

Committee of Experts on the Transport of Dangerous Goods and on the Globally Harmonized System of Classification and Labelling of Chemicals

Sub-Committee of Experts on the Transport of Dangerous Goods

29 November 2022

Sixty-first session

Geneva, 28 November-6 December 2022

Item 3 of the provisional agenda

Listing, classification and packing

Introductory statement for document ST/SG/AC.10/C.3/2022/56

Submitted by the World Coatings Council (WCC)

Background

1. As discussed at the last session of the Sub-Committee (based on ST/SG/AC.10/C.3/2022/22 submitted by WCC), the paint industry continues to seek a successful solution to the challenges relating to the transportation of small quantities of environmentally-hazardous mixtures (those between 5 and 30 liters). The current UN classification framework for such products has been questioned repeatedly over the past twenty years. This transportation issue has been raised by a few delegations in this very forum.

2. At that session, WCC presented a working paper that outlined industry's current challenges and offered proposals that could alleviate this global transportation issue. In conjunction with this effort, and in a notably related way, there are also ongoing discussions at the national authority level with the broad chemical industry on the relationship between substance classification legislation and transport requirements.

Issue

3. The current UN framework provides limited options with regard to transport classification of dangerous goods meeting the class 9 environmentally-hazardous criteria. UN 3082 covers a very broad range of product types, and does not include a mechanism to differentiate between substances and mixtures. Class 9 is a single class covering all environmentally-hazardous materials without sub-categorization available to indicate levels of risk in case of an incident. There is no UN number or provision assigned solely to paint and printing inks that would allow for specific action to be taken for this industry to address the challenges posed by the reclassification of paints and inks as class 9 environmentally-hazardous substances.

4. Paint and printing ink are regularly transported in quantities between 5 and 30 litres to meet the requirements of the market. Printing ink concentrates are often supplied in small quantities to customers to facilitate the ink matching and blending procedures required within the printshop, and require repeated opening and closure. Decorative paints and industrial coatings are supplied globally in very high volumes in small packagings, especially in 5, 10, and 25 litre quantities. These are used both by consumers and professionals, and can require the addition of color tinters at the point-of-sale to products, which in turn requires the use of packaging that can be easily resealed and safely used accordingly. Currently, there is only a

very limited supply of UN-approved packaging that can be used for such products and they are not appropriate for the tinting and resealing procedure. There is a need to approach this issue pragmatically, taking into account packaging availability and recyclability options to allow for the continued supply of product in standard packaging between 5 and 30 litres, rather than drive the paint and printing ink industry towards relying on 5 litre exempt packaging in the future. This would be a less sustainable situation compared to the current status quo and contradicts the key driving principles of our circular economy and sustainability goals.

5. Paint and printing ink have already been officially acknowledged as mixtures requiring specific rules under UN transport regulations, with the UN 1210 and UN 1263 classifications relating to flammability, distinguishing the flammability of a mixture from the flammability of substances (i.e., solvents). There are also specific UN numbers for paints classified as corrosive. Consequently, extending this approach to other classification issues, such as environmentally hazardous products, would not be setting a precedent.

6. Reclassification of a large proportion of water-borne paints manufactured and supplied in the EU, due to the harmonized classification of certain preservatives, has resulted in a very significant number of products being reclassified as Class 9 environmentally-hazardous to the aquatic environment even though they contain small fractions of a percent of the preservative triggering the reclassification (e.g., down to 0.025 % of preservative triggers classification in some cases). As a result, appropriate action regarding dangerous goods transport legislation is required to mitigate the impact of such classifications and to provide a pragmatic approach to addressing this challenge.

7. The risks associated with the transportation of small packagings of class 9 materials has been deemed negligible to non-existent in several regions where significantly higher exemptions are already in place (e.g., up to 500 litres). The paint and printing ink industry is not aware of any transport incidents involving small packages of UN 3082 classified products from its sector since the introduction of special provision SP 375 in 2015. However, we also acknowledge that it has not been possible to identify sources of information on dangerous goods transportation incidents relating to small packages to support the arguments presented.

Proposed Solutions

8. In addition to the previous options A and B presented at the June/July session, WCC proposes two new options (titled C and D in our current submission) for consideration by the Sub-Committee:

Option C (*preferred option for WCC*) consists of two parts:

(a) The introduction of two new UN numbers for environmentally-hazardous paint and printing ink mixtures (one for liquid products and one for solid powders), so that substances and mixtures are distinguished within Class 9 classification – *slight change to language in this proposal is that the word at the end of each new UN number would just be “liquid” and “solid” which is consistent with current UN framework:*

(i) UNxxx ENVIRONMENTALLY HAZARDOUS PAINT AND PRINTING INK MIXTURE, **LIQUID**

(ii) UNxxx ENVIRONMENTALLY HAZARDOUS PAINT AND PRINTING INK MIXTURE, **SOLID**

(b) The addition of a new package provision for these new UN numbers for packaging up to 30 litres, with a limited exemption from the Chapter 6.1 performance testing requirements

Option D consists of a new special provision that may be applied specifically to the proper shipping name “UN 3082 (Paint and printing ink related material)”. The language of this new special provision is based on the wording in SP 375, but would be extended to quantities up to 30 litres. – *slight change to language in this proposal are highlighted (just at the beginning of the proposed new special provision):*

“**New Special Provision xxx:** When the provisions of 3.1.2.8 ~~1.4~~ (assigned as Paint, printing ink, paint-related material and printing ink-related material) are applied **from special provision 274**, these substances may be carried in single or combination packagings containing a net quantity per single or inner packagings of 30 l or less for liquids or having a net mass per single or inner packaging of 30 Kg for solids and in such case are not subject to any other provisions of these Regulations provided the packagings meet the general provisions of 4.1.1.1, 4.1.1.2 and 4.1.1.4 to 4.1.1.8.”

9. The Sub-Committee may consider to accept these minor editorial changes, as the substance and purpose of the proposal remains the same. WCC is also open to other solutions suggested by the Sub-Committee and member states.
