

British Association of Dangerous Goods Professionals

Newsletter No. 14, September 2016



Desmond Waight – A Tribute From BADGP

It is with a heavy heart that I have to announce that Desmond Waight, one of the founders and a committee member of BADGP, passed away on Friday 2nd September, after battling with cancer. He leaves his wife, Lindy, three children, and grandchildren.



Desmond started his career in packaging with Kodak, but then became a farmer in Sussex for a short while, quickly having to learn how to assist a cow to give birth. Deciding this wasn't ultimately the best career for him, he returned to industry and became the packaging expert at the 3M company. Here he soon recognised the importance of the packaging of dangerous goods for supply and transport, and in 1994 he and several others formed the CHCS (Chemical Hazard Communication Society). Desmond depended very much on Lindy as it was she who took on the commitment of administrator to CHCS, a huge job since this was before email was widespread.



Desmond finally left 3M to embark on a career as a consultant, setting up his own company, DanGoods, in 1999. He became widely known throughout the chemical and transport industries, and he was frequently approached to help solve problems or to interpret the regulations which he so passionately loved. Desmond was a key contributor at meetings of the Department for Transport (DfT), the Civil Aviation Authority (CAA), and the Maritime and Coastguard Agency (MCA). He has helped to implement many of the changes of which we now take advantage in our industries, and it is widely considered that we wouldn't have "LQ", the limited quantities legislation, without Desmond's input.

As well as assisting industry broadly, Desmond willingly helped the careers of those new to the business, and in this vein he was one of the main contributors to BADGP's LinkedIn forum, providing free advice to anyone who cared to

pose a question on the forum. He was passionate about the formation of BADGP, being the instigator of the meeting that lead to its formation. When we spoke only last week Desmond wanted to be sure that the success of BADGP would be one of his legacies.

Desmond will be greatly missed and BADGP passes their condolences to his family.



Caroline Raine, Chairman, BADGP

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HSE Prosecution

By Stephen Walker, National Chemical Emergency Centre

Last year a chemical supplier and a logistics company were both prosecuted following an HSE investigation into a transport incident involving a lorry carrying potassium hydroxide. Potassium hydroxide is corrosive, can cause chemical burns on contact with the skin and eyes, and is corrosive to metals.

A consignment of 170 plastic jerricans containing corrosive 45% potassium hydroxide had been placed onto pallets and loaded into a lorry. The HSE investigation found that the jerrican closures had not been sufficiently tightened, the jerricans had not been securely stacked onto the pallets, and the pallets had not been adequately restrained when loaded onto the vehicle. The investigation found that the jerricans had been loaded by an unsupervised contract employee who had only started in the job that week. He had not loaded dangerous goods before, and had not received training on how to do so.

During the journey, several jerricans toppled over, and when the driver made a stop at a motorway service station, he noticed a leak coming from the trailer. He contacted his supervisor, explaining that the load was corrosive, and requested that the emergency services be contacted. After consulting their line manager, the supervisor instructed the driver to return to their depot, a 12 mile journey from the service station including a motorway and several A roads.

When the vehicle arrived at the depot, the seriousness of the situation was realised and the emergency services were contacted, almost 2 hours after the leak had been discovered.

Six fire appliances attended the depot and decontaminated the vehicle and surrounding area. As the driver and warehouse supervisor were believed to have been exposed to the corrosive material, their contaminated clothing was removed, and they also had to undergo decontamination before being taken to hospital for observation. The area at the service station where the leak had been discovered also had to be decontaminated. The investigation found that approximately 85 litres of potassium hydroxide was lost in the incident.

Both the consignor and carrier pleaded guilty to a single offence under Regulation 5 of the Carriage of Dangerous Goods and Transportable Pressure Equipment Regulations 2009. They were each fined £20,000 with costs of £3,438 and a £120 victim surcharge.

This incident highlights a number of important factors that those supplying or transporting dangerous goods must consider.

Those involved in the transport of dangerous goods must receive adequate training before carrying out their duties. NCEC provides training courses on a variety of subjects including general dangerous goods awareness. Many of our courses are available online, making them ideal for companies that take on temporary staff who need to receive appropriate training before they can start their role.

The lack of adequate training could have been identified by the company's Dangerous Goods Safety Advisor (DGSA). NCEC also provides a (Dangerous Goods Safety Advisor (DGSA) Service in which we act as our customers' appointed DGSA. This involves auditing our customers' sites to ensure the rules are being complied with, preparation of their annual DGSA reports, and provision of advice on transport matters on an ad hoc basis.



The incident also highlights the need to have authoritative and reliable advice in the event of a chemical incident. NCEC's Carechem 24 service has a team of chemists on hand 24 hours a day to provide advice on hazards, first aid and clean up over the telephone to those dealing with an incident involving hazardous chemicals.

For more information on NCEC's training, DGSA and Carechem 24 services, please contact Stephen.walker@ricardo.com

Carriage Of Dangerous Goods Post-Brexit

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In this feature article, Consultant Editor, Desmond Waight of DanGoods Training and Consultancy discusses the impact on the transport of dangerous goods in the wake of the expected UK departure from membership of the EU.

Introduction

Many of the goods exported from the UK, and carried within the UK, are dangerous goods. Industry may, therefore, be considering the implications in the post-Brexit period. This article summarises how dangerous goods are currently controlled, any changes that may be required, and any opportunities to reduce the demands on business in this period.

International Trade

For international trade — whether to the 27 remaining EU Member States or to any other country, the *status quo* will remain as it is today.

Air

The legal requirements of the International Civil Aviation Organization (ICAO) Technical Instructions and the contractual additional requirements of the International Air Transport Association (IATA) Dangerous Goods Regulations (DGRs) will continue to apply. The UK will remain as an independent state representing its own interests at the ICAO meetings.

Sea

For sea, the requirements on the International Maritime Dangerous Goods (IMDG) Code will continue to be applicable. The UK will remain as it currently is as an independent state with its own membership of International Maritime Organisation (IMO).

Road/rail

Here again, the expectations are that the UK will continue to apply the requirements of the ADR (in French "L'Accord européen relatif au transport international des marchandises dangereuses par route"; from which the acronym ADR is taken). In English, the European Agreement concerning the

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International Carriage of Dangerous Goods by Road and RID (in English “Regulation concerning the International Carriage of Dangerous Goods by Rail”).

This is because these are international agreements of which the UK is (and has been for some time) independently signed up to, and thus, made mandatory by UK domestically applicable legislation (see further below). For ADR meetings, the UK is listed as an Expert member (with voting rights), with the EU Commission as a Governmental Organisation observer (without voting rights).

UN Purple and Orange Books

The situation here is that the UK has been and will continue, presumably, to be represented as an independent nation as an expert member of the United Nations Sub-Committee of Experts on the Globally Harmonised System (UNSCEGHS), which deals with classification issues, and the United Nations Sub-Committee of Experts on the Transport of Dangerous Goods (UNSCETDG) which applies the appropriate Globally Harmonised System (GHS) classification and hazard communication rules for transport and then deals with other related matters such as packaging and tanks and gas receptacles, documentation, etc.

Also the UK will remain an independent state expert member of the UN Committee of Experts on the Transport of Dangerous Goods (UNCETDG) and on the GHS of Classification and Labelling of Chemicals, the body that oversees the work of the two sub-committees.

Domestically

Here the situation is more complicated.

In the 1970s, 1980s and until the mid-1990s, the UK made domestic carriage requirements, but based these primarily on the UN Orange Book provisions. So, for example, higher flash diesel was not regulated as dangerous goods — unlike the situation under ADR/RID.

However, when the EU Commission transport Directorate took an interest in transport of dangerous goods issues, things began to change, with higher flash diesel becoming regulated from 2004 under the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004, a result of the requirements of the Council Directive 94/55/EC on the approximation of the laws of Member States with regard to the transport of dangerous goods by road and Council Directive 96/49/EC regarding rail carriage.

Current

The current situation pre-Brexit is that under the Directive 2008/68/EC — inland transport of dangerous goods (ITDGD) — the UK is basically obliged to apply ADR to domestic as well as international carriage.

Though there are derogations in the ITDGD that permit the UK to require tank and bulk carriage to show the Emergency Action Code (EAC) rather than the Hazard Identification Number (HIN), and require on tanks an emergency response telephone number.

Also, in order to obtain certain other domestic UK derogations (as listed in the UK’s Approved Derogations and Transitional Provisions (ADTP) — such as the retail distribution relaxation and the immediate vicinity relations), the UK has to apply to the EU Commission and effectively get approval from other EU Member States before these can be applied.

Once the UK leaves the EU, it will be no longer bound by the requirements of the ITDGD.



Post-Brexit — but EFTA/EEA

In this scenario, the UK negotiates to become a member of the European Free Trade Association (EFTA). EFTA is an intergovernmental organisation set up for the promotion of free trade and economic integration to the benefit of its [current] four Member States: Norway, Iceland, Lichtenstein and Switzerland.

In this case, it is likely to also want to become part of the Agreement on the European Economic Area (EEA) (that includes all EU Member States plus Norway, Iceland and Liechtenstein, but not Switzerland) in order to get access to the single market. However, it may be that the political price (free movement within the EEA) will be too high a price to pay?

Should the UK become an EEA member then ITDGD will continue to have to be applied, so no change from the current situation will occur; but UK legislation (see below) will need to be tweaked.

Should the UK try and go separately as an EFTA state only, like Switzerland, then the UK will be free from any constraints that it feels are imposed by the ITDGD.

Post-Brexit outside EEA

In this scenario, the UK would be free from any additional obligations resulting from the ITDGD, but only such obligations as it feels appropriate under its involvement at UNSCETDG and in relation to ADR/RID.

For example, this could mean that the UK would decide that those only involved in domestic carriage would not need to appoint Dangerous Goods Safety Advisers (DGSA's). The DGSA provision was something that the UK always considered as unnecessary, given the requirement for undertakings to comply fully with the legislation anyway.

Legislation changes — post-Brexit

Consequently, even if the decision is basically to remain with the status quo, the chances are that for technical legal reasons, there will be a need to re-cast Carriage of Dangerous Goods and Transportable Pressure Equipment Regulations 2009 (SI 2009 No. 1345) (known in short as CDG2009), as amended, and the equivalent Northern Ireland (NI) Statutory Rules.

While, as always, the proposed changes, when consulted, should be carefully examined to ensure that they do what is intended, and introduce no untoward consequential issues and concerns.

However, it is most unlikely that changes will be introduced to go back to the time when only containment in excess of 200 litres was regulated by UK domestically applicable legislation.

Conclusion

The chances are that for the transport of dangerous goods, there will be no changes to requirements concerning the practical aspects to the domestic and international carriage of dangerous goods as a consequence of Brexit. Also that the UK's acknowledged expertise and contribution to the maintenance and updating of the provisions will continue to be felt.



Prohibition Notices issued by Police or Driver and Vehicle Standards Agency (DVSA) or Department for Transport

Whilst the HSE publish the results of enforcement activities reported to them by the Police and DVSA (formerly VOSA) under Carriage of Dangerous Goods and Transportable Pressure Equipment Regulations 2009 (SI 2009 No 1345 – known in short as CDG2009), the results are [published](#) by the HSE as a separate Excel spreadsheet for each month.

A consolidated version of these, since January 2012, has been prepared by BADGP Committee member Desmond Waight and is now available in the Members' area on the BADGP website. If you haven't already discovered this list you can find it at: made available via this website. You can download Desmond's Excel file by clicking on this link: [Carriage of Dangerous Goods Notices](#).

HSE are aware of, and have appreciated this consolidation, which is being made available in the hope that it will be of assistance to DGSA's and others with an interest in the transport of dangerous goods.

Dangerous Goods Awareness Training

Article by Christina Evans, BADGP Committee member.

**APPROPRIATE
COMMENSURATE
SPECIFIC
PERIODIC
DOCUMENTED**

What do these words refer to?

They refer to the dangerous goods (DG) awareness training which must be given to everyone concerned in the handling of DG. Health and Safety and Transport Legislation requires all personnel involved in the carriage of hazardous goods by road, sea, rail or air, at any stage, to be suitably trained to enable them to safely carry out their duties. This includes warehousemen who load and/or unload, fork lift truck drivers, packers, fillers, staff in freight forwarders or shipping agencies, non ADR drivers etc.

The dangerous goods training received must be appropriate and adequate to their duties. The legislation dictates that this must be done before commencement in the role unless it is directly supervised.

Many of those reading this article will be qualified Dangerous Goods Safety Advisers (DGSAs). One role of the DGSA is to monitor compliance with the requirements governing the carriage of dangerous goods. This includes monitoring the practices and procedures relating to the proper training of the employees, including training on the changes to the regulations and the maintenance of records of such training. (ADR2015 1.8.3.3).

There are various challenges in the interpretation of the words used. **APPROPRIATE** means different things to different people within a company. The training given to the office staff dealing



with telephone enquiries would be different to the training given to a member of the warehouse staff who might be handling the dangerous goods directly.

COMMENSURATE means that the training should be set at the correct level. It would be counter-productive to set the training at a level which is not understood.

SPECIFIC implies that the training can be limited to what is applicable to the undertaking. For example, it would be unnecessary for training to be given in the handling of chemicals, or in petrol tankers, if such goods or vehicles are never dealt with.

The legislation states that **PERIODIC** refresher training is required. However, how often should the 'periodic' refresher training be carried out? A generally recommended answer is every two years to tie in with the regulations updates.

The training should be **DOCUMENTED**. What is the best way to do this? It is important that the training received is understood and some way of testing this should be employed. Records of the training including the content of the training must be kept on file, and made available to the authorities on request.

In addition, security awareness training is mandatory appropriate to the person's responsibilities and duties and to the loads to be carried. Site managers should be able to demonstrate a comprehensive understanding of all the topics relevant to the operations for which they are responsible. Senior staff (such as company directors and others whose appointments involve executive, operational or administrative responsibility for security) should also be able to show an awareness of security appropriate to their responsibilities and the potential impacts on their business.

It is very important to stress the dangers in companies not giving the awareness training the priority it requires. Any accident or incident could prove very costly and could result in prosecution, corporate manslaughter charges, loss of business etc.

The BADGP has published two very helpful training guides, which can be found on the '[Useful Documents](#)' page in the Members Only section on the BADGP website (you will need to be logged on to the system before you try to access the page):

- *A BADGP Guide to Training for Those Involved (In Any Way) with the Transport (Carriage) of Dangerous Goods*
- *BADGP – A Guide to Requirements to be Included in Dangerous Goods Awareness/Familiarisation Training*

We are always pleased to receive any feedback from any members at: enquiries@badgp.org.



Why Won't The Shipping Line Accept My Dangerous Goods?

Article by Richard Masters, BADGP Committee Member

You have classified and described your cargo correctly according to the IMDG Code, you have selected an appropriate packaging, the goods are ready to be packed into a container, the customer is waiting, but the shipping lines will not accept them – what is the problem?

It could be a number of factors, but it is most commonly a scenario familiar to shippers of perceived high risk cargoes such as Class 1 and Class 7 that include in their ranks commodities such as blasting powder and high level radioactive waste. Ships insure to carry certain types of dangerous goods, and insurance costs for Class 1 and Class 7 are prohibitively high. There is knock-on effect on the less hazardous items in the same class, so a vessel avoiding taking out insurance for Class 7 cannot carry domestic smoke detectors Class 7 UN 2911, and a vessel avoiding taking out insurance for Class 1 cannot carry seat-belt pretensioners Class 1.4G UN 0503, unreasonable as this sounds. (Because large numbers of these are shipped for motor manufacturers, articles used as safety devices may be re-classified as UN 3268, Class 9 provided they are packaged such that in tests they do not display the properties of explosive articles – Class 1 is the only class of which the type of packaging can affect the classification).

Globally, ports also have restrictions on Class 1 and Class 7 because they have obligations under the International Ship and Port Facility Security Code (the ISPS Code) to apply strict security to ships, personnel and cargoes in ports and do not wish to or cannot practically provide the secure segregated storage and handling areas required for these types of goods. This means that even if a ship is willing to accept such cargoes, ports of transit or discharge may not permit them. These are generally not national regulations because ports are usually autonomous, and have their own local by-laws, and the ports with the most relaxed cargo restrictions may not be those where the majority of cargo lines call.

Some ports have a maximum limit of Class 3 goods permitted in their harbour areas at one time, so vessels passing through these ports may be forced to refuse to accept more than a minimal amount of such goods on a given vessel. It may be necessary to route around restrictive ports by transhipping at other ports to vessels using more circuitous routes.

There are other cargoes that are fairly commonplace but are banned by some shipping lines because they have a history of causing incidents, usually shipboard fires. For example, charcoal UN 1361/UN 1362 and carbon black UN 1361 and coal dust UN 3088, all self-heating substances of Class 4.2, are banned by some lines or may only be accepted by others under special conditions requiring the shipper to provide certification of manufacturing quality control and a liability insurance bond. Similarly offers to ship some organic peroxides (Class 5.2) and ammonium nitrate fertilisers (Class 5.1) are frequently rejected for the same reason. Hazardous wastes of all classes present difficulties all of their own. It is not a simple process to get competent authority approval to move hazardous waste from one country to another in the first place, and the Montreal Protocol imposes very strict transport conditions. Once a route has been agreed it is recorded on the transfrontier shipment documents and advance permission must be sought for any later deviation from this route. Shipping lines do not like this because they need to enjoy the option to re-route vessels at short notice to different ports in order to avoid congestion, make up for lost time because of weather, avoid labour disputes, or for technical reasons. Also, there is still a groundswell of public opinion against the movement of hazardous wastes, and any untoward incident is liable to attract unsympathetic media attention.

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Unilateral legal restrictions on the shipment of drug manufacturing precursors prohibit the import into South American ports of chemicals used for the illegal manufacture of narcotics. These are enforced by national enforcement agencies that have access to ship's manifests, and often in close co-operation with the US government Drug Enforcement Administration that acts outside the US. These chemicals are not restricted outside specified areas.

War and political sanctions also play a role in restricting cargo of all types. UN-backed sanctions prevent the legal shipment of weapons, ammunition, chemicals that can be used as precursors to manufacture explosives or biological weapons, and high tech equipment to many countries, North Korea being the prime example, and until recently the UK bans the shipment of similar goods to Iran, although that picture may be changing.

When countries enter phases of political animosity whole trade routes may have to be redrawn. Recently Saudi Arabia has adopted a very hostile approach to Iran. Much of the cargo legally allowed into Iran is transhipped through Gulf Ports, but Saudi Arabia has banned the transhipment of any goods through its ports that are ultimately destined for Iran. Bahrain has done the same, and depending on the political and religious factions in control, other Gulf States may follow suit. If they do this it will make the shipment of any goods to Iran highly problematic, as direct calls into Iran are still problematic, and much more so for dangerous goods that have additional port storage and dwell time restrictions imposed them for safety reasons.

When goods get held up in ports for political reasons, this is usually at the risk of the shipper, and the consequences are those simply of delay, so provided the goods will not deteriorate in quality as a result of delay, shipping lines will generally have no issues, provided the shipment is not illegal. The situation does change with dangerous goods however, because delays caused by local politics may cause the dangerous goods to over-stay the period that dangerous goods are permitted to remain in a port area. Unfair as it seems, the shipping line can be fined for bringing the goods in the first place, or compelled to reload them and return them to the place of origin or another place designated by the shipper, or indeed the shipper may simply abandon the goods and walk away, leaving the shipping line with the disposal problem.

All of these scenarios are considered by the shipping line when cargo is offered, and the role of the dangerous goods manager and the compliance officer go hand in hand when considering both the nature of cargo offered, the destination, and the ports of transit on the way.

In conclusion, although compliance with the IMDG Code is a pre-requisite, this short article indicates some of the other factors that shipping lines need to consider before accepting dangerous goods.



BADGP 2017 AGM & Industry Seminar

We are pleased to announce that our BADGP 2017 AGM & Industry Seminar will take place on Thursday 23rd March 2017 at Sedgebrook Hall Hotel, Chapel Brampton, Northampton, NN6 8BD (www.sedgebrookhall.co.uk). As in previous years, we will conduct the formal business of the Annual General Meeting, followed by a series of lectures on topics of interest to dangerous goods professionals. We will also host a small exhibition of products and services of interest to our members.

What topics would you like to see at the 2017 Industry Seminar? Please email your ideas to enquiries@badgp.org.

Interested in taking a table-top exhibition stand? If so, please also email enquiries@badgp.org.

Please make sure you enter 23rd March 2017 in your diary, and we'll send out more detailed information later in the year.

New Seminar: Dangerous Goods Security Provisions

The unscrupulous attacks we are witnessing leave harrowing memories etched on minds forever.

These attacks have included the use of dangerous goods. Accordingly the United Nations Sub-Committee of Experts on the Transport of Dangerous Goods (UNSCETDG) included security provisions, including particular requirements for so called "High Consequence Dangerous Goods (HCDGs)", in its Model Regulations, which the modal provisions have since implemented, with ADR of principal concern to many.

We are announcing a new seminar, to take place on **Thursday 10th November 2016** at Staverton Park, Daventry Road, Daventry, NN11 6JT (www.deverevenues.co.uk/en/venues/staverton-park). We will be releasing full details of the programme and speakers shortly.

The seminar will feature a several presentations from speakers looking at different aspects of security, all aimed at supporting dangerous goods professionals. The seminar should help ensure that:

- you are fully aware of the Security Provisions of ADR 1.10
- you are aware of what can YOU need to do to prevent/deter an attack?
- you are doing everything you can to minimise the real risk from misuse of HCDGs
- whether your training, testing and review of your control measures are sufficient

Should you attend? "Yes", if you or your company (or your client company(ies)):

- consign HCDGs
 - carry HCDGs
 - load HCDGs
 - pack HCDGs
 - fill HCDGs
 - operate a tank-container/portable tank that will carry HCDGs
 - unload HCDGs
 - receive HCDGs as a consignee (even if those HCDGs are used entirely on site – e.g. LPG as fuelled source, or an HCDG as a consumed processed material).
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The cost will be £80 for members and £120 for non-members (includes 1 year of BADGP membership).

To book a place please visit our online events page at: www.badgp.org/event-2317070 .

EASA

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In this feature article, Trevor Green, DGSA, Transport Manager of Wyvern Cargo Limited (www.wyverncargo.com), who is a committee member of the British Association of Dangerous Goods Professionals (BADGP) and one of the two representatives who represent BADGP at the European Association of dangerous goods Safety Advisers (EASA), reports on the latest EASA meeting held at the beginning of May.

In the last Chemical Safety Briefing, a brief mention was made about the EASA and its first attempt to change RID/ADR/ADN. This feature article provides more information about EASA, its proposals and the reasoning behind them, and its future plans.

Introduction

The EASA began its life back in 2009. A fledgling organisation backed by a few countries that had some ideas on what could be addressed. However, it did not really take off until Germany took an interest in 2014 and decided to host the first ever general assembly of EASA in Bonn, Germany.

The then Chairman of the BADGP, Dr Andy Holton, received an invitation for BADGP to represent itself at the first meeting. Dr Holton, put the case for attendance to the BADGP committee and the vote to go was unanimous. It was felt better to try and effect changes from within EASA than from the outside. It was decided that Dr Holton should attend this meeting with another committee member, Desmond Waight. At the first meeting in Bonn, EASA had representatives from 15 organisations representing 12 countries.

Since then, EASA has grown and has recently held the 5th general assembly meeting in Bordeaux at which 24 organisations representing 19 countries attended. This was also the first meeting to consider the reaction to EASA's attempt to change RID, ADR and ADN after EASA gained observer status last year.

It was clear from the outset in Bonn that while all representatives had similar problems, the differences between them were huge. For example, in some countries, minimum qualifications are required before someone can become a DGSA and the DGSA exam pass mark can vary from 50% to 90%. This has resulted in some candidates crossing borders for an easier exam. Another common example was a requirement for a specific annual report format. EASA accordingly aimed to make proposals to harmonise and improve the requirements.



At the first meeting, it was decided to set up three working groups to study the various problem areas EASA members had in common — the results of which would eventually form the basis of the formal presentation of eight proposals to the joint meeting in Berne on 14–18 March 2016.

These working groups were:

- WGI — Review of 1.8.3.3 and 1.8.3.6 of ADR/RID/ADN (BADGP representatives were part of WGI)
- WGII — Review of 1.8.3.12
- WGIII — Review of 1.8.3.1 (1.4.2.1.3 and 1.4.2.1) and review of 1.8.3.2 a).

The proposals were developed over subsequent meetings and through correspondence.

Each member was asked to liaise with his or her national authority and explain the proposals prior to the proposals being put forward at the joint meeting in March. The DfT in fact asked BADGP for its opinion and for it to report back before the DfT briefing meeting (pre-joint meeting) on 3 March.

BADGP responded by organising a webinar (hosted by the author) together with a survey of its members regarding the eight proposals, the result of which would form the basis of a response to the DfT. BADGP members are a broad base of industry experts and the outcome was predictable; agreement to the proposals in principle, but accepting that further work would be required. The opinion of BADGP was put forward at the DfT briefing meeting. However, it met with opposition by other stakeholders and the final UK overall brief was to oppose all the proposals.

Summary of outcomes and future EASA action

The following is a brief summary of the proposals, together with the outcome of the joint meeting in Berne, followed by the comments and probable action as agreed by EASA at its general assembly held in Bordeaux in May.

Proposal 1

Add a new 1.3.2.5 to read as follows:

“1.3.2.5 The trainer shall hold a vocational training certificate according to 1.8.3.7.”

Brief explanation: EASA believes that all trainers should hold a DGSA qualification, to ensure a standard of quality of that training.

Result: Not agreed by joint meeting.

EASA action, representatives of Hungary to update proposal for representing.



Proposal 2

Amend 1.8.3.1 as follows.

“1.8.3.1 Each undertaking, the activities of which include the consigning (including third parties), carriage, or the related operations packing, loading, filling or unloading, of dangerous goods by road/rail/ inland waterways [RID: or operating a tank-wagon] shall appoint one or more safety advisers, hereinafter referred to as ‘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.”

Brief explanation: EASA considered that consignors (including third parties) should be required to appoint a DGSA, as important safety obligations are laid upon them in Chapter 1.4.

Result: Principle agreed, but for 2019 (but not for RID, the EASA chairman is to put forward a proposal for RID). However, a transitional period of four years was agreed, with EASA requested to submit a formal document to this end. EASA is expected to submit a paper on transitional provisions for the September joint meeting and to the RID Committee at end of May.

Proposal 3

Amend 1.8.3.2 as follows.

“1.8.3.2 The competent authorities of the Contracting Parties may provide that these requirements shall not apply to undertakings:

- a) the activities of which concern quantities in each transport unit not exceeding those referred to in 1.1.3.6 1.7.1.4 and in Chapters 3.3, 3.4 and 3.5; or ...

NOTE 1: 1.8.3.2 (a) is not applicable to consignors whose activities concern quantities not exceeding those referred to in 1.1.3.6.

NOTE 2: 1.8.3.2 (a) is not applicable to carriers of dangerous goods in limited quantities exceeding the limit prescribed in 3.4.13.”

Brief explanation: This proposal had two aims.

- 1) To clarify wording of 1.8.3.2 that allows states to exempt from DGSA requirements for small load/limited quantity (LQ).
- 2) Presuming Proposal 2 was accepted, EASA proposed not to allow the exemption for a DGSA requirement to apply to consignors of fully regulated and LQ goods in large loads.

Result: The editorial amendment to 1.8.3.2 (a) was accepted but the addition of the notes limiting the prerogatives of the competent authorities with respect to the exemption of certain participants on the quantities concerned was rejected.

EASA is not expected to re-propose that consignors of small loads should appoint DGSAs.



Proposal 4

Amend the third indent of 1.8.3.3 as follows.

“ — preparing an annual report, conforming to the model shown below, to the management of his undertaking or to a local public authority, as appropriate, on the undertaking's and the advisor's activities in the carriage of dangerous goods.”

Brief explanation: EASA members quickly agreed that an example of annual report should appear in ADR/RID/ADN. They then set out to specify a model — this proved difficult, taking three sessions and multiple correspondence before one was realised.

Note: This model was formed by the members of EASA working group 1 that included BADGP.

EASA believed it necessary to put forward a basic report as this had more chance of acceptance. Amendments could (and would) easily follow thereafter.

The EASA working group studied examples of DGSA annual reports supplied by EASA members (including many from BADGP). This study revealed every example was different, although when stripped down to its basic requirements, the underlying components were the same and the basic model was formed.

Result: Not agreed as a template for insertion in RID/ADR/ADN.

EASA is expected to submit a revised proposal to the September joint meeting to include in RID/ADR/ADN a reference to non-mandatory guidance to be published by EASA.

Proposal 5

Amend the ninth indent of 1.8.3.3 as follows.

“— verification that employees involved in the consigning, carriage, packing, filling, loading or unloading of dangerous goods have detailed operational procedures and instructions, ...”

Brief explanation: EASA consider that as important safety obligations are applied under Chapter 1.4 to consignors, DGSA monitoring tasks should include verification that employees of consignors have detailed operational procedures and instructions.

Result: This consequential change, consequent on acceptance of proposal 2, was agreed for the 2019 Edition. No further EASA action required.

Proposal 6

Amend 1.8.3.14 as follows.

“1.8.3.14 The competent authority or the examining body shall keep a public running list of the harmonised questions that have been included in the examination.”

Brief explanation: EASA believes that harmonisation of the standard of knowledge of safety advisors is needed and to that end the exams should be harmonised. This will require the creation of lists of questions that should then be made public.

Result: Due to the lack of support at the joint meeting these proposals were not further discussed and no action was taken. EASA has decided not to pursue this any further at this time.



Proposal 7

In 1.8.3.16.1, add the following fourth sentence:

“It is not mandatory for the candidate to complete a training course.”

Brief explanation: Elsewhere in Europe specific training courses attendance is mandated and this proposal is to clarify that it is not mandatory for DGSAs, who are refreshing their certification, to attend a training course.

Result: Not agreed, owing to lack of support, these proposals were not further discussed and no action was taken.

EASA has decided to not pursue this any further at this time.

Proposal 8

Amend the eighth entry of the certificate in 1.8.3.18 as follows.

“Valid until ...For undertaking which transport dangerous goods and for undertakings which carry out related consigning, packing, filling, loading or unloading.”

Brief explanation: This was consequential and needed if proposal 2 was accepted. It was also accepted (for 2019 Edition). No further EASA action required.

Conclusion

The results were a mixed bag of good and bad for EASA. It transpired that several EASA members had not approached their authorities, either in part or in the whole.

Indeed, it would appear that the BADGP did much more than most in liaising with the DfT, although there was disappointment that overall DfT did not support the proposals.

One thing is certain, however, EASA is here to stay.

News Snippets

BADGP Discussion Forum

Our LinkedIn Dangerous Goods Discussion Forum continues to grow and seems to be proving a valuable source of information for many dangerous goods professionals. One Forum member recently posted “**Great site and fantastic reference source**”.

If you aren't yet a member of the Forum, please visit: <https://www.linkedin.com/groups/British-Association-Dangerous-Goods-Professionals-3393106> and click on the “Ask to join” button. We look forward to welcoming you to the group.

Official Report of the UN Sub-Committee TDG 49th session (27 June - 6 July 2016)

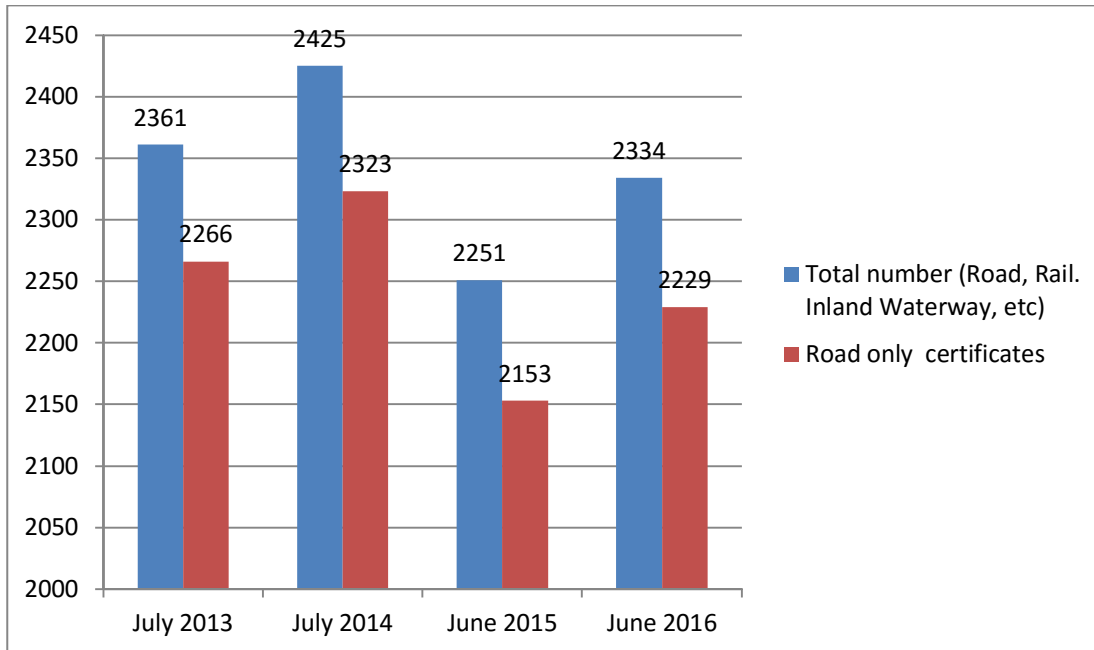
The DfT have brought to our attention that the official report from the 49th session of the UN Sub-Committee that took place from 27 June to 6 July 2016 is now available. This is now accessible from our website at: <http://www.badgp.org/badgp-news> .



DGSA Current UK Certifications

Members may be interested in the number of currently valid total certifications issued in the past.

UK certificate figures are:



Please note these figures include non UK residents with UK issued certificates, and members of the Government and Police and DVSA, as well as those who have obtained the certification, but do not actually practice as a DGSA, either in house or as consultant DGSAs.

Lithium Battery Workshop

If you are involved with the carriage of Lithium Batteries then you might be interested in the 6th annual IATA Lithium Battery Workshop being held in Brussels 11-12 October 2016.

www.iata.org/events/Pages/lb-workshop.aspx

Matters to be addressed include:

- how to meet the requirements on 30% SoC (State of Charge) for lithium ion batteries
- an update on the development of the new packaging standard
- risk assessments
- plus an open discussion session where issues can be raised and solutions developed.

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Dangerous Goods Packaging goes into space!

BADGP Committee Member (and often sponsor of BADGP events), Kevin Dougherty was recently appointed as Director of Operations Worldwide at Air Sea Containers Ltd (www.air-sea.co.uk).

In congratulating him, fellow BADGP Committee member Desmond Waight quipped “*Where next - intergalactic ops director*” which brought the response; “*Funny you should mention it, we have some of our Biojars on the ISS so perhaps I will offer to check they’re happy with them. Personally, not sure my air miles will work on that trip though!*”

Radioactive Materials Transport User Committee Seminar

The 6th RAMTUC Seminar is being held on the 2nd November in Birmingham.

During the day, a range of experts will talk on technical and operational matters. The seminar will focus on RAM transport training, transport legal issues associated with BREXIT and other influences, and a range of industry-led best-practice initiatives. Regulators from the Office of Nuclear Regulation will also be present to give their perspectives on current and future legislation.

For more details please visit: <http://www.ramtuc.org.uk/ramtuc-2016-seminar-booking-open.asp>

Membership Renewals

Our fixed membership year starts again on 1 January 2017. In November we will write to all members inviting you to renew for another 12 months. The email will, of course, notify you of the membership fee.

Credit Card Payments

We are very pleased to report that we have now installed a Credit Card payment system on our website. Whenever you want to pay for your membership renewal or for an event, seminar, etc. you will now see an option to pay online via our secure Credit Card System.

BADGP Membership

If you would like to join the BADGP we would be delighted to hear from you.

Membership is on an individual basis and will cost £60.00 per year. Payment details will be provided on receipt of a completed, online membership form which you can find at:

www.badgp.org/badgp-membership.

British Association of Dangerous Goods Professionals

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