

Economic Commission for Europe

Inland Transport Committee

Working Party on the Transport of Dangerous Goods

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

Geneva, 19–23 September 2016

Item 5 (a) of the provisional agenda

Proposals for amendments to RID/ADR/ADN:

Pending issues

Dangerous Goods Safety Adviser: Proposal for an amendment of subsection 1.8.3.1 of RID/ADR/ADN

Transmitted by the European Association of Dangerous Goods Safety Advisers (EASA)

Summary

Executive summary:	The aim of this document is to propose an amendment of subsection 1.8.3.1 of RID/ADR/ADN.
Action to be taken:	Amend subsection 1.8.3.1 as proposed.
Reference documents:	ECE/TRANS/WP.15/AC.1/142 = OTIF/RID/RC/2016-A, paragraph 39 2 nd and 3 rd sentence OTIF/RID/CE/GTP/2016-A, paragraphs 26-28

Introduction

1. EASA proposed to the Joint Meeting in March 2016 an amendment to subsection 1.8.3.1 of
 - RID/ADR/ADN by the addition of “consignor”; this proposal was accepted, effective 1st January 2019, with a transitional period of four years,
 - RID by the addition of “or operating a tank-wagon”; the International Union of Wagon Keepers (UIP) proposed to include “handling or”; the Joint Meeting recommended EASA to present the proposal to the RID Committee of Experts Standing Working Group.
2. The RID Committee of Experts Standing Working Group recommended EASA to re-propose the proposal to the Joint Meeting, including the operators of tank-containers and portable tanks.
3. As a consequence EASA re-proposes to amend subsection 1.8.3.1 of RID/ADR/ADN as follows (amendment underlined):

- 1.8.3.1 Each undertaking, the activities of which include the consigning, carriage, or the related operations packing, loading, filling or unloading of dangerous goods by road/rail/inland waterways or handling or operating a tank-container or a portable tank [RID: or a tank-wagon], shall appoint one or more dangerous goods safety advisers, hereinafter referred to as “safety advisers”, for the carriage of dangerous goods, responsible for helping to prevent the risks inherent in such activities with regard to persons, property and the environment.

Justification

Both the operator of a tank-container/portable tank and the operator of a tank-wagon, have obligations according to subsection 1.4.3.4 of RID/ADR/ADN resp. subsection 1.4.3.5 of RID. According to subsection 1.8.3.3 of RID/ADR/ADN the safety adviser has to monitor compliance with the requirements governing the carriage of dangerous goods within the limits of the relevant activities of the undertaking. At present, both the operator of a tank-container/portable tank and the operator of a tank-wagon, are exempted from the obligation to appoint a safety adviser. This is not reasonable due to the following facts:

1. Operator of tank-containers/portable tanks

1.1 The quantities of dangerous goods transported in tank containers and portable tanks are not insignificant, and could be compared to the quantities in tank-wagons. In the view of EASA, the associated risk to persons, property and the environment in the case of an incident is therefore significant. Our conclusion is that operators of tank-containers or portable tanks must fulfill their safety requirements of ADR/RID 1.4.3.4. letter b) and c) completely and actively. For this reason, the appointment of a safety adviser seems appropriate. The safety adviser could actively support the operator of tank-containers or portable tanks in the fulfillment of their safety obligations.

1.2 It is frequently found that labelling, especially on tank-containers in combined, multimodal transport, is not correct with respect to the requirements of legislation. In principle it is the filler's responsibility to ensure that labels, etc., are affixed, according to ADR/RID 1.4.3.3. In addition, the carrier of a tank-container /portable tank has the obligation to ensure the correct labeling has been used accordingly to ADR/RID 1.4.2.2. However, in this context, EASA believes that it would be wise for the operator of a tank-container/portable tank to appoint a dangerous goods safety advisor to help meet the labelling requirements of the legislation.

1.3 In German national legislation today, it is obligatory for an operator of tank-containers/portable tanks to appoint a dangerous goods safety advisor.

2. Operator of tank-wagons

2.1 Important accidents involving tank-wagons, such as in Zürich-Affoltern 1994, Viareggio 2009, and Stuttgart 2015, showed us dramatically what tremendous damage can be done to people, property and the environment. For EASA it is inalienable that the safety requirements of all participants (in whatever form) in dangerous goods transport must be taken seriously and be managed professionally. However, experience shows us that undertakings, often those exempted by ADR/RID 1.8.3.2, know the safety requirements, but do not implement a system to control or check the need for compliance. With the appointment of a dangerous goods safety advisor, this deficiency could be avoided, because the requisite tasks to ensure compliance would be carried out as a normal part of safety adviser's duties.

2.2 EASA is aware that there are many parties involved in the transport of tank wagons as so-called 'block trains'. In addition, it sometimes happens that the participants do not always agree how the responsibilities should be allocated in order to fulfill the requirements of the transport of dangerous goods set out in RID. This is often the case with transport with mineral products, and especially with the labelling of tank wagons. In the view of EASA, according to RID 1.4.3.5, the operator of a tank wagon is fully responsible for ensuring that the prescribed labelling of the tank wagons is clearly designated, communicated to the responsible party, and controlled by the operator of the tank-wagon. It would be efficient for this control to be made by a nominated safety adviser, since he has the requisite knowledge to ensure the compliance of the operation.

2.3 In order to provide his customers/tenants of tank wagons with the latest legislative information about his rolling stock, the operator of tank-wagons has always to maintain awareness of the latest revisions to the relevant legislation. To assure this, regular training for all those involved in dangerous goods is, in the view of EASA, indispensable. Here, the nominated safety adviser could be responsible for the planning and execution of appropriate training to achieve the outcomes required in ADR/RID/AND. Also, he could coordinate the contents and edit information or instruction leaflets, all of which could be communicated to the customers of the operator of the tank-wagons.

2.4 German national regulations today already prescribe the nomination of a safety adviser for operators of tank-wagons.
