

UK Guidance note for the application of the Environmentally Hazardous Substance mark to dangerous goods transported under the requirements of ADR

NOTE: This guidance note is the interpretation of the requirements contained within ADR 2009 and 2011 Editions by the UK regulators for the carriage of dangerous goods which may not be the interpretation of other signatory states to the ADR agreement

1. General

1.1 The provisions relating to environmentally hazardous substance (EHS) marking are a requirement under ADR 2009 edition to UN 3077 or UN 3082 from 01/07/2009 and for any other dangerous goods so affected after 31/12/2010 (when the transitional provision of ADR 2009 1.6.17 expires. International carriage of dangerous goods by road must adhere to these provisions¹.

1.2 For the carriage of dangerous goods by road within Great Britain only, the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009 (known as CDG2009) apply.

1.3 Similar provisions apply in Northern Ireland.

2. Classification

2.1 To establish whether a substance (used in the wider sense to also include preparations/mixtures) is environmentally hazardous in transport the classification criteria contained within 2.2.9.1.10 of ADR shall be applied to the substance. Should test data not be available for classification under these criteria then assignment to category(ies) under EC supply legislation shall be carried out. See Annex I for further details.

2.2 In ADR 2011 some changes have been made to the classification criteria compared to those contained within ADR 2009. It is recommended that classification should be conducted using the 2011 text of ADR which should be available from the UNECE website and in hard copy from the middle of September 2010. Please see Annex I for extracts of this new text. Note however that there is a transitional provision allowing classification under the ADR 2009 criteria to be used until 31/12/2013.

2.3 It is the responsibility of the consignor to ascertain that the potential dangerous goods are classified and authorised for carriage in accordance with ADR.

3 Package Marking

3.1 Under the requirements of the 2009 and 2011 editions of ADR, from 01/01/2011 at the latest, all goods classified as dangerous in carriage whether or not assigned to another Class, may need to have the EHS mark displayed on their packaging if they meet the EHS criteria contained in 2.2.9.1.10 of ADR.

Note: Goods which only have EHS hazards have been required to be classified in Class 9 under UN 3077 or UN 3082 and to be so marked since 01/07/2009.

¹ There may also be other modal requirements.

3.2 The EHS mark specified in ADR is as follows:



3.3 The dimensions of the mark on packaging must be 100mm x 100mm, except in the case of packages of such dimensions that they can only bear smaller marks. The symbol is often referred to as 'dead fish and tree' and must be black on white or suitable contrasting background. Unlike class danger labels there is no requirement for bleed of the background colour outside the frame line.

3.4 Packages which meet the requirements for Excepted or Limited Quantity packages or which do not contain more than 5 litre/5kg of substance per inner packaging or per package do not need to show the mark.

3.5 The EHS mark is required in addition to the applicable Class labelling and any other marking (e.g. UN number, orientation arrows) applicable.

3.6 The requirement to mark is found in ADR at 5.2.1.8.

4. Tank etc Marking

4.1 If you are required to placard your consignment under ADR for international carriage, containers, MEGCs, tank-containers, portable tanks and vehicles which contain environmentally hazardous substances must also be marked with the environmentally hazardous substance mark shown above.

4.2 The provisions for the mark on the vehicle are the same as those for placards contained within 5.3.1 of ADR, this includes the provisions for the size of the mark and its positioning on the vehicle. Therefore the size of the EHS mark on the container, MEGC, tank-container, portable tank or vehicle will be the same as a placard i.e. 250mm x 250mm.

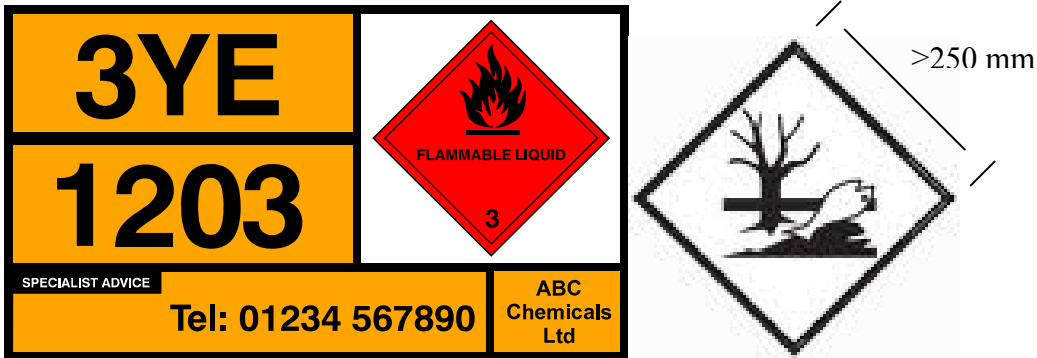
4.3 It is the responsibility of the carrier to ascertain that the danger labels and markings prescribed for the vehicles have been affixed. However, the carrier may rely on information and data made available to him by other participants to determine this.

5. UK Domestic Transport of EHS substances

5.1 The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2009 (CDG2009) transposes the current edition of ADR into UK law but also stipulates where derogation from ADR may occur in relation to the carriage of dangerous goods wholly within Great Britain (similar provisions apply for Northern Ireland).

5.2 CDG2009 makes no direct reference to EHS classification or marking and therefore offers no derogation from the requirements of ADR.

5.3 For illustrative purposes only, the scenario for the EHS mark on a vehicle in compliance with CDG2009 could be:



Note: In the UK Hazard Warning Panel, which is a permitted option under CDG2009, the class placard is only 200mm in side length, compared to the normal 250mm side length for ADR placards. No reduction of the EHS mark to 200mm side length is permitted.

5.4 The requirement to mark is found at ADR 5.3.6

6. Material of mark

6.1 For the purpose of marking a vehicle, container, MEGC, tank-container, or portable tank with the EHS mark it is acceptable that the mark is either adhesive-backed or metal. The material used should be weather resistant and ensure durable marking.

7. Transport Document

7.1 From 01/07/2011 it will be a mandatory requirement under ADR that if you are consigning goods which meet the classification criteria of EHS then the transport document must have the additional inscription of "ENVIRONMENTALLY HAZARDOUS". It may however, be included on the transport document from 01/01/2011. This additional wording requirement does not apply to the exceptions mentioned in paragraph 3.4 above or dangerous goods assigned to UN 3077 and UN 3082.

7.2 If the transport of the goods classified as EHS includes a sea journey then the inscription of "MARINE POLLUTANT" instead of "ENVIRONMENTALLY HAZARDOUS" on the transport document is acceptable under ADR but is a requirement under the IMDG code².

² The Maritime and Coastguard Agency (MCA), the Regulator for the transport of dangerous goods by sea is due to produce guidelines on the use of the mark/term 'Marine Pollutant'. If you have any queries relating to the transport of dangerous goods by sea please contact the MCA Dangerous Goods Office on 02380 329141.

New text adopted for 2011 ADR

Transitional Measure

“1.6.1.19 Provisions 2.2.9.1.10.3 and 2.2.9.1.10.4 concerning the classification of environmentally hazardous substances applicable until 31 December 2010 may be applied until 31 December 2013.”

This means that the sections of ADR which relate specifically to ‘substance classification categories and criteria’ and ‘mixtures classification categories and criteria’, which are applicable until 31 December 2010, may be applied until 31 December 2013.

This classification criterion is according to the second edition of the UN Globally Harmonised System of Classification and Labelling of Chemicals (GHS) classification criteria and not the current third edition of the GHS classification criteria. Classification of EHS according to the third edition of GHS will not be mandatory in the maritime mode until 1st January 2014. This text was agreed to align the modes regarding classification of EHS.

Additional Amendments to 2.2.9.1.10

New text for certain paragraphs of 2.2.9.1.10 has now been agreed for inclusion in the 2011 ADR. The new text is as follows:

“2.2.9.1.10.5 Substances or mixtures classified as environmentally hazardous substances (aquatic environment) on the basis of Regulation 1272/2008/EC³

If data for classification according to the criteria of 2.2.9.1.10.3 and 2.2.9.1.10.4 are not available, a substance or mixture:

- Shall be classified as an environmentally hazardous substance (aquatic environment) if it has to be assigned category(ies) Aquatic Acute 1, Aquatic Chronic 1 or Aquatic Chronic 2 according to Regulation 1272/2008/EC or, if still relevant according to the said Regulation, risk phrase(s) R50; R50/53; R51/53 according to the Directives 67/548/EEC or 1999/45/EC;
- May be regarded as not being an environmentally hazardous substance (aquatic environment) if it does not have to be assigned such a risk phrase or category according to the said Directives or Regulation.”

This does not change the applicability of the marking of EHS substances as it is merely a supplementary means of classification if the GHS classification criterion under 2.2.9.1.10.3 and 2.2.9.1.10.4 is not available.

³ REGULATION (EC) No 1272/2008 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006