



Economic Commission for Europe**Inland Transport Committee****Working Party on the Transport of Dangerous Goods****Joint Meeting of the RID Committee of Experts and the
Working Party on the Transport of Dangerous Goods**

Geneva, 12-16 September 2022

Item 5(b) of the provisional agenda

**Proposals for amendments to RID/ADR/ADN:
new proposals****Online grocery delivery services****Submitted by the Council on Safe Transportation of Hazardous Articles
(COSTHA)*. *****Summary*

- Executive summary:** During the COVID-19 pandemic, many retail delivery services, including grocery delivery, have significantly increased. As a result, groceries are frequently carried out by a delivery service that utilizes an operator's own vehicle (i.e., Instacart, Peapod, Whole Foods Market in the United States of America). The increase in use of these services creates questions as to whether the requirements of the dangerous goods regulations apply when used by a commercial employee that is more parallel to the traditional consumer retail experience.
- Action to be taken:** Introduce a new exemption in ADR for the carriage, by the retailer, of dangerous goods packaged for retail sale under specific conditions.
- Related documents:** Informal document INF.32 (COSTHA) of the spring 2022 session
Document ST/SG/AC.10/C.3/2022/28

1. At the March 2022 session of the Joint Meeting of the RID Committee of Experts and the Working Party on the Transport of Dangerous Goods (WP.15/AC.1), COSTHA presented informal document INF.32 for discussion purposes, and to gather input for a future proposal. Even though document was a late submittal, COSTHA was grateful to the many delegations who provided initial comments and would like to note that those comments were taken into account in the preparation of this document.

* A/76/6 (Sect.20), para. 20.76.

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2. COSTHA would like once again to bring the attention of the Joint Meeting to the challenges posed by direct-to-customer delivery systems, such as grocery deliveries which may contain dangerous goods. Since this issue may have impacts or solutions regionally and beyond countries that utilize the ADR for ground regulations, COSTHA has also brought it to the attention of the UN Sub-Committee of Experts on the Transport of Dangerous Goods (UNSCETDG) for discussion during its sixtieth session. Please note that the below proposals are options and may be further amended after the discussions at the UNSCETDG and during the Joint Meeting's autumn 2022 session.

3. While it may not be immediately obvious to consumers or commercially contracted employees/drivers, there are many different types of dangerous goods sold and transported out of grocery stores and similar retail stores. Common examples are small lithium batteries such as those for hearing aids, as well as those found installed "in equipment" (e.g. electric toothbrushes), flammable liquids (isopropyl alcohol), flammable gases (aerosols – deodorants), organic peroxides (hair dyes), and corrosives (cleaners).

4. During the traditional retail experience, consumers buy these dangerous goods products and utilize bags (paper, plastic or reusable) to facilitate transport to their vehicles and homes. These products in retail packaging are never repackaged for additional safety or marked in accordance with the dangerous goods regulations. When carrying these products out of retail stores, an individual person is not subject to the various regulations. However, the regulations currently apply to delivery companies and services.

5. As mentioned in informal document INF.32 (spring 2022 session) the regulations did not anticipate these new types of operations when originally developed and the application of the current regulatory requirements to these carriage operations seem impractical. The delivery operations to the end consumer that originate from retail locations don't typically utilize any packaging beyond the retail packaging in place on the store shelf. Paper or plastic bags are typically utilized for convenience in carrying the delivery. However, marking these bags (regardless of whether they are considered a "suitable outer packaging" or "overpack") is not current practice. In addition, if these operations were to be considered subject to the dangerous goods regulations, there would be a significant negative impact to sustainability and environmental efforts to reduce packaging globally.

6. Further, grocery deliveries to the end consumer are typically limited to short distances, and the goods being carried are not subjected to the forces typically encountered in freight transportation where performance-oriented packaging is needed for safety reasons. Instead, the goods are often placed in bags or directly onto a seat in an individual's vehicle. Based on the differences in operations, these delivery service to the end user do not seem to require the same level of safety equivalent to more traditional transportation operations.

7. COSTHA has taken into considerations the comments from the previous session to try to ensure that the boundaries of the exemption would not be abused and to ensure that safety issues are covered. COSTHA has looked to other regulatory exemptions, such as the United Kingdom's Road Derogation and the "150 kg Gross Mass Exemption" found in section 1.15 of Transport Canada's *Transportation of Dangerous Goods Regulations*, to prepare the content of proposal 1 (preferred option). The alternative option would be to find a delegation to champion proposal 2.

Proposals

Proposal 1 (preferred option)

8. Amend 1.1.3.1 by introducing a new paragraph (g) based on the "[United Kingdom Road Derogation 4](#)" and on the "[150 kg Gross Mass Exemption](#)" found in section 1.15 of the Canadian Transportation of Dangerous Goods Regulations, as follows:

"1.1.3.1 Exemption related to the nature of the transport operation

The provisions laid down in ADR do not apply to:

- (a) The carriage of dangerous goods by private individuals where the goods in question are packaged for retail sale and are intended for their personal use or domestic use or for their leisure or sporting activities provided that measures have been taken to prevent any leakage of contents in normal conditions of carriage. When these goods are flammable liquids carried in refillable receptacles filled by, or for, a private individual, the total quantity shall not exceed 60 litres per receptacle and 240 litres per transport unit. Dangerous goods in IBCs, large packagings or tanks are not considered to be packaged for retail sale.

...

- (g) The carriage of dangerous goods by or on behalf of a distribution centre or a retailer to or from an end-user, where the goods in question are packaged for retail sale and are intended for the personal or domestic use of the end-user or for their leisure or sporting activities, if:

- Measures have been taken to prevent any leakage of contents that could endanger public safety in normal conditions of carriage;
- The goods were originally packed in limited quantities in accordance with 3.4, in combination packagings in accordance with 4.1, or in accordance with special provision 188;
- The goods have been removed from their outer packaging for the final stages of carriage; and
- Each “inner” packaging does not exceed 30 kilograms or litres.

In the case of dangerous goods included in Class 2 Gases, they are in one or more packaging in compliance with the requirements for transporting gases in Part 5 (Means of Containment), except that, in the case of dangerous goods that are UN 1950, AEROSOLS, or UN 2037, GAS CARTRIDGES, the requirement that aerosol containers and gas cartridges be tightly packed in a strong outer packaging does not apply, or

- The gross mass (total quantity) of all dangerous goods carried on the road vehicle is less than or equal to 150 kg (does not exceed 333 kilograms or litres); and
- The goods have not been assigned to Classes 1, 4.2, 6.2 or 7.”

Proposal 2

9. Introduce a new multilateral agreement, based on United Kingdom Road Derogation 4. This option would need action from a delegation interested in introducing the derogation into their national regulations.