



Fédération Européenne des Activités de la Dépollution et de l'Environnement

European Federation of Waste Management and Environmental Services

Europäische Föderation der Entsorgungswirtschaft

# FEAD - WG ADR - LIST OF ISSUES

02/03 April 2019

As per this extract from the minutes of the Report of the Joint Meeting of the RID Committee of Experts and the Working Party on the Transport of Dangerous Goods on its autumn 2018 session, held in Geneva from 17 to 21 September 2018.

**Transport of hazardous waste**  
**Informal document: INF.4 (FEAD)**

*62. There was general support for the **establishment of an informal working group led by FEAD**. As a first step, the Joint Meeting requested the representative of FEAD to prepare **a list of the issues**, including a description of the legal and factual situation in each case, that need to be addressed and to circulate it for comments to all those who expressed interest in participating in the work, well in advance of the first meeting of the informal working group. A document compiling all comments received should be submitted to a future session of the Joint Meeting for examination, and the Joint Meeting would consider at that time the most appropriate way to deal with them.*

**The present document compiles the list of issues prepared by FEAD experts, as requested by the Joint Meeting, that will be dealt with by the working group.**

Please find attached a working document, including a summary of the provisions of the ADR, a list of multilateral agreements and national derogations which deal with the transport of hazardous waste. For some of these national derogations FEAD has offered an informal translation in English.

## LIST OF ISSUES

Subject Number	Title	I – Current ADR	II - Multilateral agreements	III - National derogations (EU) 2018/936 CH SDR 1.1.3.11 ; USA CFR 49	IV – Description of the problem
<b>1</b>	<b>Classification / Description / Exemption</b>				
1.1	Exemption of lamp containing dangerous goods	1.1.3.10		Belgium and The Netherlands interpretation : total exemption of TL lamps	The wording is not clear enough, leading to different interpretations. Difference between households and industry. (already discussed in of the Sub-Committee of Experts on the Transport of Dangerous Goods see issue 37 under point IV D in the Report on its fifty-first session held in Geneva from 3 to 7 July 2017)
1.2	Exemption of pharmaceutical products (medicines) ready for use	SP 601	M287-2		The exemption is limited to products and not applicable to waste
1.3	Exemption for emergency procedure	1.1.3.1.e)			Clarification of emergency situations Are emergency conditions covering illegally dumped waste?
1.4	Criteria for hazardous waste differ from the criteria for dangerous goods				<ul style="list-style-type: none"> <li>• Hazardous waste properties HP4, 5, 7, 10, 11, 13, 15 have no equivalence in the ADR classification. For HP14, only CLP hazard mentions H400, 410 and 411 are linked to ADR (nor H412,413 nor 420).</li> <li>• An EU classification as a hazardous waste (code with *) does not automatically require classification as a dangerous good in the ADR.</li> <li>• CLP labelling of the original product is often the only available information (ex inner packagings)</li> </ul>
1.5	Unidentified waste	2.1.3.5.5			There is an absence of UN number for totally unknown waste
1.6	Exemption for uncleaned empty packaging : definition of empty packaging?	1.1.3.5			Definition of “measure to nullify the hazards?”

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<b>2</b>	<b>Packaging / Marking - labelling</b>				
2.1	Small chemicals inner packagings packed together	5.1.4		D : RO-bi-DE-3 (ausnahme 20) DK : RO-a-DK-3 ; RO-bi-DK-4 S : RO-bi-SE-13 ; RO-bi-SE-1 USA CFR 48 – 173.12	<ul style="list-style-type: none"> <li>• Original chemicals are packed in a combined packaging, especially tested for that purpose (see 6.1.5). They can also be exempted under the limited quantities provisions (chapter 3.4).</li> <li>• For waste collection, only the inner packaging remains available.</li> <li>• This waste must be sorted, according to its hazardous properties, and be repacked fulfilling all the requirements of the ADR, which is impossible.</li> <li>• There is a lack of a simple legal solution available to replace the missing outer packaging</li> </ul>
2.2	Households dangerous waste collection			B : RO-bi-BE-5 D : ausnahme 20 NL : RO-bi-NL-13 DK : Ro-a-DK-3 ; RO-bi-DK4	The new waste framework directive obliges each country to develop a selective collection of domestic hazardous waste. Current ADR provisions do not address this issue. Multiplication of national solutions will create an unequal playing field in Europe. There is an urgent need for harmonization in order to anticipate such a multiplicity of national rules.
2.3	Re-use of packaging			USA CFR 49 -173.12(c)	Reuse of packaging is not forbidden (see definition in 1.2.1), but without the original certificate and the packaging manufacturer instructions, it's difficult e.g. to fulfill the prescriptions of 6.1.1.5 (packaging) or 6.5.1.1.4 (IBC) and to use the right gaskets
2.4	Packaging or IBC which are expired	4.1.1.11 4.1.2.2	M287-3		Daily practice shows that there is a need for an extension of the transition period for waste (including for the empty uncleaned packaging or IBC).

FEAD LIST OF ISSUES

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2.5	Environmentally hazardous substance mark		M287-5		Not easy to classify nor to control the ecotoxic properties of waste.
2.6	“Empty uncleaned packaging” or “discarded, empty, uncleaned packagings (UN 3509)”				<ul style="list-style-type: none"> <li>• Some clarification of the scope is required in order to make it easier to decide between 2 possible options, being (1) the use of UN 3509 to define the waste as a “dangerous good” or (2) transport without a UN number in the transport document, defining the waste as packaging under the ADR definition.</li> <li>• To what extent can the definition of UN 3509 for “parts” of packaging be used? For example, for crushed packaging in a shredder?</li> <li>• How far can it be extended to “contaminated materials”, such as contaminated personal protective equipment, wiping cloths or absorbents?</li> </ul>
2.7	“Empty uncleaned packaging” or “discarded, empty, uncleaned packagings (UN 3509)”		M287-3		<ul style="list-style-type: none"> <li>• There is an absence of a clear definition of “empty” which generates interpretation problems.</li> <li>• The definition under UN 3509 is “emptied to the extent that only residues of dangerous goods adhering to the packaging parts”.</li> <li>• There is a similar problem with the definition of residue</li> </ul>
2.8	Salvage packaging can be used for damaged, defective, leaking or non-conforming packages. Use of a larger size packaging, an IBC of type 11A or a large packaging is permitted under certain condition	4.1.1.19.1			IBC of type 11H has been deleted in a last version of ADR.

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2.9	Chemical compatibility	4.1.1.21		D : ausnahme 20	Inapplicable in practice for waste. The rule for collective entries (figure 4.1.1.25.2) requires the exact composition of the waste. In most cases, it leads to a declaration of “further testing requested”, which means it will be stored at room temperature for 6 months or on a test piece for 3 weeks under conditions. (see INF.39 “use of used packaging for the carriage of dangerous goods waste” - Joint meeting, Bern, 12-16 march 2018)
2.10	Packagings of medical waste	P621 4.1.4			<ul style="list-style-type: none"> <li>• P621 (for medical waste UN 3291 requires compliance to 4.1.1.5. (upwards closure systems for inner packaging with liquids, placed within the outer packaging conform orientation marks prescribed in 5.2.1.10. This is possible for chemicals, not for medical waste.</li> <li>• Due to the presence of blood or human liquids and the absence of testing for each inner packaging to conform with P621, outer packaging with the V-code is required but is not available on the market.</li> </ul>
<b>3</b>	<b>Bulk / Tanks / Placarding, orange plate marking</b>				
3.1	Transport of large volumes of asbestos contaminated objects or soil in bulk	SP 168		F : RO-bi-FR-6	Diverging Interpretation of SP168 by several countries: the level of contamination is not taken into account enough.
3.2	Transport of UN 3509 in sheeted bulk containers or vehicle (and not only closed)		M287-4	B : derogation 15-2016	In several countries, closed transport units are not the usual way of working. Sheeted transport is authorized for UN3175 and UN 3243, why not for UN 3509?

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<b>4</b>	<b><i>Documentation / Transport / Responsibility</i></b>				
4.1	Digitalisation of transport document if specific waste legislation traceability document is used				Informal WP15 working group is working at the moment on the subject (see ECE/TRANS/WP15/AC.1/2019/21). Is it applicable to waste?
4.2	Quantity of waste transported in the transport document	5.4.1.1.1 (f)	M 287-6	Ausnahme 18	There should be a tolerance to have an estimated quantity for waste, as it is allowed on the specific waste consignment note
4.3	For Class 6.2, In addition to the information concerning the consignee, the name and telephone number of a responsible person shall be indicated.	5.4.1.2.4			There is no added value provided by this additional administrative burden (except for category A) Exact identity of responsible person not defined.
4.4	Is the waste producer always the consignor? In chapter 1.4, the consignor has many obligations.	1.4		National specification in Belgium (art. 16 ADR decree 2009) Germany : clarification in RSEB (§17 and 18))	ADR, CMR and waste legislation have different definitions of a consignor. With this situation, the waste producer has less responsibility.
<b>5</b>	<b><i>Training – Safety adviser – Security provisions</i></b>				
5.1	Specific training for the transport of waste?	1.3 and 8.2			Waste is not explicitly included in ADR trainings

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6	Specific topic				
6.1	Carriage of polymerizing as waste				See paper of the German government ECE/TRANS/WP15/AC1/2019/8 A prerequisite for the transport of polymerizing substance is sufficient stabilization. A large amount of this polymerizing substances is also carried as waste. In that case, the information required for complying with the provisions is often not available or the properties have changed.
6.2	Presence of hazardous household waste in the (selective) collection of non-hazardous waste (e.g. empty packaging)				This problem is increased by the introduction of the CLP-classification: and the increase of household products bearing hazardous CLP-labels (GHS 02, 05, 07), which is considered in certain conditions as non-hazardous waste by local environmental legislations. How can such legislation be harmonised with the ADR?