

# **New Carriage of Dangerous Goods by Road and Rail Regulations 2005**

The 2005/ 2006 biennium sees new regulations for transport of dangerous goods by road in Europe (ADR) and their rail equivalent (RID). There will also be new regulations for worldwide sea (IMDG) and air (ICAO) transport of dangerous goods. These modal texts implement the changes brought in by the 13<sup>th</sup> edition UN Model Regulations on the Transport of Dangerous Goods.

## **RID/ADR 2005 changes**

The three most significant changes for the 2005 texts effective from 1 January 2005, but with a six month transitional period are:

- security
- training
- bulk containers

### **Security**

A new chapter 1.10 in RID/ADR introduces important security requirements, and these are explained fully below.

### **Training**

**ADR 2005** removes the exemption from formal driver training for drivers of vehicles with a permissible maximum mass not exceeding 3.5 tonnes. However, there is a transitional provision until 31/12/2006 and therefore by 1 January 2007 drivers affected by this change will have to have received the appropriate training and received the appropriate ADR Vocational Driver Training Certificates (VTCs).

**RID 2005** sees chapter 1.3 expanded to give more detail of the general awareness training required.

### **Bulk containers**

A new concept of 'bulk containers' has been adopted from the UN Model Regulations, with chapter 6.11 setting out the construction and approval requirements for these and chapter 7.3 being updated to reflect their carriage requirements. The dangerous goods that may be carried in the new bulk containers are shown by a 'BK' code in column 10 of table A - the dangerous goods list in chapter 3.2. A system of GB Competent Authority Approvals will have to be put in place. (The old provisions for carriage in bulk remain in place as an alternative.)

## **New British Road and Rail Regulations 2005**

New British Regulations to implement these RID/ADR changes will be put in place for July 2005.

## **Transport of dangerous goods – security**

9/11 focused attention onto a new style of terrorism that is both innovative and deadly.

Consequently there was increased concern over the 'vulnerabilities' of transporting dangerous goods and the possibility of this transport being used in an attack. Being aware

of the security requirements, initiatives and regulations relating to dangerous cargo will help you monitor what your contractors are supposed to be complying with, any best practices they should be adopting, and allow you to stay in control!

### **A New Chapter in Security**

As a result of these concerns, the United Kingdom helped to establish a set of security measures in the 13<sup>th</sup> edition of the United Nations Model Regulations on the Transport of Dangerous Goods.

To address the new security measures (chapter 1.4) includes provision for consignors to:

- only offer dangerous goods to carriers that have been appropriately identified, and
- ensure that all transit sites for dangerous goods are secure
- provide security training for all staff involved in the transport of dangerous goods and to raise their general security awareness
- place a requirement on carriers, consignors and consignees to cooperate with each other and with appropriate authorities to exchange threat information, apply appropriate security measures and respond to security incidents

### **Plans for high consequence dangerous goods**

For 'high consequence' dangerous goods there are extra requirements: a security plan must be put in place. The security plan is to comprise at least the following elements:

- specific allocation of responsibilities for security to competent and qualified persons with appropriate authority to carry out their responsibilities
- records of dangerous goods or types of dangerous goods transported
- review of current operations and assessment of vulnerabilities, including inter-modal transfer, temporary transit storage, handling and distribution as appropriate
- clear statements of measures, including training, policies (including response to higher threat conditions, new employee/employment verification etc.), operating practices (eg choice/use of routes where known, access to dangerous goods in temporary storage, proximity to vulnerable infrastructure etc), equipment and resources that are to be used to reduce security risks
- effective and up to date procedures for reporting and dealing with security threats, breaches of security or security incidents
- procedures for the evaluation and testing of security plans and procedures for periodic review and update of the plans
- measures to ensure the security of transport information contained in the plan
- measures to ensure that the distribution of the transport information is limited as far as possible. (Note: Such measures are not to cut across the regulatory requirements for the provision of dangerous goods transport documentation from consignors to carriers)

### **Road and rail**

#### **United Kingdom 'voluntary' scheme**

In advance of the implementation of the UN security provisions being adopted into ADR and RID for 2005 the IUK developed Voluntary Codes of Practice and Supporting

Guidance on road and rail transport security for dangerous goods. This has been developed under the auspices of TRANSEC – the Transport Security Directorate of the Department for Transport. TRANSEC now covers all modes of transport, and has the lead on dangerous goods transport security. The guiding principles have been to ensure that the security measures adopted are:

- consistent with the current threat levels and vulnerabilities of the UK
- proportionate
- consistent with existing security measures (eg the ‘Known Shipper’ regime in air cargo security)
- not putting UK industry at an unnecessary competitive disadvantage

Details of these codes can be found at <http://www.dft.gov.uk/security/dangerousgoods>

Supporting guidance for both codes draws on existing industry and Government best practice. The road code guidance includes, for example, FTA’s Theft Prevention Guide. A driver video briefing them on the risks and precautions to take is also available, as is a security plan template which may be used by companies in helping to create their own security plan.

Also, a ‘Dangerous Load Card’ has been developed for drivers to use when stopped by police or VOSA (Vehicle and Operator Services Agency) at roadside enforcement checks. These cards have to be applied for from TRANSEC and include specific procedures to follow if stopped.

### **Maritime**

There are no voluntary schemes covering security of dangerous goods moving by sea because this is encapsulated within security regulations covering ALL freight moving by sea under specific port and maritime security regulations (see <http://www.fta.co.uk/information/focuson/shippers/index.htm>).

### **Aviation**

The air cargo security regime for all cargo and not just dangerous goods, is in place in the UK and is a voluntary one. However, those that sign-up are then covered by procedures and guidelines laid out by TRANSEC directions (17a and 17b) within the terms of the Aviation and Maritime Security Act 1990 and Aviation Security Act 1982.

### **What next for road and rail transport?**

DfT TRANSEC strongly recommend that workers and all their elected representatives are involved in all stages of the introduction of security measures. This is especially important to ensure that security policies do not lead to racial or religious discrimination in employment practices.

TRANSEC will look for compliance with the Voluntary Code of Practice, but will take a ‘light touch’ to enforcement when the mandatory regulation begins in July 2005. It is intended that VOSA will also be given the legal authority to police the application of the new security rules and be given authority to enter and inspect consignors’ premises.

The period between now and then will be used for further consultation and reviewing experience of operating under the interim voluntary regimes

It is anticipated that the requirements for rail freight operators will not prove to be onerous because much of the practice required is in keeping with current requirements under the National Rail Security Programme.

### **Further security developments**

The United States requires that all foreign based organisations that ship or transport hazardous materials into the US must develop and implement security plans for those hazardous materials.

FTA will continue to be involved in consultation with DfT TRANSEC to ensure that measures are proportionate and practicable.

The International Maritime Dangerous Goods (IMDG) Code for 2005 and the International Civil Aviation Organization (ICAO) Technical Instructions (2005) for the safe transport of dangerous goods by air will pick up the security requirements of the United Nations recommendations on the safe transport of dangerous goods.

The European Commission has been set the challenge by EU heads of Government to find and put in place a security model regime for all international and possible intra-EU freight transport. FTA is busy trying to influence this in such a way that ensures all the security initiatives tie-up into a single cohesive framework that is practical and not confusing to those involved in international trade and transport. Regular updates to this guidance document will be provided on the FTA's web site.

### **High consequence dangerous goods**

Class 1 Division 1.1 explosives

Class 1 Division 1.2 explosives

Class 1 Division 1.3 compatibility group C explosives

Class 1 Division 1.5 explosives

Division 2.1 flammable gases in bulk

Division 2.3 toxic gases (excluding aerosols)

Class 3 flammable liquids of packing groups I and II in bulk

Class 3 and Division 4.1 desensitised explosives

Division 4.2 goods of packing group I in bulk

Division 4.3 goods of packing group I in bulk

Division 5.1 oxidising liquids of packing group I in bulk

Division 5.1 perchlorates, ammonium nitrate and ammonium nitrate fertilizers in bulk

Division 6.1 toxic substances of packing group I

Division 6.2 infectious substances of category A

Class 7 radioactive material in quantities greater than 3000A1 (special form) or 3000 A2, as applicable, in type B or type C packages

Class 8 corrosive substances of packing group I in bulk

'In bulk' means transported in quantities greater than 3000 kg or 3000l in portable tanks or bulk containers

## **General good practice to follow if stopped en route**

General advice to drivers if stopped:

- do not leave your vehicle
- put parking brake on
- lock the doors of the cab
- do not wind down your window
- radio, email, fax or telephone the office and inform them that you have been stopped
- hold the Dangerous Load Card to the window
- request identification – just because those stopping you may look like police or other officials with powers to stop you, doesn't mean they are!
- specific procedures issued with the Dangerous Load Card may supplement or supersede this general advice

*Further advice is available from Chris MacRae, FTA's Training Manager / Policy Manager – Dangerous Goods on 07818-450353 email [cmacrae@fta.co.uk](mailto:cmacrae@fta.co.uk)*

FTA is also running courses for managers/supervisors, drivers and freight-forwarder/warehouse personnel on road transport security of dangerous goods in 2005. This is in addition to its existing dangerous goods training courses for all modes of transport.