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Working Party on the Transport of Dangerous Goods

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

(Bern, 23-27 March 1998)

MARGINAL (2) 401, NOTE 1 TO 11°(c)

REINCORPORATION OF SULPHUR IN THE REQUIREMENTS FOR RID/ADR

Proposal by the Government of Austria*

The secretariat has received from the Central Office for International Railway Transport (OCTI) the proposal reproduced below.

* Distributed by the Central Office for International Railway Transport (OCTI) under the symbol OCTI/RID/GT-III/1997/63.

An accident occurred on a main road in Austria on 3 March 1997 in which a vehicle overturned. It subsequently transpired that the vehicle had contained 23.5 tonnes of wettable sulphur. The load, packed in 25 kg bags, spilled over the road and caught fire. The local fire brigade, arriving shortly after on the scene, made a first attempt to put out the fire and caused the formation of a cloud of highly irritant smoke. Only after receiving the relevant information did they take appropriate measures, such as using a spray to put out the fire and wearing adequate breathing apparatus. The work of clearing the road was very difficult because the fire kept flaring up repeatedly. Considerable efforts were also necessary to avoid environmental damage such as pollution of the water table and of neighbouring watercourses. The load saved had to be destroyed as dangerous waste.

The emergency services concerned severely criticized in the case in question the fact that the load had not been marked as a dangerous substance. Not only were safety measures delayed but the emergency services and people living in the accident area were exposed to additional risks. Attention was also drawn to the fact that if the weather had been bad, there would have been severe toxic effects on the environment.

The failure to mark the consignment as containing sulphur was an immediate consequence of the 1 January 1997 revision of RID/ADR, when a new provision was introduced (marginal (2) 401, Note to 11° (c)) according to which sulphur is not subject to the provisions of RID/ADR.

(a) When it is carried in quantities of less than 400 kg per package;
or

(b) When it has been formed to a specific shape (e.g. pills, granules, pellets, pastilles or flakes).

Going back to the origins of this amendment, the United States of America submitted a document in 1992 to the United Nations Committee of Experts on the Transport of Dangerous Goods with the intention of making a strong appeal for the total exemption of sulphur (except in molten form as an elevated temperature substance of Class 9). A lively discussion had followed which finally ended in the above amendment which was adopted by five votes to three.

Although Austria has always supported the concerns of multimodal transport and the simultaneous and identical transposition of the United Nations Recommendations on the Transport of Dangerous Goods for all transport modes, the automatic transposition of a decision of doubtful principle does not seem defensible in the present case. In the context, it should also be recalled that the decision-making procedure of the United Nations Committee of Experts on the Transport of Dangerous Goods, which provides for limited rights of participation (separation of the delegates of United Nations Member States into "experts" with the right to vote and "observers" without the right to vote, means that currently approximately 70 per cent of the member States of RID/ADR do not have the right to vote in the said Committee of Experts.

It is clear that as a result it is all too easy to neglect the problems and concerns of European overland traffic. Since that was clearly what happened in the present case, the provision to exempt sulphur in the United Nations Recommendations should only be included in RID/ADR in the form of a reference to air and sea traffic. The United Nations Committee of Experts should be informed of the derogation in RID/ADR.

Proposal

Replace the phrase "1350 Sulphur is not subject to the provisions of ADR (a) when ..." by

"1350 Sulphur is subject to the provisions of RID/ADR, but is not subject to the provisions for sea or air transport 1/ : (a) when it ..."

1/ See footnote to marginal 14/2007.