United Nations ST/SG/AC.10/C.3/2015/47

Secretariat

Distr.: General
8 September 2015

Original: English

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

Forty-eighth session
Geneva, 30 November – 9 December 2015
Item 2 (i) of the provisional agenda
Explosives and related matters: miscellaneous

Application of security provisions to Explosives, N.O.S

Transmitted by the expert from the United Kingdom[1]

Introduction

1. At the forty-fifth meeting of the Sub-Committee the expert from Italy raised an issue with the classification of articles under UN No. 0349, Articles, Explosive, N.O.S, 1.4S (ST/SG/AG.10/C.3/2014/22). The issue was discussed by the Working Group on Explosives which concluded that the issue extended wider than just articles in UN 0349 and encouraged Italy to develop a more comprehensive proposal for future consideration (see informal document INF.61 (45th session)).

2. The issue concerned explosives that, as a consequence of being repackaged and reclassified, cease to be considered as high consequence dangerous goods and therefore do not attract the security provisions of Chapter 1.4 of the Model Regulations. The example provided by the expert from Italy was UN 0279 Charges, propelling, for cannon, 1.1C. These articles appear on the indicative list of high consequence dangerous goods and hence attract special attention regarding their security. However, evidence has been provided to show that they can be packaged so as to reduce their hazard and the only appropriate classification available is UN 0349. As a result they would no longer be regarded as high consequence, despite the fact that the article remains unchanged.

[1] In accordance with the programme of work of the Sub-Committee for 2015-2016 approved by the Committee at its seventh session (refer to ST/SG/AC.10/C.3/92, paragraph 95 and ST/SG/AC.10/42, para. 15).

Please recycle

3. The Working Group on Explosives believed the issue concerned a wider range of entries in the Dangerous Goods List. The articles for wider consideration include (in addition to 0349):

(a) Articles, explosives, N.O.S – entries for 0356 (1.3L), 0350 (1.4B), 0351 (1.4C), 0352 (1.4D), 0471 (1.4E), 0472 (1.4F) and 0353 (1.4G); and

(b) Substances, explosives, N.O.S – entries for 0478 (1.3G), 0359 (1.3L), 0479 (1.4C), 0480 (1.4D), 0485 (1.4G) and 0481 (1.4S).

In each instance the article and substance may have achieved the classification simply based on the packaging used, and yet the substance and article in themselves would be considered high consequence.

4. In considering the High Consequence Dangerous Goods List, it is noted that insensitive explosive articles are also excluded from consideration. Whilst the classification recognizes the risk of initiation is lower, the outcome of initiation is the same as for the respective conventional explosive and the potential consequences are no different. It is therefore suggested that Articles, Explosive, Extremely Insensitive, 0486 (1.6N) should also be considered for inclusion in the High Consequence Dangerous Goods list.

5. Whilst it is explicit that the list in Table 1.4.1 of the Model Regulations is purely indicative of the dangerous goods that should be subject to the special provisions in 1.4.3.2, it was reported that enforcers often consider it to be a comprehensive list when checking compliance. In the absence of any other reference as to what is and what is not considered high consequence, this seems reasonable.

Discussion

6. Members of the Working Group were asked to provide suggestions as to ways forward. In responding to this request three options have been identified:

(a) Add all the Explosives N.O.S entries to the High Consequence Dangerous Goods List provided in Table 1.4.1 of the Model Regulations.

(b) Revise Special Provision 178 to require the Competent Authority to specify whether or not the item classified is subject to the security provisions required in 1.4.3.2 of the Model Regulations; and

(c) Require the transport documents for articles and substances so identified to be clearly marked “High Consequence Dangerous Goods”; and

(d) Amend the Indicative list in Table 1.4.1 to capture articles and substances identified by the Competent Authority as high consequence as part of the classification procedure.

(e) Add new UN numbers for all Explosives N.O.S entries in the Dangerous Goods List to differentiate between those that are considered to be of high consequence (and therefore attract the security provisions in 1.4.3.2), from those that are not. Update Table 1.4.1 to include all the new entries.

7. Given the potential for misuse of insensitive articles in Hazard Division 1.6, it is difficult to understand why they have not been included in the list. Whilst special conditions may be required to enable initiation, the end result is generally comparable with standard explosives and hence should attract the same level of precautions against loss or theft.

8. Option I is considered the simplest to implement but would mean that substances and articles currently classified under these entries would be captured, as will other substances and articles that do not warrant special protection.

9. Option II provides a mechanism by which relevant substances and articles can be targeted for special precautions but places additional responsibilities on the Competent Authority. Whilst the intention is to ensure consignors/enforcers are alerted to the presence of High Consequence goods, the additional amendments could be argued to be overly complicating the application of Chapter 1.4.

10. Option III will ensure that the Indicative List can continue to be used as a convenient reference list for those checking compliance, but it will entail the significant expansion of the explosive entries in the Dangerous Goods List for a disproportionate number of potential applications.

Proposals

11. It is proposed that Option II be adopted as the preferred solution, because it provides the ability to ensure the appropriate security provisions are applied without major changes to the procedures or Dangerous Goods List.

12. That Hazard Division 1.6 be included in the list of High Consequence Dangerous Goods

13. The changes proposed are therefore:

(a) Amend Special Provision 178 to read:

….approval of the competent authority of the country of origin. *The competent authority shall specify whether the provisions of Chapter 1.4.3.2 are to be applied if not already required. When so specified, the information provided in accordance with Chapter 5.4 shall clearly identify the article or substance as a 'High Consequence Dangerous Goods'.*

(b) Amend Table 1.4.1 to read:

Class1, Division 1.5	Explosives
Class1, Division 1.6	Explosives
Class 1	Substances, explosive, n.o.s. where specified by the Competent Authority
Class 1	Articles, explosive, n.o.s. where specified by the Competent Authority