



Economic Commission for Europe**Inland Transport Committee****Working Party on the Transport of Dangerous Goods****Joint Meeting of the RID Committee of Experts and the
Working Party on the Transport of Dangerous Goods**

Geneva, 17-27 September 2019

Item 7 of the provisional agenda

Reports of informal working groups**Informal working group on the transport of hazardous
waste: meeting in Brussels (02 to 03 April 2019)****Transmitted by European Federation of Waste Management and
Environmental Services (FEAD) on behalf of the informal working
group on the transport of hazardous waste*, *****Summary*

Executive summary: Information for the Joint Meeting on the work progress concerning the transport of hazardous waste

Introduction

1. As specified in paragraph 62 of the report from the last session of the Joint Meeting (ECE/TRANS/WP.15/AC.1/152), there was general support for the establishment of an informal working group led by FEAD.
2. In order to prepare the informal working group, the Joint Meeting requested the representative of FEAD to prepare a list of issues, including a description of the legal and factual situation in each case, that needed to be addressed and to be circulated for comments by all those who expressed interest in participating in the working group. FEAD thus prepared and circulated the list of comments regarding the transport of hazardous waste for consideration by the informal group on the transport of hazardous waste. This list of issues was accompanied by a working document including a summary of provisions of the ADR, a list of multilateral agreements and national derogations concerning the transport of hazardous

* In accordance with the programme of work of the Inland Transport Committee for 2018-2019, (ECE/TRANS/2018/21/Add.1, Cluster 9, (9.2)).

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waste. All relevant ADR documents may be found on the “Legislation” page of the FEAD website.

3. The informal working group took place in Brussels from 2nd to 3rd April 2019. National delegates and FEAD representatives attended:

National Delegates: Jan Van der Heyden (Belgium), Roel Noe (Belgium), François Pondant (Belgium), Charlotte Kryger Andersen (Denmark), Maiken Strange (Denmark), Anu Häkkinen (Finland), Claude Pfauvadel (France), Jean-Michel Piquion (France), Yvone Adebahr (Germany), Michael Baier (Germany), David Gilabert (Switzerland), Soedesh Mahesh (The Netherlands)

FEAD Representatives: Damien Rambault (France) & Baudouin Ska (Belgium) Co-Chairs of the Informal Working Group, Jan Goedhart (The Netherlands) FEAD ADR Expert, Roland Schueler (Germany) FEAD ADR Expert, Willy Van Praet (Belgium) FEAD ADR Expert, Aurore Mourette FEAD Secretariat, Jonathan Lannin FEAD Secretariat, Marcus Holt FEAD Secretariat

4. During the meeting of the informal working group on the transport of hazardous waste, relevant national derogations were presented by the national representatives. Following discussion, each individual issue was either selected or not selected for further discussion at the forthcoming RID/ADR/ADN Joint Meeting.

5. This document compiles all comments expressed during the Informal Working Group on the Transport of Hazardous Waste, allowing the Joint Meeting to consider the most appropriate way to deal with them.

6. For each listed issue, the Joint Meeting should decide whether the issue is still selected or not selected. In case of selection, the following actions can be suggested:

- (a) Proposal during the meeting;
- (b) A given country asked to formulate a proposal;
- (c) FEAD asked to formulate a proposal;
- (d) Further investigation in an additional Informal Working Group required.

Proposed list of ADR Issues concerning the Transport of Hazardous Waste

Introduction

1. Over more than fifteen years, efforts have been made to integrate waste into the ADR. Despite this, problems as listed hereafter remain in the ADR, particularly regarding waste transport from end-users to sorting plants, highlighted by the entry into force of the Classification, Labelling and Packaging (CLP) Regulation:

- (a) Correct enforcement of the ADR;
- (b) Compatibility with national environmental legislations;
- (c) A level playing field all waste transporters at a European level;
- (d) Safety and feasibility of the transport of hazardous waste.

2. Issues selected for further discussion at the RID/ADR/ADN Joint Meeting are listed below, in suggested order of priority.

3. Annex A contains all of the issues discussed during the Informal Working Group on the Transport of Hazardous Waste.

4. The list of issues selected is still open, as national delegates may propose further issues for selection.

Small chemicals inner packages without UN marking packed together

5. Original chemicals are packed in a combined packaging, especially tested for that purpose (see ADR 6.1.5). For waste collection, only the inner packaging remains available. This waste must be sorted, according to its hazardous properties, and be repacked fulfilling all the requirements of the ADR, which is impossible. There is a lack of a simple legal solution available to replace the missing outer packaging.

6. This issue is a daily problem faced by the waste management industry and is therefore of high priority in the transport of packed waste.

7. Several countries have developed national derogations dealing with this issue, proposing a facilitated approach of combination packaging. There is a need for further harmonization at the ADR level.

8. The challenge remains to verify that transported goods are not incompatible.

Dangerous household waste collection

9. The European Waste Framework Directive requires that each country organises a selective collection of hazardous household waste by 2025. However, the European Waste Framework Directive does not integrate ADR rules.

10. Current ADR provisions do not address this issue, for which several countries have developed their own national derogations. Such a situation could create an increasingly uneven playing field in Europe. There is an urgent need for harmonization in order to anticipate such a multiplicity of national rules.

11. Consequently, it is necessary for ADR to better take into account the specificity of household hazardous waste transport.

Re-use of packaging

12. Reuse of packaging is not forbidden (see definition in ADR 1.2.1), but without the original certificate and the packaging manufacturer instructions, it's difficult e.g. to fulfill the prescriptions of ADR 6.1.1.5 (packaging) or ADR 6.5.1.1.4 (IBC) and to use the right gaskets.

13. The re-use of packaging should be allowed in order to avoid the unnecessary creation of additional packaging purely for waste transport purposes.

14. However, such re-use should be submitted to certain conditions to avoid the abuse of used packaging.

“Empty uncleaned packaging” or “discarded, empty, uncleaned packaging” (UN 3509)

15. UN 3509 has been developed to cover the transport of damaged packaging no longer fulfilling the definition of packaging. For this reason, specific conditions have been set in ADR special provision 663. ADR 4.1.1.11 allows the use of UN 3509 for empty packaging still fulfilling the definition of packaging (not damaged) in case of recycling or recovery. As this type of packaging is not damaged, it is not justified to apply ADR special provision 663. A clarification of the wording of the ADR text was discussed during the Informal Working Group, considering also the issue of the 5-year lifespan of packaging under ADR 4.1.1.15.

16. Moreover, ambiguity remains as to the definition of “empty.” Defining this term is complex, particularly in the case of liquids, the remnants of which have solidified.

17. In ADR special provision 663, the present wording of the sentence: *“Packagings, discarded, empty, uncleaned with residues presenting a risk or a subsidiary risk of Class 5.1 shall not be packed together with other packagings, discarded, empty, uncleaned, or loaded together with other packagings, discarded, empty, uncleaned in the same container, vehicle or bulk container”* can be misunderstood. It would be desirable to amend the sentence in order to clearly distinguish what is permitted in packaging and bulk transport.

Criteria for hazardous waste differ from criteria for dangerous goods

18. 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). An EU classification as a hazardous waste (code with *) does not automatically require classification as a dangerous good in the ADR. CLP labelling of the original product is often the only available information (ex-inner packagings).

19. Classification of some “unknown” waste faces two situations:

- i. Unable to classify waste as hazardous or non-hazardous under ADR;
- ii. Waste known as hazardous but unable to identify the kind of hazard.

20. Several participants found it unfeasible to have a “one to one” cross reference list between the EU classification system and the ADR, given the different criteria used and different purposes thereof.

Presence of hazardous household waste in the collection of non-hazardous waste e.g. empty packaging

21. 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 harmonized with the ADR?

22. Examples of such issues include aerosol containers with remnants of gas within, which are considered dangerous. Likewise, bleach containers with small remnants of liquid have the potential to be dangerous, particularly with consideration to the burdensome nature of checking each container for small amounts of dangerous substances. Batteries mixed with residual waste generate similar problems (increasing fire risk due to lithium batteries).

Unidentified waste (classification of non-identified waste)

23. ADR 2.1.3.5.5 deals with lack of information on waste.

24. Its interpretation differs from country to country. Harmonization would be welcome based on national experiences.

Chemical compatibility for plastic packaging

25. The rule for collective entries (figure ADR 4.1.1.21.2) 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, which is in practice inapplicable for waste.

26. Rules concerning compatibility for chemical packaging were simpler and more practical in ADR 2001.

27. The sole national derogation dealing with this issue is Ausnahme 20 in Germany. This derogation is based on “Abfallgruppe” (waste groups), and not on UN numbers.

28. Such an approach could be inspiring for the ADR.

Packaging of medical waste

29. The management of medical waste inside hospital institutions must respect specific rules in order to preserve the health of patients (absolute priority). As a result, increasingly automatized hospital practices are not always in conformity with ADR rules.

30. As an example, packing instruction P621 that deals with medical waste (UN 3291) requires compliance with ADR 4.1.1.5. Consequently, upwards closure systems are necessary for inner packaging with liquids, placed within the outer packaging and conform to orientation marks as prescribed in ADR 5.2.1.10. This is possible for chemicals but is difficult for automatic medical processes.

31. Regarding the packaging of medical waste, the responsibilities go beyond those of the waste sector. Both the medical and packaging sectors should be involved in identifying packaging problems and developing solutions thereto.

Quantity of waste transported in the transport document

32. There should be a tolerance to have an estimated quantity for waste, as it is allowed on the specific waste consignment note set by environmental legislation.

33. For practical reasons, it is sometimes not feasible to put the exact weight of the waste in the transport document.

34. Several solutions have already been developed in different national derogations. Harmonization at ADR level is desirable.

Transport of UN 3509 in sheeted bulk containers or vehicle (not only closed)

35. In several countries, closed transport units are not the usual way of working. Sheeted transport is authorized for UN 3175 and UN 3243, but not for UN 3509, only via certain national derogations including the multilateral agreement M287 initiated by Austria. Harmonisation at ADR level is desirable.

Carriage of polymerizing substances as waste

36. 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.

37. Cases have occurred in which outside heat has caused reactions within the waste-containing tank, despite the contained substances not being inherently dangerous.

38. This issue was already submitted by the government of Germany in the paper ECE/TRANS/WP.15/AC.1/2019/8 and is by consequence already managed by the Joint Meeting.

Transport of large volumes of asbestos contaminated objects or soil in bulk

39. ADR special provision 168 does not refer to quantified levels of free asbestos contamination, reason why diverging interpretations are applied at national level.

40. France has developed a national derogation in order to transport large volumes of asbestos in bulk, considering that ADR special provision 168 was not applicable in this case. Harmonization at ADR level is desirable.

For class 6.2, in addition to the information concerning the consignee, the name and telephone number of a responsible person shall be indicated

41. In modern medical facilities, UN 3291 waste is generated in many departments.

42. ADR 5.4.1.2.4 concerns Class 6.2. UN 3291 is the only UN number classified as 6.2 where the exact composition of which is not known. Adding the phone number and the responsible person on the transport document as required by ADR 5.4.1.2.4 does not ensure that this person, contacted in case of accident, would be able to identify the precise origin of the package and would not be able to provide accurate information on the content.

43. The hospital and department identity, as already legally required in some countries, would provide sufficient and effective information.

Exemption of pharmaceutical products ready for use

44. ADR special provision 601 exempts the transport of pharmaceutical products ready for use. Such an exemption is limited to products and is not applicable to waste.

45. Inclusion of this issue is inspired by multilateral agreement M287, initiated by Austria.

46. Safety concerns include the reluctance to exempt non-packaged pharmaceutical products. The transport of non-packaged pharmaceutical products has the potential for toxic or chemical effects, meaning that transport of a large quantity of such products could lead to a large collection of potentially hazardous substances.

47. Thus, a potential extension of ADR special provision 601 to waste, must integrate the above concerns.

Annex A

List of all issues discussed during the Informal Working Group

The issues are presented in the chronological order of discussion at the Informal Working Group

Subject Number	Title	Decision
1	Classification / Description / Exemption	
1.1	Exemption of lamp containing dangerous goods	The inclusion of this issue is temporarily not selected.
1.2	Exemption of pharmaceutical products (medicines) ready for use	This issue is selected.
1.3	Exemption for emergency procedure	This issue is not selected.
1.4	Criteria for hazardous waste differ from the criteria for dangerous goods	The issue is selected.
1.5	Unidentified waste	This issue is selected.
1.6	Exemption for uncleaned empty packaging: definition of empty packaging?	This issue is not selected.
2	Packaging / Marking - labelling	
2.1	Transport of packaged waste: inner packagings packed together	This issue is selected.
2.2	Households dangerous waste collection	This issue is selected.
2.3	Re-use of packaging	This issue is selected.
2.4	Packaging or IBC which are expired	This issue is not selected.
2.5	Environmentally hazardous substance mark	This issue is not selected.
2.6	“Empty uncleaned packaging” or “discarded, empty, uncleaned packagings (UN 3509)” Clarification of the scope	This issue is selected.
2.7	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	This issue is not selected.
2.8	Chemical compatibility	This issue is selected.
2.9	Packagings of medical waste	This issue is selected.
3	Bulk / Tanks / Placarding, orange plate marking	
3.1	Transport of large volumes of asbestos contaminated objects or soil in bulk	This issue is selected.

Subject Number	Title	Decision
3.2	Transport of UN 3509 in sheeted bulk containers or vehicle (and not only closed)	This issue is selected.
4	<i>Documentation / Transport / Responsibility</i>	
4.1	Digitalisation of transport document if specific waste legislation traceability document is used	This issue is <i>not</i> selected.
4.2	Quantity of waste transported in the transport document	This issue is selected.
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.	The issue is selected.
4.4	Is the waste producer always the consignor? In chapter 1.4, the consignor has many obligations.	The issue is <i>not</i> selected.
5	<i>Training – Safety adviser – Security provisions</i>	
5.1	Specific training for the transport of waste?	This issue is <i>not</i> selected.
6	Specific topic	
6.1	Carriage of polymerizing as waste	This issue is selected.
6.2	Presence of hazardous household waste in the (selective) collection of non-hazardous waste (e.g. empty packaging)	This issue is selected.