

Minutes of the sixth meeting of the Informal Working Group on the Transport of Hazardous Waste: solutions for the transport of asbestos waste in bulk under ADR

Wednesday, 16 November 2022, 14h00-17h00
Hybrid meeting - Brussels and hosted online via Webex

Participants

Name	Country/Organisation	Participation
François Pondant	Belgium	Online
Frederik Vranken	Belgium (Flanders)	Online
Jan Van Der Heyden	Belgium (Brussels)	Online
Claude Pfauvadel	France	Online
Jean-Michel Piquion	France	Online
Soedesh Mahesh	The Netherlands	Online
Andre Schenkel	The Netherlands	Online
Maurits van den Adel	The Netherlands	Online
David Boland	Ireland	Online
Camilla Oscarsson	Sweden	Online
Olivier Raemy	Switzerland	Online
Wonett Hall	UK	Online
Alastair Goodall	UK	Online
Roland Schüler	FEAD	In person
Willy Van Praet	FEAD	Online
Baudouin Ska	FEAD	In person
Damian Rambault	FEAD	In person
Frederik Van Braekel	FEAD	Online
Aline Fussien	FEAD	Online
Olivier Deweerdt	FEAD	In person
Aizea Astor	FEAD	In person

1. Tour the table to document the current situation in each country

A short welcome and *tour de table* by FEAD were followed by the presentation of the proposed agenda. National delegates were then invited to present how the transport of asbestos waste in bulk is currently dealt with in their respective countries:

- **The Netherlands** (SM) understands that “manufactured articles” can also be waste at the end of their useful life. When the weighted standard present asbestos particles in these manufactured articles is above 100 mg/kg, its transport will fall under the second paragraph of Special Provision 168 and should be carried out in airtight packaging. For more detailed notions, please refer to the submitted memo.
- **Ireland** (DB) understands “manufactured article” according to the definition of article in the EU REACH legislation. To date, all asbestos containing materials that have been carried by road have been categorised as waste as no asbestos exemptions

have been granted. Packaging requirements depend on the assessed risk level. For further information, please refer to the submitted [paper](#).

- The **UK** (WH and AG) sees a need for clarification of the scope of SP 168. The competent department will still submit an official position, but in their experience, asbestos waste is currently not being transported in bulk containers but in double bags that are then put together in a bulk container. In case of soil, this can be transported in a sheeted container.
- **France** (CP) considers the scope of SP 168 clear and understands that it does not cover broken articles that have lost its original condition. Equally, asbestos contained in a binder does not fall under the first paragraph of SP 168 when broken, unless it is properly cleaned in a way that it is guaranteed that no hazardous quantities of respirable asbestos can escape.
- Being there no delegate from **Germany** present, the current practice was presented by the waste management industry (RS). Waste containing asbestos is transported in accordance with special provision 168 and additionally in further cases in container bags in sizes up to 40 cbm. Waste can also be transported in bulk without additional packaging if official expert opinions or analyses are available for these cases and, if necessary, further measures have been taken to ensure safe transport (e.g. securely bound asbestos fibres or the exclusion of any release of fibres through pre-treatment).
- In **Switzerland** (OR), asbestos waste can be transported in bulk packed in air-tight bags. “Manufactured articles” can also be “waste” when they are not damaged. Further information and references to national regulation can be found in the [comments](#) submitted in written.
- In **Sweden** (CO) there is no specific interpretation for “manufactured article” under SP 168. It can also be waste, regardless of it being broken or not broken. SP 168 is applied as long as the asbestos is bounded in some way, meaning that it will not be applicable when asbestos dust is present. Bulk transport is thus possible when SP 168 is applied. Health and safety regulations are then applicable and very specific in the matter. They require the asbestos waste to be packed and transported in a closed or sheeted, marked container. In practice, the waste management industry always applies SP 168, so that a stricter regulation could be useful.
- In **Belgium** (FV), waste can only be considered a “manufactured article” if it is neither damaged nor porous. Damaged articles from which asbestos fibres can escape are not covered by SP 168 and must be packed in UN approved bags following all applicable ADR rules, meaning that bulk transport is not allowed. In any case, a clarification of SP 168 is essential to avoid different interpretations. Other national rules refer to occupational health and safety matters. Belgium has no experience with national derogations. Further information can be found in the [written document](#) submitted.

2. Presentation of the French derogation

The French derogation was presented by CP. The French derogation is applicable where SP 168 is not applicable (i.e. not for new/not damaged items or integrated in a binder in a way that no fibres can escape) and where “clean dismantling” following ADR rules (no asbestos fibres can escape) is not possible (e.g., in demolition works or for damaged buildings following fire incidents or natural disasters). It is based on a first version in force since 2019, completed with the experience of 130 case-by-case derogations granted in

France, for which bulk transport was required or was more suitable. This is the case, for example, for the transport of asphalt scrap, as it is normally big quantities and it cannot be ensured that there is no escape of fibres, or for the transport of corrugated sheets and construction works waste, that does not fit in approved packaging, and breaking them increases the risk exposure and the release of asbestos fibres. Cases in which the waste can be packed in approved packaging (e.g. IBC) are excluded from the derogation.

The mechanical resistance during transport is guaranteed by the container whereas the container-bags guarantee that no (hazardous quantities of) asbestos fibres can escape. No problems have been identified in loading activities, but they have encountered some problems in unloading procedures, therefore the derogation also includes specific provisions for this.

France acknowledges the need to re-draft the text for its integration in the ADR. Considering especially its systematic allocation, the text will need to be divided and integrated under different provisions/chapters (e.g., one part could be under Part 3, Chapter 3.3 Special provisions, another under Part 5, Chapter 5.4 to cover the documentation (transport documents and procedures) and Part 7, Chapter 7.3 to cover the conditions of carriage in bulk by introducing an additional VC4 instruction in addition to the existing ones, VC1, 2 and 3, and an additional provision under APXX, Chapter 7.5, to cover the conditions of carriage, loading, unloading and handling by optionally introducing a new additional provision CVXX).

3. Discussion on the French derogation-proposal for an ADR solution

In general terms, the IWG considered it problematic to base the applicability of the derogation on SP 168, considering the different national interpretations that were presented before. Despite this, the IWG agreed not to initiate a revision of SP 168. **To provide a common solution, the IWG agreed that a special provision for the transport of asbestos waste in bulk should be included in the ADR under chapter 7.3.3 and not under a special provision in chapter 3.3, allowing thus each country to continue applying SP 168 according to its own interpretation.**

The IWG went through the text of the French derogation with the following comments:

- The scope may need to be further discussed as the French derogation is based on national case-by-case derogations and it could be broadened to a more general solution. Delegates are encouraged to revise national cases to verify that/how they are/could be all covered.
- Terminology to be carefully considered. The rule should cover only asbestos that was initially/previously/originally bounded in a binder or article, and that can possibly be partially unbounded with a potential release of some quantities of free asbestos fibres as a result or in the process of becoming waste. The rule is not intended to cover the transport of all free/unbounded asbestos waste.
- There are currently no European manufacturers of container-bags and therefore there are no industry standards available. The requirements to be established need to ensure that the market availability is guaranteed, which could be problematic if they are too strict or too specific. For an ADR regulation, the wordings (with adaptations) of AP 10 (additional provision for carriage in bulk of UN3509) can be taken as a reference to keep the requirements wide enough while in line with current safety standards.

- The current proposal should be limited to transport issues. A further proposal can be made in relation to other issues, such as training requirements and required safety adviser.

Further comments can be found in the word document used during the meeting (see: *FEAD-6-IWG-THW_ FEAD translation FR_EN French proposal asbestos-comments IWG 16 November 2022*).

4. Conclusions and decision on further action

FEAD will support France in the ADR adaptation of the national derogation, following the discussions in the IWG. An INF document should be prepared by mid-February to be submitted to the spring Joint Meeting. A previous meeting of the IWG will be held beginning of February to finalise discussions. If needed (document not sufficiently finalised, too heavy agenda for the spring Joint Meeting), the IWG could also opt for the preparation of a working document for the autumn Joint Meeting.

FEAD thanks the French delegation for its initiative, the sharing and presenting of their national derogation, and all participants for their active participation, constructive contributions, and the fruitful discussions within the IWG.

FEAD Secretariat

info@fead.be