

European Communities (Carriage of Dangerous Goods by Road and Use of Transportable Pressure Equipment) Regulations 2011 to 2021

Competent Authority Exemption 04/2022

Applicable To National Road Transport Only

Carriage of empty uncleaned packaging waste

The Health and Safety Authority, as competent authority appointed under Regulation 10 of the European Communities (Carriage of Dangerous Goods by Road and Use of Transportable Pressure Equipment) Regulations 2011 to 2021, and in accordance with Regulation 5(4)(a), for the carriage of specific empty uncleaned (waste) single packagings, composite packagings and composite IBCs for dangerous goods of Classes 3, 4.1, 6.1, 8 and 9 with packing instructions P001, P002, IBC02, IBC03 and IBC08, hereby exempts the relevant participants from the provisions of ADR 4.1.1.1, 4.1.1.3.1, 4.1.1.11, 6.1.1.5, 6.1.5.8.2, 6.5.1.1.4 and 6.5.6.14.2 with respect to the sourcing of certain packaging documentation (UN certificate of approval, associated test report and instructions on use) without disproportionate cost or effort.

The transport operation shall however comply with the conditions stated in this exemption.

Purpose

The purpose of this exemption is to provide participants that generate empty uncleaned packaging containing waste residues of dangerous goods, with certain exemptions from the current ADR provisions. It applies to the carriage of empty uncleaned packaging waste:

- Single packagings listed in P001 and P002, removable head drums,
- Single packagings listed in P001 and P002, non-removable head drums and jerricans,
- Composite packagings listed in P001 and P002 of packaging code UN 6HA1,
- Composite IBCs listed in IBC02, IBC03 and IBC08 of packaging code UN 31HA1

for dangerous substances of **Classes 3, 4.1, 6.1, 8 and 9 with packing instructions P001, P002, IBC02, IBC03 and IBC08.**

The exemption does not apply to

- *dangerous goods with packing instructions that specify the packaging to be hermetically sealed or vented*
- *substances classified as desensitized explosives of class 3 or 4.1, self-reactive substances of class 4.1, asbestos (UN 2212, UN 2590), polychlorinated biphenyls (UN 2315, UN 3432) and polyhalogenated biphenyls, halogenated monomethyldiphenylmethanes or polyhalogenated terphenyls (UN 3151, UN 3152).*
- *Large Packagings.*

Empty uncleaned single packagings with removable heads (drums) and non-removable heads (drums and jerricans), composite packagings (of packaging code UN 6HA1) and composite IBCs (of packaging code UN 31HA1) which contained substances of Classes 3, 4.1, 6.1, 8 and 9 may be carried under this exemption if in compliance with the following supplementary provisions:

1. The consignor or packer shall develop written procedures on alternative packaging closure methods, and shall provide function specific training to all persons performing the alternative packaging procedures.
2. The packagings shall be empty, but uncleaned, with minimal residue of free liquid or solids (the hazard associated with the residue persists as adequate measures have not been taken to nullify the hazard).
3. The alternative packaging closure methods shall address the requirements for:
 - All packaging original component parts to be used including the packaging closure devices (gaskets and other sealing elements, bungs, lids and clamp bands as appropriate);
 - All removable head drums, with original drum body, shall have the lid clamp band correctly and securely fitted. The clamp band shall be secured closed using a T profile seal / sealing pin. The T-profile seal / sealing pin shall be placed securely into the clamp band sealing slot so as to prevent the lever clasp springing open during handling and transport. If the original T-profile seal or sealing pin are no longer with the drum, a cable tie shall be used provided it is correctly used for the intended purpose;
 - All non-removable head packaging, including composite packagings of packaging code UN 6HA1 and composite IBCs of packaging code UN 31HA1, to be closed and secured with the original closure, secured to an appropriate tightness using a calibrated torque wrench (Appendix 1) so it remains firmly closed and the packaging remains leakproof during the normal conditions of carriage;
 - Damaged packaging and packaging missing original component parts shall not be permitted for transport;
 - Plastic drums and jerricans, and composite IBCs with plastic inner receptacles shall be within 5 years from the date of manufacture or otherwise in accordance with ADR 4.1.1.15;
 - Composite IBCs shall be within time limit interval with regard to the inspections and test specified in ADR 6.5.4.4.1 and 6.5.4.4.2;
 - The IBC pallet base and casing shall not be damaged, and the IBC shall not be damaged to the extent that it would no longer be capable of passing the leakproofness test and internal pressure (hydraulic) test of ADR 6.5.6.7 and 6.5.6.8.
4. In all other respects, the transport operations performed in accordance with this exemption will comply with the relevant requirements of ADR.
5. A copy of this exemption must accompany the transport documentation, and shall be made available to anyone who has a legitimate interest in the transport operation.

6. Any incident or loss of containment of dangerous goods during the transport journey shall be reported immediately by the participant in control of the transport operation to:

Health and Safety Authority
The Metropolitan Building
James Joyce Street
Dublin D01 K0Y8
Email: contactus@hsa.ie

7. The Authority may withdraw this exemption for failure to observe any of these conditions or for any other reason, which the Authority deems sufficient.

This exemption is effective immediately and expires on 30 September 2023.

Date: 18 May 2022

A handwritten signature in blue ink, appearing to read 'Sharon McGuinness', is written over a horizontal line.

Dr Sharon McGuinness
Chief Executive Officer
Health and Safety Authority

Appendix 1

The closing torque to be used for closures of different sizes are provided by manufacturers of new packagings (drums, jerricans and IBCs).

If such closing torques are not available, the tables below provide reference examples of the torques available in the instructions from manufacturers provided with new UN approved packagings.

Appropriate tightness for non-removable head single and composite packaging:

Steel and plastic drums and jerricans, and composite packaging (UN 6HA1)	3/4" Closure	2" Closure
Closing torque for steel drums and jerricans	15Nm	20Nm
Closing torque for plastic drums and jerricans and composite UN 6HA1 drums	10Nm	12Nm

Appropriate tightness for IBCs:

IBCs	6" Closure	2" Closure
Closing torque for IBCs (UN 31HA1)	75Nm	14Nm
Bottom openings	Hand tight closure	