



# **Carriage of Dangerous Goods by Road Regulations / ADR**

## **Guidance on the appointment of a Dangerous Goods Safety Adviser**

## **Background to Regulations and Guidance**

The European Agreement Concerning the International Carriage of Dangerous Goods by Road (ADR), is given effect by national legislation - the Carriage of Dangerous Goods by Road Regulations. These regulations require that any person or undertaking involved in the transport of dangerous goods by road, subject to some limited exemptions, shall appoint a Dangerous Goods Safety Adviser (DGSA).

The function of a DGSA is to help control the risks inherent in the transport of dangerous goods with regard to persons, property and the environment. The requirement to have a DGSA first came into effect in 17 January 2001.

DGSA's must hold an appropriate certificate of training. In relation to the transport of dangerous goods by road, this can only be obtained by passing an examination approved by a "competent authority". In Ireland, the competent authority is the Health and Safety Authority, who have appointed the Chartered Institute of Logistics & Transport (CILT) to administer both the DGSA and ADR Driver training exams.

This guidance aims to outline who is affected and who must formally appoint a DGSA, as set out in legislation. It is important to understand that where the level of activity and where the associated risks are deemed not to be significant, you may not be required to formally appoint a DGSA in writing, however you may still require guidance from a DGSA from time to time, as many obligations under the regulations apply irrespective of the quantity and type of dangerous goods or your level of involvement.

### **Who must appoint a dangerous goods safety adviser?**

As an undertaking involved in the transport of dangerous goods by road, meaning the carriage, packing, loading, filling or unloading of dangerous goods, you may be required to formally appoint a qualified DGSA(s).

The undertakings affected are those:

1. who consign dangerous goods for transport;
2. who are involved in loading, packing, filling or unloading;
3. who are operators of road vehicles (carriers);

It is important to note that the use of the word "transport" in the context of both the Regulations and the guidance includes the associated loading, packing, filling or unloading of dangerous goods.

### **Are there Exemptions?**

There are some exemptions from the requirement to appoint a DGSA, that is, you may not be legally required to appoint a DGSA if your activity is covered by, or limited to any of the following;

1. those activities which concern the transport of dangerous goods in

means of transport that belong to the Defence Forces or are under their responsibility;

2. consignee's who only unload at the final destination (e.g. petrol station operators receiving fuel or supermarkets receiving dangerous goods for retail supply);

3. an undertaking whose activities of which concern packaged goods in each transport unit carried in quantities smaller than those referred to in;

- ADR 1.1.3.6 (this exemption relates to the quantity carried in packages - tanks and bulk quantities are not included)
- ADR 1.7.1.4 (certain radioactive materials)
- ADR 3.3 (special provisions)
- ADR 3.4 (packaged goods in limited quantities)
- ADR 3.5 (packaged goods in excepted quantities)

4. if you meet **all three** of the following criteria;

I. your *main or secondary activity* is not the carriage or the related loading or unloading of dangerous goods, but which occasionally and limited to the national carriage or the related loading or unloading of dangerous goods posing little danger or risk to the environment,

Example:

A construction company, who may *occasionally* deliver dangerous goods between sites or may collect dangerous goods from a supplier and transports them to a construction site,

- This would not be regarded as the main or secondary activity of the company concerned and it would therefore not be required to appoint a DGSA.

Carriers (logistics companies, freight forwarders, vehicles operators, couriers etc) are not included this category as the carriage of dangerous goods is often their main or secondary activity.

II. you are only *occasionally* involved in the transport of dangerous goods, i.e. in the region of one such transport movement per month.

III. the transport of dangerous goods does not create a *significant risk* to the health and safety of persons and the environment.

In order to assess "*significant risk*" you will need to consider both the type of goods and the amounts being carried.

To help make this assessment you should be guided by the transport category assigned to dangerous goods and the quantities specified in column (3) of the table in ADR 1.1.3.6.3 (**Appendix 3**)

For example, it can be generally accepted that transport of the following will **not** create *significant risk* for the purposes of this guidance –

Transport Category 4 goods	no upper limit
Transport Category 3 goods	up to 1500 litres or Kg
Transport Categories 0, 1 and 2	Up to threshold quantities in table 1.1.3.6.3. (0, 20 and 333 respectively)

Goods in Transport Categories 0, 1 and 2 are considered to create a significant risk. Transporting dangerous goods in these categories in quantities over the threshold indicated in column (3) of the table in ADR 1.1.3.6.3, should conclude in the appointment of a DGSA.

**Note this exemption does not apply to dangerous goods carried in tanks or in bulk, which should always be considered to pose a significant risk.**

#### **Important note for calculating mixed loads of dangerous goods**

Where mixed loads of different transport categories are carried on the same vehicle, there is a notional maximum threshold of 1000 litres or kg applied for the purposes of exemption 1.1.3.6.4 in ADR. For the purposes of establishing whether or not a DGSA is required to be formally appointed, this notional threshold may be increased, as above, for Transport Category 3, to \*1500.

Dangerous goods in transport category 1 and 2 carry a weighting, which means in order to calculate whether the load is under or over the threshold, the following weightings shall apply -

Transport category 1	"50"
Transport category 1 (Note a)	"20"
Transport category 2	"3"

Example:

220kg of category 2 and 700kg of category 3, to be transported on the same vehicle

Calculated value =  $220 \times "3"$  plus 700 = **1360 total**

i.e. less than \*1500 (not considered a significant risk for the purposes of this exercise)

If the vehicle is then loaded with another 100kg of category 2 dangerous goods the calculated value increases -

Total category 2 goods =  $220 + 100 = 320\text{kg}$

Applying the weighting for category 2:  $320 \times "3" = 960$

Adding category 3 goods, total of  $700\text{kg} + 960 = \mathbf{1660 \text{ total}}$

**Dangerous goods with a calculated value of 1660 would be considered a "significant risk", therefore shipments of this nature would require the operator to have a DGSA formally appointed in writing.**

(\*1500 is only applicable to this exercise. A figure of 1000 is specified for the

purposes of ADR 1.1.3.6.4)

Notwithstanding the assessment criteria outlined above, it remains the duty of an undertaking to appoint a safety adviser if its own risk assessment leads to the belief of the existence of a significant risk.

**It is important to remember that even if you do not need to formally appoint a dangerous goods safety adviser, specific requirements under the Carriage of Dangerous Goods by Road Regulations still apply, e.g. correct packaging, labelling, documentation etc and therefore you are likely to need support and guidance in this area to ensure safety and compliance with the regulations. This level of support is best provided by a DGSA or a health and safety professional with competence in this area.**

### **Who can I appoint as a Dangerous Goods Safety Adviser?**

You may appoint an existing employee, yourself, or a consultant - **provided they hold a current vocational training certificate** (VTC) obtained by passing the approved examinations valid both for the mode of transport, i.e. "road" and for the Class, i.e. the type of dangerous goods being transported.

The examination regime is administered in Ireland by the Chartered Institute of Logistics & Transport.

(Telephone 01- 676 3188 / 676 4099 for examination syllabus and application form or visit [www.cilt.ie](http://www.cilt.ie) )

Advisers will need to pass an examination every five years in order to remain qualified.

### **What do Dangerous Goods Safety Advisers need to do?**

Your DGSA will need to:

- i. provide you with advice on all aspects of the transport of dangerous goods related to the relevant activities of the undertaking;
- ii. monitor compliance, by all appropriate means and by all appropriate action, with the legal requirements on the safe transport of dangerous goods and related health and safety practices and procedures (including the preparation of accident reports) in line with functions listed in **Appendix 1**;
- iii. ensure the preparation of an **annual report**, not later than 3 months after the end of each calendar year, on your activities concerning the transport of dangerous goods. Such reports are primarily internal documents and so the format and content can vary from undertaking to undertaking. However a template is provided in **Appendix 2** for guidance. As a minimum the contents should summarise the results/conclusions of the safety advisers' monitoring activities (including accidents), with a view to assisting compliance with the transport of dangerous goods legal requirements. You will need to keep any such reports for five years, and make them available to enforcement agencies, such as the Health and Safety Authority, on request.

It is important when appointing or assigning a Safety Adviser that you ensure that the adviser is clear about his or her responsibilities and is satisfied in terms of

- what is expected to be done i.e. range of functions
- how it is to be done e.g. directly or by delegation
- where it is to be done e.g. multiple sites, and
- the resources available being adequate.

This should entail, as appropriate, a preliminary evaluation by the Safety Adviser(s) of the activities of the undertaking involving the loading, transport and unloading of dangerous goods. This evaluation should cover the state of compliance with the relevant legislation and outline what may be necessary in terms of -

- advising the undertaking on the transport of dangerous goods
- ensuring a system is in place for monitoring compliance with the rules governing the transport of dangerous goods
- ensuring a system is in place to monitor the practices and procedures of the undertaking relating to those activities and
- ensuring an annual report to the undertaking is prepared on those activities of the undertaking

A Safety Adviser may be satisfied following the evaluation that there are already certain suitable monitoring systems in place, albeit the Adviser is not directly involved. The Adviser's involvement could then, in respect of those systems, be one of auditing the systems at frequencies dictated by the result of the initial evaluation.

Any persons involved in activities related to the safe transport of dangerous goods, in support or otherwise of an Adviser, must be adequately trained.

The preparation of the Annual Report may also in certain situations reflect substantive preparation by the undertaking but always with final clearance and submission to the undertaking by the Safety Adviser(s).

It is important that a Safety Adviser keeps you informed, preferably in writing, of any issues arising as a consequence of the carrying out of his or her functions which necessitate appropriate action being taken by you to address the issues, and where necessary, to rectify any problems. Ongoing unresolved problems should be highlighted in the Annual Report while at the same time recognising the potential, where significant concern arises, of either party approaching the Health and Safety Authority directly.

### **How many Safety Advisers do I need?**

The regulations leave it open to you to decide how many safety advisers you need to appoint. In deciding the appropriate number you will need to consider and make provision for issues such as -

- the time, information and facilities the safety adviser(s) will need to fulfil their functions and duties
- how many operating sites they will need to cover, and
- whether they will prepare reports and carry out monitoring themselves or simply ensure others do these things.

It is also left open to you to co-operate with other undertakings in appointing the same safety adviser(s) - this may be particularly useful on sites where more than one undertaking is involved in the transport, loading or unloading of dangerous goods, such as at ports and airports.

However if you appoint more than one adviser you will have to,

- as with the appointment of just one adviser, ensure that the time available for any safety adviser and the means at his or her disposal to fulfil his or her functions are adequate having regard to those functions
- make arrangements for ensuring adequate co-operation between the advisers (e.g., who will be responsible for writing the annual report, investigating accidents, carrying out audits etc.)
- ensure that the number of individuals appointed by you is sufficient to ensure that their functions can be carried out effectively.

Whether you appoint one or more Advisers it must be recognised, in the context of a Safety Adviser maintaining competency in respect of fulfilling his or her functions, that ongoing relevant training will be necessary in such areas as legislation, the ADR, multi-modal transport, accident investigation techniques, monitoring techniques etc.

### **Accident Reports**

Your dangerous goods safety adviser or advisers are required to prepare and give you a report on each accident which affects the health and safety of any person, or causes damage to the environment or property, and which occurs during the transport of dangerous goods by the undertaking that has appointed him/her.

This can be deemed to exclude accidents which have no implications for the dangerous goods being carried, such as a driver spraining an ankle while getting out of the cab or minor road traffic accidents.

Such reports are primarily internal documents, and without prejudice to any other reporting legal requirement [e.g. Part X of the Safety Health and Welfare at Work (General Application) Regulations 1993], **do not have to be sent to the Health and Safety Authority, but need to be kept by you for five years.**

The report format and content can therefore vary from undertaking to undertaking. For minor incidents your existing incident recording arrangements may be sufficient but will need the safety adviser's overview and will need to reflect remedial action both recommended and taken.

However, more serious incidents will warrant a fuller report giving, as a minimum, details and causes of the incident, any legal implications, and the actions needed to prevent a recurrence.

This implies that safety advisers must be made aware by you of all relevant accidents if they are to fulfil their legal duties.

For reporting concerning serious accidents or incidents (see ADR 1.8.5.3), a report must be prepared in the form prescribed in ADR 1.8.5.4 and submitted to the competent authority.

### ***Choosing the right candidate***

The selection of a candidate(s) for the role of DGSA is the responsibility of each individual employer. In particular, the careful selection of the right internal candidate will potentially avoid unnecessary expense and for the individual, the stress of added responsibility while struggling to come to terms with the examination and the prospect of failing to qualify.

The appointment of an external DGSA should also be considered carefully as the diversity of the ADR generally means inevitable specialisation. You may wish to appoint someone with some prior knowledge of the industry you are in.

### **What powers has the Competent Authority?**

The main competent authority in the State for the purposes of the regulations in relation to the transport of dangerous goods by road, is the Health and Safety Authority, whose duty it is to enforce the legislation in particular by -

- monitoring compliance through a programme of inspections,
- ensuring compliance, if necessary by recourse to the courts where fines of up to €1900 per offence and/or imprisonment can be applied,
- Issue of a "payment in lieu of prosecution" notice or "on the spot fine" , currently €190 per offence,
- prohibiting the transport of dangerous goods by an undertaking where it fails to appoint a safety adviser and the transport of such goods by the undertaking may pose a serious risk to persons or property or the environment
- withdrawing or suspending for a stated or indefinite period a vocational training certificate where a dangerous goods safety adviser, without reasonable excuse, fails to comply with the functions of safety adviser or have an accident report prepared . Reasonable excuse obviously includes situations where an undertaking has failed to provide a safety adviser with the necessary time, information, facilities, resources and authority to fulfil the functions assigned.

Health and Safety Authority Inspectors are provided with all the necessary powers by the Regulations for the purpose of ascertaining whether the Regulations are being complied with.



## **Appendix 1**

### **FUNCTIONS OF SAFETY ADVISERS**

The functions of a safety adviser include in particular the following -

- a. monitoring compliance with the rules governing the transport of dangerous goods,
- b. advising the undertaking on the transport of dangerous goods,
- c. ensuring that an annual report to the undertaking is prepared on the activities of the undertaking concerning the transport of dangerous goods,
- d. monitoring the following practices and procedures relating to the activities of the undertaking which concern the transport of dangerous goods,
- e. the procedures for compliance with the rules governing the identification of dangerous goods being transported,
- f. the practice of the undertaking in taking into account, when purchasing means of transport, any special requirements in connection with the dangerous goods to be transported,
- g. the procedures for checking the equipment used in connection with the transport of dangerous goods,
- h. the proper training of the undertaking's employees and the maintenance of records of such training,
- i. the implementation of proper emergency procedures in the event of any accident or incident that may affect safety during the transport of dangerous goods,
- j. the investigation of and, where appropriate, preparation of reports on serious accidents, incidents or serious infringements recorded during the transport of dangerous goods,
- k. the implementation of appropriate measures to avoid the recurrence of accidents, incidents or serious infringements,
- l. the account taken of the legal prescriptions and special requirements associated with the transport of dangerous goods in the choice and use of sub-contractors or third parties,
- m. verification that employees involved in the transport of dangerous goods have detailed operational procedures and instructions,
- n. the introduction of measures to increase awareness of the risks inherent in the transport of dangerous goods,
- o. the implementation of verification procedures to ensure the presence, on board the means of transport, of the documents and safety equipment which must accompany transport and the compliance of such documents and equipment with health and safety regulations,
- p. the implementation of verification procedures to ensure compliance with legislation governing loading and unloading of dangerous goods, and
- q. the existence of the security plan indicated in ADR 1.10.3.2

**DGSA ANNUAL REPORT FOR <year>****COMPANY DETAILS**

Name  
Address (site specific)  
Telephone number

**DGSA(s) DETAILS**

Name(s)  
Where more than one DGSA is appointed, detail the roles and responsibilities for each.  
Contact details.

**DANGEROUS GOODS DETAILS**

Insert details of dangerous goods. This should include quantity per class, nature of activity, i.e. packing, filling, loading, carriage etc. Reference to a detailed spread sheet as appropriate.

**PACKAGING/TANK TYPES**

Give details of packaging types used for each product/waste, inspections, expiry dates as relevant. For tanks owned or managed by the company, indicate type and periodic/intermediate inspections carried out during the past 12 months and current status. Reference to a detailed spread sheet as appropriate.

**FLEET DETAILS**

If the Company owns vehicles, trailers/semi-trailers used in the carriage of dangerous goods, give a summary of vehicles types and details of ADR vehicle tests performed during the past 12 months, legal compliance and restrictions as appropriate.

**AUDITS PERFORMED**

Provide a reference to audits performed. Include the main recommendations arising from the audits.

**ACCIDENTS**

Give summary /reference to details of any accidents/incidents involving dangerous goods as well as those occurrences of the type mentioned in 1.8.5 of ADR.

**TRAINING**

Include here details of Training according to 1.3 of ADR: Driver/crew Training, DGSA Training and others involved in the loading, packing, filling etc given during the past 12 months.

**INFRINGEMENTS**

Provide a summary of enforcement action taken by enforcement authorities.

**SECURITY**

Provide details regarding compliance with the requirements of ADR 1.10.

**SUMMARY AND RECOMMENDATIONS**

Summarise significant issues – legal non conformances, accidents, enforcement action etc, action taken throughout the previous 12 months and future recommendations. Highlight any issues carried over from previous periods.

**PROGRAMME OF WORK FOR FOLLOWING YEAR**

Proposed programme of work for the next 12 months. Prioritise issues where possible.

**Signature**

**Date**

Transport category	Substances or articles packing group or classification code/group or UN No.	Maximum total quantity per transport unit
(1)	(2)	(3)
0	Class 1: 1.1A/1.1L/1.2L/1.3L and UN No. 0190 Class 3: UN No. 3343 Class 4.2: Substances belonging to packing group I Class 4.3: UN Nos. 1183, 1242, 1295, 1340, 1390, 1403, 1928, 2813, 2965, 2968, 2988, 3129, 3130, 3131, 3134, 3148, 3396, 3398 and 3399 Class 5.1: UN No. 2426 Class 6.1: UN Nos. 1051, 1600, 1613, 1614, 2312, 3250 and 3294 Class 6.2: UN Nos. 2814 and 2900 Class 7: UN Nos. 2912 to 2919, 2977, 2978 and 3321 to 3333 Class 8: UN No. 2215 (MALEIC ANHYDRIDE, MOLTEN) Class 9: UN Nos. 2315, 3151, 3152 and 3432 and apparatus containing such substances or mixtures and empty uncleaned packagings, except those classified under UN No. 2908, having contained substances classified in this transport category.	0
1	Substances and articles belonging to packing group I and not classified in transport category 0 and substances and articles of the following classes: Class 1: 1.1B to 1.1J <sup>a</sup> /1.2B to 1.2J/1.3C/1.3G/1.3H/1.3J/1.5D <sup>a</sup> Class 2: groups T, TC <sup>a</sup> , TO, TF, TOC and TFC aerosols: groups C, CO, FC, T, TF, TC, TO, TFC and TOC Class 4.1: UN Nos. 3221 to 3224 and 3231 to 3240 Class 5.2: UN Nos. 3101 to 3104 and 3111 to 3120	20
2	Substances or articles belonging to packing group II and not classified in transport categories 0, 1 or 4 and substances of the following classes: Class 1: 1.4B to 1.4G and 1.6N Class 2: group F aerosols: group F Class 4.1: UN Nos. 3225 to 3230 Class 5.2: UN Nos. 3105 to 3110 Class 6.1: substances and articles belonging to packing group III Class 9: UN No. 3245	333
3	Substances and articles belonging to packing group III and not classified in transport categories 0, 2 or 4 and substances and articles of the following classes: Class 2: groups A and O aerosols: groups A and O Class 3: UN No. 3473 Class 4.3: UN No. 3476 Class 8: UN Nos. 2794, 2795, 2800, 3028 and 3477 Class 9: UN Nos. 2990 and 3072	1 000
4	Class 1: 1.4S Class 4.1: UN Nos. 1331, 1345, 1944, 1945, 2254 and 2623 Class 4.2: UN Nos. 1361 and 1362 packing group III Class 7: UN Nos. 2908 to 2911 Class 9: UN No. 3268 and empty, uncleaned packagings having contained dangerous goods, except for those classified in transport category 0	unlimited

<sup>a</sup> For UN Nos. 0081, 0082, 0084, 0241, 0331, 0332, 0482, 1005 and 1017, the total maximum quantity per transport unit shall be 50 kg