

Minutes of the 8th meeting of the Informal Working Group (IWG) on the Transport of Hazardous Waste

Thursday, 8 February 2024, 9h30-13h30
Hybrid meeting - Brussels and hosted online via Webex

Participation

Name	Country/Organisation	Participation
Jean-Michel Piquion (JMP)	France	Online
Majken Strange (MS)	Denmark	Online
Soedesh Mahesh (SM)	The Netherlands	Online
Andre Schenkel (AS)	The Netherlands	Online
Anu Häkkinen (AH)	Finland	Online
Gudula Schwan (GS)	Germany	Online
Jean Shannon (JS)	Ireland	Online
Iliass Zerkoutouni (IZ)	Luxembourg	Online
Kenan Habibovic (KH)	Luxembourg	Online
Valérie Blanchard (VB)	Switzerland	Online
Alastair Goodall (AG)	UK	Online
Aline Fussien (AF)	FEAD	Online
Baudouin Ska (BS)	FEAD	Online
Damian Rambault (DR)	FEAD	In person
Denise Cunningham (DC)	FEAD	Online
Eddy Schuer (ES)	FEAD	In person
Jan Goedhart (JG)	FEAD	In person
Roland Schüller (RS)	FEAD	In person
Willy Van Praet (WVP)	FEAD	In person
Aizea Astor (AAH)	FEAD	In person

1. Introduction and recap of activities

The meeting started with a short welcome and *tour de table* in which Baudouin Ska announced his retirement and the continuation of the coordinating work by the FEAD Secretariat, with Aizea Astor in charge of the file. The group thanks BS for his work and dedication with the best wishes for the future.

The agenda is approved, including the point under AOB suggested by Ireland, and which was already announced with the draft agenda to participants ahead of the meeting.

After a short recap of previous work from the IWG, there is a brief discussion about possible multilateral agreements to address the rules that will be included in the ADR 2025. **France indicates its intention to initiate a multilateral agreement for the new rules on asbestos waste**, which will be duly circulated among delegates for signature. Germany indicated its willingness to sign the multilateral agreement if this is supported by the German waste management industry (BDE).

2. List of waste-specific issues concerning the transport of dangerous goods

Considering the work done by the IWG in the last years, it is proposed to have a look at the list of issues adopted by the Joint Meeting in 2019 (see report ECE/TRANS/WP.15/AC.1/156).

a. Prioritised issues

From the ten issues prioritised by the second IWG meeting in March 2020, the IWG worked on eight. For five of them, the work has been completed:

- Transport of UN 3509 in sheeted bulk containers or vehicle (and not only closed)
- Transport of packaged waste: inner packagings packed together
- Carriage of polymerizing substances as waste
- Chemical compatibility
- Transport of large volumes of asbestos in bulk

On the other two, **the rule of estimated quantities and the carriage of empty uncleaned packaging**, proposals were also submitted, and changes were included in ADR 2023. However, **the IWG agreed on the need to clarify and fine tune the issues**. The 'reuse of packaging' and 'packaging or IBC which are expired' (non-prioritised issues) will also be addressed when discussing the carriage of empty uncleaned packaging.

The **carriage of used pressure receptacles, such as aerosols and gas cartridges in bulk**, which was included in the list of issues to discuss at the request of Austria and also prioritised by the second IWG meeting in March 2020, is still pending as the IWG awaits a proposal for discussion from Austria.

On the remaining issues, FEAD initially considered most of them either no longer relevant or solved together with other issues, or considered that there could be no/very difficult solution at ADR level (national issues). Nevertheless, at the request of Denmark and the support of other delegations, **the IWG decided to maintain the possibility to discuss the issue of household hazardous waste collection**, including the differentiation between hazardous waste and dangerous goods.

b. Other issues (initially not prioritised or not selected)

FEAD asked delegates, if they would consider the inclusion of **specific training provisions on waste for drivers, beyond the control of transfers of wastes** currently included in 8.2.2.3.2 (c). This could be done either through a general requirement in 8.2.2.3.2 (modification of letter (c)) or creating a new specialisation for waste. However, all delegates that took the floor did not see the need for such training provision because drivers should be trained according to their activities and should not be given the responsibilities of consigners. It is important to be very careful and precise with the tasks that each person carries out. For example, in the case of carriage in packages, drivers are only allowed to manage packed dangerous goods. If they are doing more e.g., also sorting and packing goods, they become more than a driver, they are in this case a packer or else and require sufficient training according to the tasks carried out, as required by chapter 1.3 in ADR. A unified interpretation can be developed when there is a need for clarification, but this is not the case. **It was suggested that FEAD could develop guidelines to help its members.**

Finally, FEAD consulted with delegates, if they would like to retake discussions on the **carriage of batteries in bulk** on the basis of ECE/TRANS/WP.15/AC.1/2020/2. Finland, Netherlands and France confirmed accidents at national level and would like to exchange views within the IWG. For France, this topic is considered as a high priority for the ADR

regulatory controls by competent authorities. The issue **will be topic for discussion in next IWG meeting(s)**. To prepare the discussion, FEAD and delegates should get in contact with batteries treatment installations, which are often also in charge of transportation, to have further feedback and experiences on risk management during the transport of bulk material.

3. Rules of estimated quantities

Provision 5.4.1.1.3.2 was included in ADR 2023 and the practical experience since then has evidenced its limitations due to the strict scope restrictions. An extension to medical and clinical waste was approved for ADR 2025 (Irish proposal) and FEAD requested the Joint Meeting at its 2023 Autumn session, to consider a further extension of the scope to tanks, other than vacuum operated tanks (INF.35). Against this background, the IWG discussed a proposal submitted by Ireland that incorporated the extension to tanks and that changes the approach of the provision. Rather than excluding all waste containing substances mentioned in 2.1.3.5.3, the provision could list the individual types of substances for exclusion, such as waste containing substances of Class 1 and Class 7, for example.

Following aspects were pointed out by FEAD, Ireland and Germany in support of considering an extension of the scope in the rule of estimated quantities:

- Estimated quantities have always been used by the industry. This provision is needed but useless with the current scope limitations;
- The industry works with a lot of mixtures and needs more possibilities. The extension would also allow to estimate small lab chemical waste, for example;
- It is not practical to have some packaged waste included and other excluded. It will not be possible to supervise what has been estimated and what not. It is also very difficult to control at company level;
- It is not clear why tanks other than vacuum operated tanks were excluded;
- The filling degree is used to ensure that maximal weight is not exceeded;
- There are no consequences on the safety during carriage.

Following concerns were raised and discussed:

- Maximum weight limitations shall not be exceeded. Any potential change to be discussed shall only affect ADR;
- Exclusions for classes other than class 1 and class 7 should be considered, for example desensitized explosives of classes 3 and 4.1;
- Exclusions could be linked to high consequence dangerous goods (as defined in chapter 1.10).

Ireland will work with FEAD on an updated proposal with the intention of submitting a working document for discussion at the Joint Meeting in September 2024.

Delegates will further consult with national experts and any remaining open questions could be transferred to the Joint Meeting (e.g. why tanks were excluded).

4. Carriage of empty uncleaned packaging

The need for clarification of the scope was presented by FEAD (DR), picturing it as a white area between the application of UN 3509 and the use of empty packagings (as defined by ADR) with residues of different classes. Ireland issued a national exemption in view of the difficulties encountered with 4.1.1.11. Therefore, Ireland submitted a proposal for

consideration of the IWG, with 3 options. FEAD considers that the approach taken in option 3 submitted by Ireland, would close the 'white gap' and clarify the scope of application.

Delegates acknowledge the challenges and different interpretations of the provisions and agree that the Irish option 3 could be a good way forward to clarify the issue. The wording should be further clarified to ensure that the scope is clear:

- To be only applicable for waste management activities, i.e. reconditioning, recovery or disposal; not to go back to the filler/supplier;
- To be only applicable in specific, clearly specified circumstances, e.g. not damaged, closed packaging, or for expired IBC, for example.

Ireland will work with FEAD on an updated proposal. The IWG also agreed to clarify with the UN Secretariat if such a provision can be included in a note to 4.1.1.11 or not and/or if it is possible to include the requirements in the provision itself. It was considered that requirements as these should not be in a note but in the provision itself. However, there could be a risk of dis-harmonisation if the note is not used.

5. AOB: Carriage of solid waste contaminated with dangerous goods under the bulk provisions of UN 3175

Ireland presented two national exemptions to allow the carriage in bulk of solid wastes (e.g. liners, PPE, wipes etc.) contaminated with dangerous goods, including solvents, raw materials and API's (Active Pharmaceutical Ingredients) from pharmaceutical and medical device industries and **would like to have feedback of the IWG to ascertain if similar provisions are needed by the waste industry in other Contracting Parties.**

6. Conclusions & way forward

I. ADR 2025

France will initiate a multilateral agreement on asbestos waste and circulate it for signatures of other parties.

II. Future work of the IWG on the Transport of Hazardous Waste

The IWG will continue its work on the issues listed below. Other issues that were initially considered for the IWG, are now considered to be either no longer relevant, or solved together with other issues, or it is considered that there could be no/very difficult solution at ADR level (national issues).

- **Rule of estimated quantities**
- **Carriage of empty uncleaned packaging**
 - o This will include discussions on reuse of packaging and packaging or IBC which are expired.
- **Household hazardous waste collection and differentiation/overlaps with dangerous good rules**
- **Carriage of batteries in bulk**
 - o To prepare the discussion, FEAD and delegates should get in contact with batteries treatment installations, which are often also in charge of transportation, to have further feedback and experiences on risk management during the transport of bulk material.
- **Carriage of used pressure receptacles such as aerosols and gas cartridges in bulk**
 - o Awaiting proposal by Austria.

Discussion and work on the first two points is ongoing and the remaining ones will be put on the agenda of future meetings of the IWG. FEAD should consider internally the need to develop guidelines to help its members with issues related to the training of drivers.

III. Rules of estimated quantities

Considering the discussion within the IWG, **Ireland will work with FEAD on an updated proposal with the intention of submitting a working document for discussion at the Joint Meeting in September 2024.**

IV. Carriage of empty uncleaned packaging

Considering the discussion within the IWG, **Ireland will work with FEAD on an updated proposal. The IWG also agreed to clarify with the UN Secretariat if such a provision can be included in a note to 4.1.1.11 or not and/or it is possible to include the requirements in the provision itself.**

FEAD thanks all delegations for their active participation, constructive contributions, and the fruitful discussions within the IWG.