

Adopting the new dangerous goods transport requirements in NSW

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Why a New Law and Code?

- Base (ACT) Legislation completed in 1995 (for Act) and 1997 (for road Regulations and rail Rules)
- ADG6 mainly based on UN9 [1995 edition] of UN Recommendations
- Requirements now inconsistent with current IATA and IMDG requirements, particularly with UN Nos

The Legislation

- **Approved and published in 2007 - National Transport Commission (Model Legislation — Transport of Dangerous Goods by Road or Rail) Regulations**
 - **Schedule 1 — the “Model Act”**
 - **Schedule 2 — the “Model Regulations”**
- **Amendments approved by Australian Transport Council in August 2008**



The Legislation

- It is “Model Law”
 - Will only come into effect if adopted by or incorporated into State and Territory law
- Takes the place of State and Territory law adopting the Commonwealth Act, Road Regulations and Rail Rules

Current Status

- The ADG Code was published in October 2007
- The Model Law was published in 2007
- Some further changes were made to the Model law in August 2008
 - These address some inconsistencies
 - Clarify other issues

Likely schedule

- Commencement of new State/Territory legislation by end of December 2008
 - WA commenced
- Transition period of 12 months applies
- End of transition period will be 31 December 2009

Impacts

- Most changes are minor
- Most current operations will continue unchanged
- There will be much better consistency between Australian and international (air and sea transport) requirements
 - Still some land specific requirements

The Model Regulation

- Assigns responsibilities to
 - Persons
 - Organisations
 - Authorities
- Specifies when ADG7 applies
- Specifies all approvals, determinations and exemptions to be issued by a Competent Authority

All of these not included in Code which is a technical document

Small quantities, tools of trade and consumer transport

- New provisions allowing some transport without any controls
 - Similar to small quantities provision (Regulation 1.10) in current law/ADG6
- New provisions with limited controls for goods (<500 kg or L) being transported
 - as part of a trade or business, or
 - for consumer use

Small quantities, tools of trade and consumer transport (cont)

- New provisions for retail distribution loads allowing some transport with limited controls
 - Similar to consumer commodity loads provision (Clause 1.1.6) in current ADG6

Some changes

- Driver licence period changed to 5 years (from 3)
- New driver licence applications can only be made to Competent Authority in state of residence
- Independent approval issuing bodies can be appointed for packaging approvals and tank vehicle design approvals

Some changes (cont)

- Competency based training for driver licensing
 - Consultation should be completed by December 2008
- Mutual recognition of approved driver training courses

Some changes (cont)

- (NSW only) Government Licensing System is now being used for dangerous goods licensing
 - Aims to streamline the licensing process
- 'packing instructions' and 'special packing provisions' for packagings and IBCs

Some changes (cont)

- 'instructions' and 'special provisions' for portable tanks (e.g. isotainers) and bulk containers
- overpacks – to contain packages
- rail wagon separation provisions now reflect international best practice
- wider range of penalty notices



The Code — ADG7

- Structure based on UN format which is an amalgamation of:
 - UN 15
 - current ADG6 requirements
 - changes previously agreed by ACTDG (such as to incorporate some current exemptions) following experience gained
 - changes resulting from public comment

Significant Changes from ADG6

- Terminology
 - Transport unit
 - Means a Vehicle or freight container
 - 'Class' / 'Division'
 - 'Bulk' / 'Bulk containers'
 - now apply only to solids – at least 1 cu m capacity
- Low danger infectious substances have placard load limit of 10 kg/L (up from 0)



Significant Changes from ADG6 (cont)

- Labels
 - Division 5.2 – current label expires 2011
 - Environmentally hazardous
 - Sub-Risk labels include number
- DG List
- Packing Instructions

Significant Changes from ADG6 (cont)

- Hazchem
- Class 9
 - Criteria for environmentally hazardous substances will include many more substances
 - Note: Australian exemption for “small containers”



Significant Changes from ADG6 (cont) (Details to follow)

- Addition of Chapters 2.1 & 2.7
- Alignment with UN 15
- Licensing and Placard Load Thresholds
- Treatment of UN 3077 & UN 3082
- Marking of IBCs

Significant Changes from ADG6 (cont) (Details to follow)

- Retail Distribution Loads
- Limited quantities
- Removal of Pesticides List
- Approval changes

Chapters 2.1 & 2.7

- Inclusion of classification criteria for Classes 1 (explosives) and 7 (radioactive substances)
 - provides a single Australian source for classification of all classes of DG
 - provided for advice only as these classes outside of scope of Model Law and Model Subordinate Law

Alignment with UN 15

- **ADG7 UN numbers will be consistent with air and sea**
- **Some existing numbers to be phased out**
 - **Various gas mixtures**
- **Many new numbers added**
 - **Those from UN 3357 to UN 3481**

Licensing Threshold

- Effectively unchanged
- Licensing based on > 500 L /500 kg receptacle rather than 'Bulk' as in ADG6
- IBC exemption continues as per ADG6
 - 3,000 litre total
 - No filling and emptying on vehicle
- No licensing for packaged loads

Placard Load Thresholds

ADG6 (Reg 2.13)	ADG7 Table 5.3 & Reg 5.3.1
Placard if load includes:	Placard if load includes:
<ul style="list-style-type: none"> • any 'DG in Bulk' 	<ul style="list-style-type: none"> • any DG in Receptacle >500 kg or L
<ul style="list-style-type: none"> • \geq 1000 kg or L aggregate DG 	<ul style="list-style-type: none"> • \geq 1000 kg or L[#] aggregate DG
<ul style="list-style-type: none"> • \geq 250 kg or L aggregate DG incl. any qty of: <ul style="list-style-type: none"> - Class 2.1 (excl. Aerosols) - Class 2.3 - PG I 	<ul style="list-style-type: none"> • > 250 kg or L aggregate DG incl. any qty of: <ul style="list-style-type: none"> - Division 2.1 (excl. Aerosols) - Division 2.3 - PG I
<ul style="list-style-type: none"> • any Class 6.2 	<ul style="list-style-type: none"> • any Division 6.2, Category A • \geq 10 kg or L other Division 6.2

#Except

-Retail Distribution Load

-Fumigated Unit



Class 9 / UN 3077 & 3082

- Many more substances are Class 9 due to introduction of aquatic toxicity criteria (particularly common pesticides); but
 - Special Provision AU01 exempts UN 3077 and UN 3082 from ADG7 when transported by road or rail in:
 - packagings
 - IBCs (of any permitted capacity)
 - other receptacles \leq 500 kg or L

Marking of Intermediate Bulk Containers (IBCs)

- Will stay as per ADG6
 - EIPs on IBCs or transport units

Retail Distribution Loads

- New Chapter 7.3 “Retail Distribution Loads” incorporates
 - 1.2.1 (consumer commodity loads) of ADG6
 - Including generic documentation
 - Expanded coverage for transport operations
 - Exemptions issued to the retail industry by CAP



Limited quantities

- New concept for ADG7
- Applies to many dangerous goods
- Lesser requirements for packaging and labelling
- Note that the general exemption in UN15 does not apply in Australia (nor in IMDG)

Pesticides List

- No longer included in UN Model Regulations
 - Refer instead to the WHO listing
- Removed from ADG7 as ADG6 list not current and no way of easily updating it

Transitional arrangements

- New legislation will permit:
 - Compliance with either ADG6 or ADG7 for up to 12 months after commencement in a jurisdiction
- Competent Authorities' target :
 - legislation commences by 31 December 2008
 - transition ends by 31 December 2009

What will industry need to do?

- Most operational requirements do not change
- Check that
 - Your UN numbers are still valid
 - Your packaging is acceptable
 - Your portable tanks are acceptable

What will industry need to do? (cont)

- Review your non-dangerous goods products to see whether the aquatic toxicity classification of class 9 may have an impact
- Review your Division 6.1 goods with respect to the new classification criteria
- Update Hazchem Codes



What will industry need to do? (cont)

- Review your Material Safety Data Sheets
- Use the new organic peroxide class label
- Change sub-risk labels

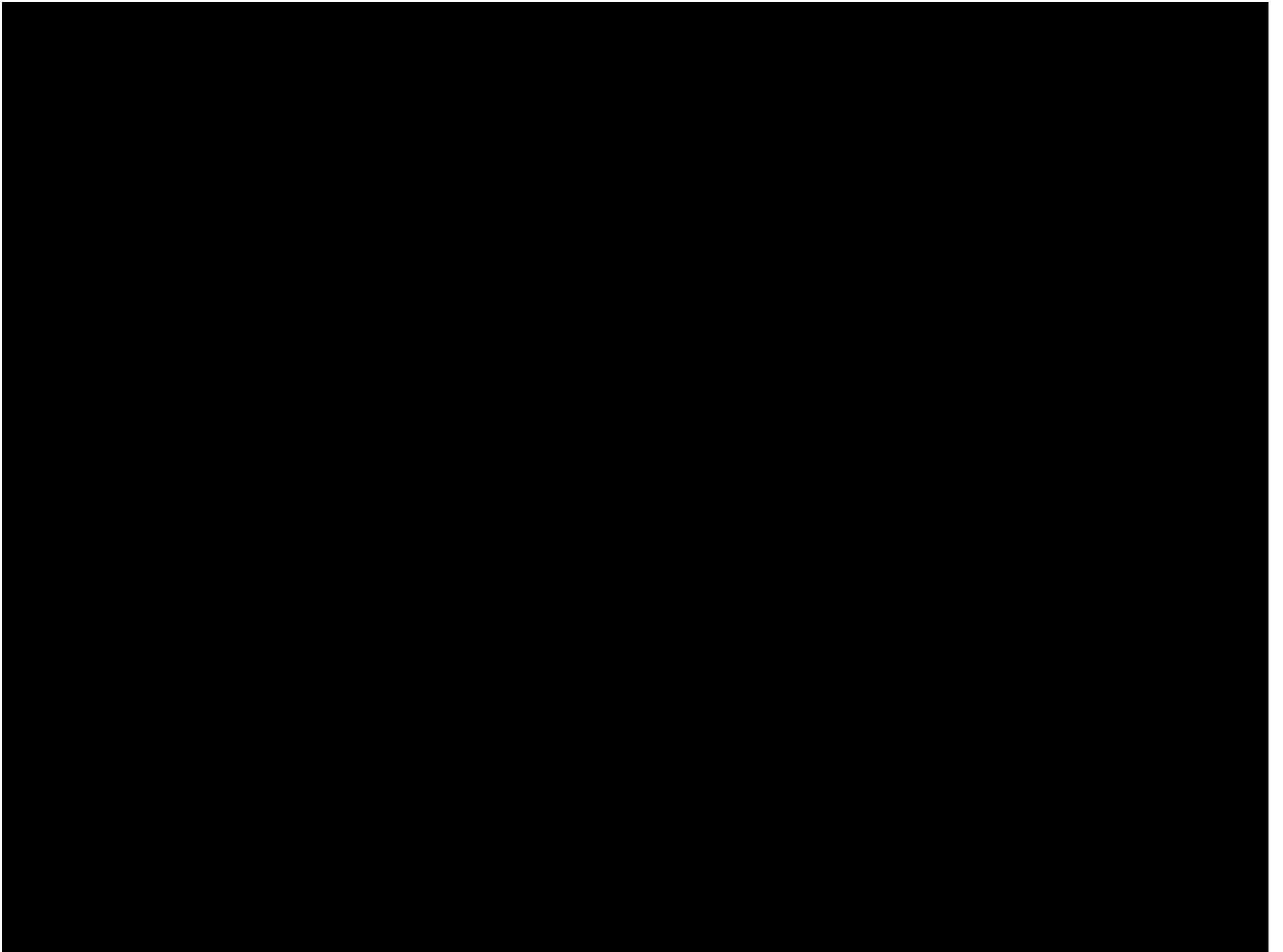
NSW status

- New Dangerous Goods (Road and Rail Transport) Act
 - Consistent with the Model Act
 - Passed Lower House in August
 - In Upper House shortly – no objections raised
- Regulations being finalised
- Commencement expected to occur by 31 December 2008



Questions?





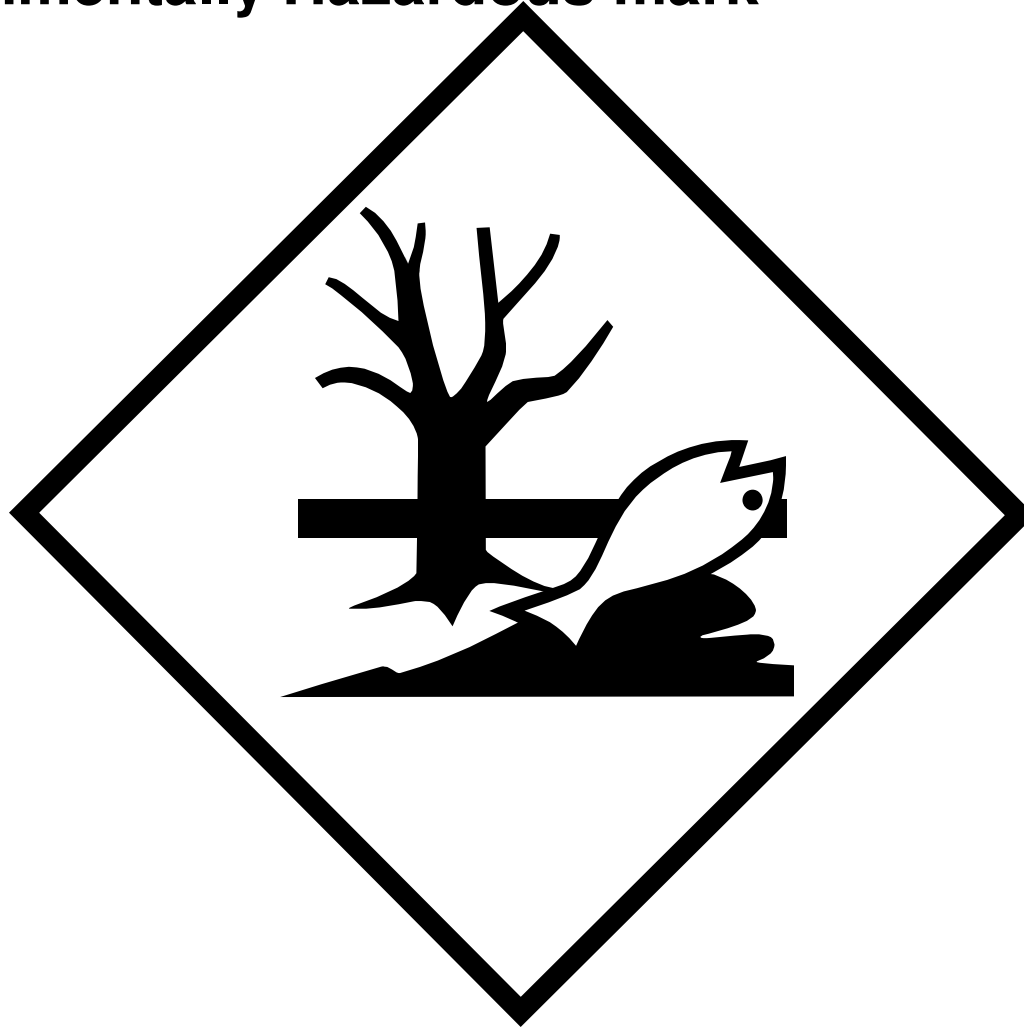
Division 6.1

Packing Group	Oral toxicity LD ₅₀ (mg/kg)	Dermal toxicity LD ₅₀ (mg/kg)	Inhalation toxicity of dusts and mists LC ₅₀ (mg/L)
I	≤ 5	≤ 50 ≤ 40	≤ 0.2 ≤ 0.5
II	> 5 - 50	50 - 200 40 - 200	0.2 - 2 0.5 - 2
III	50 - 300 Solids: 50 - 200 Liquids: 50 - 500	200 - 1000	2 - 4 2 - 10

Red values in ADG6



Environmentally Hazardous mark



Class 5.2 label

