



Industry Notice to those involved in the Carriage of Fuel Oil, Heavy/Residual

Two fuel oil products, "**Fuel oil, heavy**" and "**Fuel oil, residual**" which previously have not been regulated under the ADR, have recently been classified as "**environmentally hazardous substances**", ADR class 9, in accordance with classification criteria in ADR. This means that consignors and carriers of fuel oil, heavy or fuel oil, residual must comply with the legal provisions concerning the carriage of dangerous goods by road, both nationally and internationally.

The ADR regulations are implemented in Ireland by the European Communities (Carriage of Dangerous Goods by Road and Use of Transportable Pressure Equipment) Regulations 2011 (S.I. 349 of 2011).

Legal provisions now applicable include requirements for classification, marking, labelling, training of drivers and other persons, provision for suitable packaging, tanks and vehicles, etc.

Consignors and carriers may also be required to appoint a Dangerous Goods Safety Adviser depending on the extent of the activity (mandatory for tank operations).

In order to provide for a transitional period for the fuel oil industry to adjust to these changes, certain derogations from the provisions of ADR are being provided by way of two specific Multi-Lateral Agreements (MLAs). These 2 MLA's, **M235 & M240** allow for temporary derogation from certain provisions of the ADR, arising out of this new classification when transporting these products in and between countries who have signed the derogations. Current signatories include UK, Germany, Belgium, Italy and Ireland.

Specifically the multilateral agreements provide additional time to comply with the requirements for driver training and various provisions concerning carriage in tanks, including approval, testing and use of tanks, i.e. existing tanks and drivers not holding ADR driver training certification may continue to be used until 31st December 2012, at which point all national and international provisions will apply.

Provisions which are not suspended under these MLAs and which apply immediately include:

- Classification of "Fuel oil, heavy" and "Fuel oil, residual"
- Marking, labelling and packaging requirements
- Marking and placarding vehicles and tanks
- Provision of general safety training
- Provision of safety equipment on vehicles
- Provision of documentation
- Appointment of a dangerous goods safety adviser (as applicable)
- Other ADR and national provisions not specified in M235 and M240

Further information:

- Contact the Health and Safety Authority at wcu@hsa.ie or visit www.hsa.ie
- Publications on the HSA web site under ADR web pages - http://www.hsa.ie/eng/Your_Industry/ADR_-Road_Transport_of_Dangerous_Goods/
- Link to M235 and M240 <http://www.unece.org/trans/danger/multi/multi.htm>
- Contact a Dangerous Goods Safety Adviser via DGSAAI (www.dgsaai.ie) , trade magazines or advertised on line or in the Golden Pages