substances or wastes liable either to cause death or serious injury or to harm human health if swallowed or inhaled or by skin contact.	H6	"Toxic": substances and preparations (including very toxic substances and preparations) which, if they are inhaled or ingested or if they penetrate the skin, may involve serious, acute or chronic health risks and even death.
6.2	H6.2	Infectious substances Substances or wastes containing viable micro organisms or their toxins which are known or suspected to cause disease in animals or humans.		
			H7	"Carcinogenic": substances and preparations which, if they are inhaled or ingested or if they penetrate the skin, may

				induce cancer or increase its incidence.
8	H8	Corrosives Substances or wastes which, by chemical action, will cause severe damage when in contact with living tissue, or, in the case of leakage, will materially damage, or even destroy, other goods or the means of transport; they may also cause other hazards.	H8	"Corrosive": substances and preparations which may destroy living tissue on contacts.
			H9	"Infectious": substances containing viable micro-organisms or their toxins which are known or reliably believed to cause disease in man or other living organisms.
9	H10	Liberation of toxic gases in contact with air or water Substances or wastes which, by interaction with air or water, are liable to give off toxic gases in dangerous quantities.	H10	"Teratogenic": substances and preparations which, if they are inhaled or ingested or if they penetrate the skin, may induce non-hereditary congenital malformations or increase their incidence.
9	H11	Toxic (Delayed or chronic) Substances or wastes which, if they are inhaled or ingested or if they penetrate the skin, may involve delayed or chronic effects, including carcinogenicity.	H11	"Mutagenic": substances and preparations which, if they are inhaled or ingested or if they penetrate the skin, may induce hereditary genetic defects or increase their incidence.
9	H12	Ecotoxic Substances or wastes which if released present or may present immediate or delayed	H12	Substances and preparations which release toxic or very toxic gases in contact with water, air or an acid.

		adverse impacts to the environment by means of bioaccumulation and/or toxic effects upon biotic systems.		
9	H13	Capable, by any means, after disposal, of yielding another material, e.g., leachate, which possesses any of the characteristics listed above.	H13	Substances and preparations capable by any means, after disposal, of yielding another substance, e.g. a leachate, which possesses any of the characteristics listed above.
			H14	"Ecotoxic": substances and preparations which present or may present immediate or delayed risks for one or more sectors of the environment.

From now on when I refer to H numbers I shall be referring to those used in the hazardous waste regulations.

Classification of Waste Dangerous Goods for Carriage and the Hazardous Waste Regulations – Links to CHIP.

Whilst there is a divergence between the H-numbers used in the hazardous waste regulations and those of the Basle Convention, anyone familiar with The Chemicals (Hazard Information and Packaging for Supply) Regulations 2002 (CHIP 3) will recognise good correlation between many of the categories of danger (R-phrases) and these H-numbers.

Classification Case Studies.

Those of us deeply involved in the regulations concerning the transport of dangerous goods are only too well aware that until an accurate, detailed and complete classification process has been completed, we cannot know whether the goods are dangerous for transport or, if they are, what parts of the regulations will then follow on with which we have to comply. This is also true for the classification of dangerous wastes.

I would now like to consider some specific classification issues in a series of case studies.

Classification Case Study 1 - flammable liquids.

Currently the transport regulations in normal circumstances require liquids with a flashpoint up to and including 60°C to be classified as dangerous goods. The Basle Convention goes along with this. However the hazardous waste regulations, in H3B,

state that liquids need only be considered as flammable for disposal with flashpoints up to 55°C. This difference produces the somewhat bizarre situation that, for example, *N,N*-dimethylformamide (UN 2265) is classified as a flammable liquid for carriage because of its flashpoint of around 58°C whereas this danger is to be ignored for classification as hazardous / special waste.

This substance is classified under the CHIP 3 regulations as a impairing fertility, harmful in contact with skin and by inhalation and irritating to the eyes. None of these CHIP classifications trigger a classification under transport but because of the link between the H-numbers and CHIP it would have to be classified as H4, H5, H10 as a waste. It could therefore be transported as non-regulated for transport. Is this desirable?

Classification Case Study 2 – H-Numbers with no Transport Correlation.

H4, H5, H7, H10 – H13 have no direct correlation with the transport classes nor does the chronic part of H6.

H14 for ecotoxicity also presents a problem in that it is linked to the aquatic ecotoxicity definitions in the CHIP regulations. Currently, and to try and simplify a complex situation, in CHIP there are situations where substances and preparations have to bear both risk phrases and the withered tree/dead fish symbol. ADR says if the goods have no other danger then these go under UN 3077 or UN 3082. However, in Chip there are lesser cases where risk phrases may be necessary but not the display of the symbol. These pollutants according to CHIP definitions would fall under H14 but would not be dangerous goods.

The situation with waste pollutants will become even more complex with the 2009 ADR onwards as it will adopt the GHS classification and labelling/marketing system but still allowing you to default to the present ADR criteria.

Classification Case Study 3 - Drawing of Samples for Classification Purposes.

Waste disposal contractors often need to draw samples of waste streams and take them away to a laboratory for analysis and classification. It may well be the case that all records of what was fed into the waste have been lost or at best are unreliable. Transport regulations, nevertheless, require that “A consignor shall not consign dangerous goodsunless they have been classified” [SI 51573/2007, Reg. 47]. Now here’s a conundrum. If waste under the dangerous goods classification criteria, the waste cannot be consigned until fully classified and yet it may be necessary to transport the goods to some other place in order to find out just what it is. How should a consignor cope with this? Well, some relief is provided in the ADR at 2.1.4.1 which states “When the class of a substance is uncertain and it is being carried for further testing, a tentative class, proper shipping name and UN number shall be assigned *on the basis of the consignors knowledge of the substance....*”. In such cases the word “SAMPLE” is to be added to the proper shipping name.

Classification Case Study 4 – Clearing Out a Closed Veterinary Surgery.

Stocks of unguents and other treatments had to be cleared out from a veterinary surgery. The practice had been in the hands of the same family for four generations but no one remained to take it on. Bottles of this and that going back well into the 19th century were there, many unlabelled or if they were, were named with names long since lost to knowledge. It was probably that many of the bottles contained nothing dangerous but who could say for certain? How they should be classified in such circumstances remains a mystery to me and yet to have left them there would be irresponsible.

Classification Case Study 5 – Clearing Out a University Research Laboratory.

A waste contractor was called in to clear out a research laboratory of a major university after the professor in charge had retired. All sorts of substances and preparations had either been bought in as reagents over the years or, more worryingly, had been created in the laboratory with little record as to what they were. We faced the same dilemma. To have left them there would also have been irresponsible and yet there were no records we could use, no one's memory we could jog to recall what they were.

Some attempt was made but what would be the consequences if any of these substances and preparations were among the lists at the end of each part of Chapter 2.2 of the ADR which lists the substances banned for transport, only ascertained after they had arrived at a disposal point?

It is not unknown for waste disposal contractors to be faced with the problem that chemical waste has arisen which is banned from transport and yet there is no alternative means of disposal where waste has been found. I had a case last year where someone had created a waste which was around 35% organic peroxide and 65% flammable liquid. It was banned from transport under the provisions of 2.2.3.2.1 of the ADR.

Lists of substances banned from transport appear towards the end of most of the class sections of Chapter 2.2 of the ADR. A solution may be to appeal to the competent authority (CA) for a permission overruling the transport ban through this would be dependant on the willingness of the CA to grant such a permission which cannot be relied upon and may not even be within the discretion of the CA in the first place to give in the first place.

Remember, in such cases, the CA is *not* the Environment Agency but the Dangerous Goods Unit of the Department for Transport.

Classification Case Study 7 – Waste collected from Storage Tanks.

Many producers collect their waste in storage tanks. The waste contractor may sample the tank on a given occasion to establish what the waste is. However, care has to be taken as a sample taken at one level in the storage tank may not be representative of the whole. It is commonplace that wastes fed into storage tanks may not form homogenous mixtures but form layers. In addition, where batch

production processes are used on multipurpose manufacturing plants, the waste emanating from it may vary from week to week so that the initial sampling may again prove to be unrepresentative.

In an extreme case, I found a situation where the waste had not been sampled and analysed. In stead the waste contractor had relied on information supplied by the producer as to what it was – a single waste stream from a continuous production process. The producer had not considered the possibility and had not informed the waste contractor that small quantities of unreacted raw materials could pass through the production process into the waste stream. This situation led to an incident where (not in the UK) unreacted material in drums of the waste started to decompose, producing an fuming exothermic reaction. The drums leaked to the extent that an emergency arose during carriage resulting in the closure of a motorway on a busy Friday evening.

Classification Case Study 8 – Waste Liquid Hydrocarbon Fuel.

Now that any UN 1202 fuel with a flashpoint up to 100°C is dangerous goods for transport by the land modes, it follows that any waste fuels of this kind must be carried as dangerous goods. However such wastes are not hazardous wastes on the flammability count where, as mentioned above, the upper limit for classification is 55°C.

Classification Case Study 9 – Desensitised Explosives.

A substance has been turning up in waste as a redundant chemical which is classified by the original manufacturer as a desensitised solid explosive but it was not listed as one of the permitted Class 4.1 desensitised explosives. In principle, there is a restricted list of such substances and no others are allowed to be transported in this state unless listed. I faced that situation back in 2004. The situation has changed somewhat since then in that two generic (N.O.S.) UN numbers have been created, UN 3379 for liquids and UN 3380 for solids desensitised explosives. It should be noted, however, that special packing provision P099 applies to both these UN numbers which means that only packagings approved by the CA can be used. How many, faced with the problem of waste disposal would bother about this, I wonder, and how many would just go ahead and get rid of the stuff?

Containment of Dangerous Waste.

I would contend that the hardest part of the transport regulations with which to achieve compliance is in the area of containment. The dangerous goods regulations are immensely prescriptive and detailed in what they allow dangerous goods to be packed. There are no concessions from the full application of the containment rules for dangerous waste unlike with classification. A number of practical difficulties arise with compliance when packing dangerous waste. Allow me to present this selection to you.

Containment Case Study 1 – Out of Date Plastics Packagings.

There is a general rule that plastics drums, jerricans, rigid plastics IBCs and the bottle of plastics composite IBCs must not be used for more than five years from the date of manufacture for the transport of dangerous goods, and as I am sure you know, for a few products to be limited to two years use. It is not uncommon for waste contractors to be asked to remove redundant chemicals which have been kept in store in plastics drums and jerricans for more than the five years. Outwardly the packages may appear to be perfectly sound. What should be done? Should the contents be decanted into valid packagings with the attendant risks associated with decanting? Should the consignor take the risk of allowing the waste to leave his site never mind the fact that the packages though sound are out of date? Could the out of date packages be placed in expensive UN-certified salvage packagings for disposal? Should the contents be transferred to other still valid packagings? What if there are no suitable means of carrying this transfer out at the waste producer's site?

It would seem to me that the use of salvage packagings in the situation I describe here to contain out-of-date plastic drums and jerricans may not be a legal use of them as the definition of these packagings given in the ADR describes them as "... a special packaging into which damaged, defective or leaking dangerous goods packages or dangerous goods that have spilled or leaked are placed...". The packages I am considering here are neither damaged, defective or leaking, just old.

Containment Case Study 2 – Use of Plastics Packaging and IBCs: Compatibility Testing.

The transport regulations require compatibility testing of plastics packagings prior to carrying out the prototype testing which leads to packagings becoming UN-certified. The general rule is that a compatibility storage trial should be carried out with the substance with which the packagings are to be filled for transport [see ADR 6.1.5.2.5, 6.5.4.3.3] lasting as long as six months. Only thereafter should UN testing be attempted and then with the packages which have been used for the compatibility test.

I acknowledge that RID/ADR provide a quicker compatibility testing using a range of "model liquids".

Waste generates nothing to the bottom line profitability of waste producers. Therefore every effort is usually made to cut the cost of disposal including e.g. the reuse of plastics packagings in which incoming raw materials have arrived. Environmental considerations would commend this as good practice, I suggest. Nevertheless, unless compatibility has been undertaken by either the longer or the shorter means for every waste stream noting that waste streams may vary on a daily basis, the use or reuse of these plastics packagings and IBCs would seem to be short on compliance?

Containment Case Study 3 – Packing Instruction P099 and Redundant Chemicals.

As noted above, there are a number of entries in the Dangerous Goods List in the transport regulations which are assigned to Packing Instruction P099. This packing

instruction dictates that CA approval of the packaging must be obtained and without it transport is not permitted. There are examples of these substances being put forward for disposal as redundant chemicals but still in the original packaging in which they arrived. If such chemicals were in packagings which had been approved by a particular country's CA and are then imported into the UK, Can the original CA's approval of the packaging be used for this onward movement which, ostensibly, constitutes a new journey or would this usurp the authority of the CA where the chemicals are now situated?

What should happen if the goods were supplied before P099 existed – which is only since the regulations were reformatted at the beginning of this millennium? Should an appeal be made to the CA to allow the chemicals to be moved “as is” if the general conditions of packing of Chapter 4.1 of the RID/ADR etc can be met?

Containment Case Study 4 – Gas receptacles which do not conform to the TPED.

Gas receptacles are subject to the provisions of the Transportable Pressure Equipment Directive (TPED), the provisions of which are incorporated into law through SI 1573/07. The provisions of the TPED apply not just to new gas receptacles but are also applied retrospectively as these have to be reassessed for conformity with its provisions albeit with some fast running out if not already expired transitional periods. Gas receptacles which satisfy the TPED are marked with the Greek letter π and some coding associated with the conformity assessment process.

There will be gas receptacles turning up as waste for many years to come, it seems to me. What should be done? Can these be treated as “old pressure receptacles” according to Schedule 3 of SI1573/07?

Containment Case Study 5 – Packing of Lab Smalls.

Waste disposal contractors are often asked to dispose of a collection of redundant, part used or empty unclean receptacles of reagents, solvents and other chemicals from laboratories which may be in small bottles up to Winchester. Where these are limited quantities resolving the packaging issue is relatively straightforward – but not so if the substance has no limited quantity allowance or the quantity is above the allowance.

A solution may be to pack those with no limited quantities allowances in a suitable UN-certified outer packaging. However this may infringe the principles of the UN testing scheme for packages in that combination packagings have to be tested with the intended inner receptacles with the implied rule that using UN- certified outer packagings to transport inner packagings with which they have not been tested is illegal. It may be that the outer packagings in which these substances have long since been disposed of. What to do?

There is a concession at 6.1.5.1.6 (a) (i) – (v) of RID/ADR which allows outer packagings to be used to transport inner packagings of similar design without retesting. Nevertheless the relevant duty holders would have to ensure that the relevant provisions of this paragraph of RID/ADR have been complied with.

The only other solution that I can see in such circumstances is to use the so-called “V” packagings or “super-packs” which are expensive and much disliked for the transport of something which is being thrown away or perhaps to ask the DfT for a one-off letter of approval in every case? I cannot see the DfT being too happy with a continuous stream of such requests.

Containment Case Study 6 – Aerosol Dispensers.

There is a condition attached to the transport of aerosol dispensers that aerosol dispensers should be provided with protection against inadvertent discharge during transport. This condition is found in SP 190 and is usually either in the form of the cap over button or in the form of a plastic seal which is broken on first use. Aerosol dispensers are thrown away in abundance. One must assume that they remain dangerous goods as they will still have some of their contents inside such as the propellant gas, so often a flammable gas these days. Is it legal to throw them away in this condition without the protection required by SP 190 i.e. without their cap or without the broken seal being reinstated?

One argument which can be advanced is that most aerosols dispensers meet the limited quantities provisions of the RID/ADR. This being the case, so long as the provisions of Chapter 3.4 and relevant general packing conditions of Chapter 4.1 are met, we are informed that no other parts of the RID/ADR apply to their transport and so SP 190 would not apply – but this would mean packing all used aerosols in an outer box or shrink-wrapped or stretch-wrapped tray – hardly practicable.

Some relief to this situation has been provided by SP 327 which confirms that waste aerosols may be transported in packagings and large packagings without the aforementioned protection:

“Waste aerosols..... may be carried..... for the purposes of reprocessing or disposal. They need not be protected against inadvertent discharge provided that measures are taken to prevent dangerous build up of pressure and dangerous atmospheres are addressed....”

Transport Document.

I will end this paper by mentioning the requirements for a transport document to accompany dangerous goods. The hazardous waste regulations prescribe a consignment note and its contents. The dangerous goods regulations also prescribe a consignment note and its contents, as you will know only too well. As the purposes of these documents overlap, it would seem sensible to regulate that the document for waste can act as a substitute or at least a two-in-one document to satisfy both sets of regulations – the AND-AND principle of compliance. Indeed some EU Member States have recognised this as a sensible step and have negotiated a derogation from ADR with the European Commission as is provided for States so to do in the ADR Framework Directive. So far the UK has not sought to apply this derogation in national transport though this is not out of the question. Maybe industry should exert some pressure on the DfT to pick upon this allowable derogation and insert it in the 2009 regulations?

Some of you will be aware that in the latest hazardous waste regulations for England and Wales, at Schedule 4 a different and contradictory sequence is given starting with the Packing Group. Mercifully, the Northern Ireland regulations do not fall into this trap nor does Scotland.

What a sorry mishap on the part of those who put the England and Wales regulations together, made worse, it seems to me, by the Environment Agency who could not bring themselves to mention this error in their guide to waste consignment notes reference HWR03.

It may console you to know that Clive Dennis (HSE dangerous goods enforcement policy) has written in the guidance to enforcers on this point which you can access at

<http://www.hse.gov.uk/cdg/manual/index.htm>

See page 91 under the heading of "waste" where Clive states that no action should be taken because of this by enforcers.

This Special Edition ENews is produced and edited by David Ritchie if you have any interesting stories for the next edition I would be very happy to include.

The next edition of Dangerous ENews will be produced at the beginning of November. Its purpose is to keep you informed of the development at SQA and the manual of practice.

It will also include details of the major changes in ADR for 2009.

The NDGTC committee has also arranged dates for updating training material i.e. power point, instructor notes for these changes mentioned above.

For this reason it is a very good investment to be a member of the consortium.

My contact details:

david@ritchiestraining.co.uk

Mobile: 07879606892