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Committee of Experts on the Transport of Dangerous Goods and on the Globally Harmonized System of Classification and Labelling of Chemicals

Sub-Committee of Experts on the Transport of Dangerous Goods

Sixty-third session
Geneva, 27 November - 6 December 2023
Item 3 of the provisional agenda
Listing, classification and packing

Transport Provisions for Small Quantities of Environmentally Hazardous Paints and Printing Inks (and related materials) – Feedback from informal lunchtime working group meeting and next steps

Transmitted by the World Coatings Council (WCC)

Introduction

1. The World Coatings Council (WCC) would like to express its sincere gratitude to those representatives who attended the informal lunchtime working group meeting on this topic at the 62nd Session of this Sub-Committee. This INF paper provides a brief overview of the outcome of that discussion, as well as ideas for how WCC intends to proceed on this important matter.

2. This paper is the fourth in a sequence of papers from WCC that have been presented to this Sub-Committee for consideration.[1]

Overview of Lunchtime Working Group Meeting

3. WCC welcomed the comments and support provided by members of the Sub-Committee during the lunchtime working group meeting, as well as their considerable interest in resolving this issue. Comments by several non-EU representatives during the meeting clearly demonstrated that the Class 9 environmentally hazardous classification is an issue affecting industry on a global scale. As such, WCC believes the appropriate forum for this issue to be addressed and resolved is at the UN SCE TDG.

4. During the informal working group meeting, WCC representatives assured delegates that the Class 9 (for environmentally hazardous mixtures) requirements relating to classification, marking/labeling, and

[1] References to the previous papers are ST/SG/AC.10/C.3/2022/22, ST/SG/AC.10/C.3/2022/56, and UN/SCETDG/62/INF.11.

documentation were not being questioned or challenged by industry. Rather, the focus is solely on the packaging requirements for these classified mixtures, including the need for UN-approved packaging. Delegates sought assurances that non-UN-approved packaged products, including those that are now reclassified as Class 9 environmentally hazardous, are currently being safely transported in such small quantities and indicated that further details from industry on current practices would be appreciated, as well as any information on incidents/spillages involving these package sizes. WCC is in the process of collating such information from its members and intends to share any relevant details on this in due course.

5. WCC presented a more detailed explanation of the current situation with respect to the lack of UN-approved plastic packaging for products packaged between 5 and 30 litres. The conflict between proposed future EU legislation relating to packaging (e.g., the draft Packaging and Packaging Waste Regulation, especially obligations relating to recycled plastic content) and the need for packaging to resist key tests in order to receive UN-approval (e.g., a drop test at -30°C) was also highlighted. Following discussions with packaging suppliers, the use of recycled plastic in UN-approved packaging appears to be difficult to resolve technically. Therefore, more recycled plastic could be incorporated into paint and printing ink packaging if there was no UN-approved packaging requirement for these products.

6. WCC also provided insight on the transportation process for certain paints that require particular packaging. Specifically, the council emphasized the need for packagings that can be opened for tinting and then re-closed for further transport to the final end-user. The working group participants appeared to understand that this packaging issue is unique to the paint and coatings industry. As such, a more tailored solution for paint and printing ink classified as environmentally hazardous may be more favorable than one that applies to ***all*** environmentally hazardous mixtures in UN 3082.

7. It was also emphasized that additional Class 9 environmentally hazardous mixture classifications are expected in the future in the EU, as more substances are assigned high M-Factors when reviewed through the CLP classification procedure. Some delegates requested further details on this subject.

Discussion and Next Steps

8. Several options were briefly explored during the informal working group meeting, including the possibility of using overpacks, the introduction of a new UN number or Special Provision (specifically for paints and printing inks), and an amendment to the current Packaging Provision PP1 in P001. The last of these appeared to be the most widely-supported by the delegates, with the condition that WCC can clearly demonstrate that these pack quantities can be transported safely and securely in non-UN-approved packaging.

9. WCC continues to welcome any input or proposals on how to resolve this matter in a pragmatic way in preparation for future consideration during this biennium. To that end, any interested delegates are invited to contact WCC representatives to participate in its ongoing discussions. WCC intends to prepare and submit a working document for the 64th Session of this Sub-Committee in July 2024.

10. WCC welcomes any comments from members of this Sub-Committee, especially from those who attended the lunchtime informal working group meeting, on the above summary and intentions. WCC may be contacted on this topic by email at rcash@paint.org or t.fielding@cepe.org.