



WORKING PAPER

**DANGEROUS GOODS PANEL (DGP)
WORKING GROUP MEETING (DGP-WG/17)**

Montreal, 24 to 28 April 2017

Agenda Item 2: Development of recommendations for amendments to the *Technical Instructions for the Safe Transport of Dangerous Goods by Air (Doc 9284)* for incorporation in the 2019-2020 Edition

2.5: Part 5 — Shipper's Responsibilities

LABELLING AND MARKING — PROVISION OF A STATE APPROVAL

(Presented by D. Mirko)

SUMMARY

This paper proposes the addition of provisions for the carriage of dangerous goods, which are not in full compliance with all requirements for labels and markings, by issuing of an approval by the State of Operator. An equivalent level of safety will be achieved by requiring the consignment to be overpacked; for the overpack to be correctly marked and labelled; and by limiting the provision to cargo aircraft only. This is in addition to the existing safety controls of complying packaging, documentation, training, acceptance, inspection, loading and stowage and notification to personnel.

By requiring State of Operator approval, the State will be able to limit the provision to particular operators, for whom they have the responsibility of safety oversight. This paper does not propose to limit the rights and responsibilities of other States with a potential interest, including States of Origin, destination and transit. Whilst the administrative component of seeking and obtaining approval from those States is often a bureaucratic hindrance with little or no additional safety value; it is still open to States to assert that jurisdictional right. This is articulated in a proposed note.

Based on feedback from the panel member nominated by Australia, an alternative option has been proposed in Appendix B; which adds additional restrictions but removes the need for State approvals.

Action by the DGP-WG: The DGP is invited to comment upon the proposal to add new provisions in Part 5;3.2.15 (application of labels) and Part 5;3.3.3 (Labelling of overpacks) and a minor consequential change to the provisions in Part 5;2.4.2 (shipper and consignee identification) as shown in Appendix A to this working paper. The DGP is invited to comment upon the proposal contained in Appendix B.

1. INTRODUCTION

1.1 At the sixteenth working group meeting of the Dangerous Goods Panel (DGP-WG/16, Montreal, 17 to 21 October 2016), a paper on this subject was presented and many constructive comments were received, with one member reporting that similar situations had been experienced in Australia; although its geographic size had resulted in an easier resolution to the problem (see paragraph 3.3.1 of the DGP-WG/17 Report). This paper has taken the comments from other panel members as well as input from the panel member with similar experience, with the aim of removing a bureaucratic burden whilst maintaining aviation safety and ensuring the safe transport of certain dangerous goods by air.

1.2 Each package with dangerous goods, to be transported by air, must comply with all applicable requirements relating to labels and markings.

1.3 Russian cargo carriers operating flights from various countries worldwide have experienced a regular problem with shippers failing to comply with requirements of the Technical Instructions with regard to placing labels and markings on individual packages, especially when those packages have been presented as consisting of a single consignment or which have been packed into an overpack or single handling unit.

1.4 The experience has been with large numbers of dangerous goods packages (usually identical packages, often containing explosives) arriving directly from manufacturers by road, for carriage and transport to a final destination, again for road delivery. The packagings and packing will be in compliance with a relevant packing instruction. The dangerous goods do not enter the air transport system beyond a single flight (there may be a number of legs to the flight, but generally the goods will travel from one origin to one destination). In such cases, manufacturers often do not apply the labels and marking to the individual packages of dangerous goods for transport by air; for example, the consignment will not include the cargo aircraft only label on each individual package; nor will each package have the shipper's and consignee's details.

1.5 The packages are generally transported in a consolidation, involving one or more overpacks, from an airport of origin to an airport of destination on charter flights operated by all-cargo aircraft with a minimum risk of being exposed to mixed airport handling procedures.

1.6 At DGP-WG/16, one panel member reported that similar issues had been experienced on a number of occasions with ammunition in Australia, which is usually pre-boxed with smaller 50x50 mm labels. Similarly to the Russian experience, the boxes have not been marked with the shipper and consignee details. Rather than breakdown the consignment and apply 100x100mm labels and shipper and consignee details; the Australian Civil Aviation Safety Authority has issued an exemption to facilitate the transport of the consignment. For Australia, the size of the territory and the nature of the transport are such that it is often the State of Origin, the State of Destination and the State of the Operator.

1.7 The difficulty for Russian operators has been with the cross-border nature of the operations; where carriage of such goods, which are only deficient in certain marking labelling requirements, effectively will require exemptions from States of Origin, Destination, transit and overflight.

1.8 When goods have been prepared for transport; in general compliance with the UN Model Regulations, it is impracticable and time consuming to require the consignment to be broken down and to place labels and markings on each identical individual package; and often to re-overpack the consignment; especially when the consignment is not going to be broken down at an intermediate point for further transport by air.

1.9 The proposal still requires all other relevant parts and sections of the Technical Instructions to be complied with, including those relating to UN specification packaging, packing, documentation, training, acceptance, inspection, loading and stowage, occurrence reporting and notification to personnel. It is not proposed to extend this approval to include the provisions for limited quantities (3;4.5.3) or excepted quantities (3;5.4.3).

1.10 The proposal is to initially require just the approval of the State of Operator. The rationale is that the State will be able to limit the exercise of this provision to particular operators, for whom they have the responsibility of safety oversight.

1.11 It has been remarked upon by the transportation industry, and certain regulators, that the administrative component of seeking and obtaining approval from States where there is no safety benefit, is often a bureaucratic and time-consuming hindrance. This paper does not propose to limit the rights and responsibilities of other States with a potential interest, including States of Origin, Destination and Transit. It is still open to States to assert their jurisdictional and sovereign rights and this has been articulated in a proposed note. It is anticipated that States will articulate their national requirements through the provisions of Attachment 3, Chapter 1 of the Technical Instructions.

1.12 An alternative option, looking to streamline the process and attempting to improve upon the Australian experience, is contained in Appendix B. In this scenario, similar to the Russian experience, the aircraft is often being operated on an exclusive charter. The aim is to prevent the inadvertent carriage of non-complying packages within the mainstream air cargo system; yet facilitate the safe interstate transport of dangerous goods.

1.13 This is proposed through an additional marking on the overpack; in all relevant languages of origin, operator, transit and destination, to the effect that labelling and marking of inner packages is not complying and that the consignment is to be removed from air transport when the overpack is removed. This additional text would appear at Part 5;2.4.10.4.

1.14 This additional overpack marking has not been included in the first option presented in Appendix A. The relevant State(s) can include a requirement for such a marking as a condition within an approval, should it consider necessary to do so.

2. ACTION BY THE DGP-WG

2.1 The DGP is invited to comment upon and consider the text shown in the appendices to this working paper.

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APPENDIX A

PROPOSED AMENDMENT TO PART 5 OF THE TECHNICAL INSTRUCTIONS

Part 5

SHIPPER'S RESPONSIBILITIES

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Chapter 2

MARKING

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2.4 MARKING SPECIFICATIONS AND REQUIREMENTS

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2.4.2 Shipper and consignee identification

2.4.2 Unless otherwise approved by the State of the Operator under 5:3.3.3, the name and address of the person who offers the dangerous goods for transport by air and of the consignee must be provided on each package and should be located on the same surface of the package near the proper shipping name mark, if the package dimensions are adequate.

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Chapter 3

LABELLING

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3.2 APPLICATION OF LABELS

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3.2.14 Labels required by other international or national transport regulations are permitted in addition to labels required by these Instructions, provided that they cannot be confused with or conflict with any label prescribed by these Instructions, because of their colour, design or shape.

3.2.15 When the State of the Operator has issued an approval in accordance with 5:3.3.3, the label is not subject to the provisions of 5:3.2.12 a), 5:3.5.1.1 a) ii), and 5.3.5.2.

3.3 LABELLING OF OVERPACKS

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3.3.2 An overpack containing liquid dangerous goods in single packagings with end closures must be labelled with either the "Package Orientation" label (Figure 5-29), or pre-printed package orientation labels meeting the same specification as either Figure 5-29 or ISO Standard 780:1997, unless such labels are affixed to the package and are visible from the outside of the overpack. Such labels must be affixed to or printed on at least two opposite vertical sides of the overpack with the arrows pointing in the direction required to indicate the orientation of the overpack required to ensure that end closures are upward, notwithstanding that such single packages may also have sideclosures.

3.3.3. With the approval of the State of the Operator, an overpack may contain a number of packages which do not meet the labelling requirements of 5:3.2.12 a) or 5:3.5.1.1 a) ii), providing that the overpack and consignment conform to the following specifications:

- a) the dangerous goods must not be forbidden for transport by air under any circumstance;
- b) the overpack must be labelled with labels that comply with the label specifications of 5:3.5.1.1 and 5:3.5.2;
- c) the overpack must be marked in accordance with the requirements of 5:2.4.10;
- d) the overpack must be one consignment; multiple consignments must not to be bundled together into one overpack; and
- e) the operator must not break down or re-pack an overpack to form a single handling unit or a number of single handling units;
- f) the aircraft must be operating as a cargo-only aircraft; and
- g) the approval must specify the ports of origin, transit and destination

Note.— Where States of Origin, transit or destination have notified ICAO that they require prior approval of shipments made under this provision, approval must be obtained from that relevant State of origin, transit or destination as required.

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APPENDIX B

PROPOSED AMENDMENT TO PART 5 OF THE TECHNICAL INSTRUCTIONS

Part 5

SHIPPER'S RESPONSIBILITIES

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Chapter 2

MARKING

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2.4 MARKING SPECIFICATIONS AND REQUIREMENTS

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2.4.2 Shipper and consignee identification

2.4.2.1 Unless otherwise provided for by 5:3.3.3, the name and address of the person who offers the dangerous goods for transport by air and of the consignee must be provided on each package and should be located on the same surface of the package near the proper shipping name mark, if the package dimensions are adequate.

2.4.10 Marking of overpacks

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2.4.10.3 Packaging specification marks must not be reproduced on the overpack.

2.4.10.4 A consignment, consigned under the overpack provisions of 5:3.3.3, must be marked in English and in the languages of the States of Origin, operator, destination and transit with "Markings and labels of inner packages do not conform. This consignment must be removed from air transport when removed from the overpack."

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Chapter 3

LABELLING

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3.2 APPLICATION OF LABELS

3.2.14 Labels required by other international or national transport regulations are permitted in addition to labels required by these Instructions, provided that they cannot be confused with or conflict with any label prescribed by these Instructions, because of their colour, design or shape.

3.2.15 The provisions of 5:3.2.12 a), 5:3.5.1.1 a) ii), and 5:3.5.2 do not apply in respect of packages within an overpack when the provisions of 5:3.3.3 have been complied with.

3.3 LABELLING OF OVERPACKS

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3.3.2 An overpack containing liquid dangerous goods in single packagings with end closures must be labelled with either the "Package Orientation" label (Figure 5-29), or pre-printed package orientation labels meeting the same specification as either Figure 5-29 or ISO Standard 780:1997, unless such labels are affixed to the package and are visible from the outside of the overpack. Such labels must be affixed to or printed on at least two opposite vertical sides of the

overpack with the arrows pointing in the direction required to indicate the orientation of the overpack required to ensure that end closures are upward, notwithstanding that such single packages may also have sideclosures.

3.3.3 An overpack may contain a number of packages which do not meet the labelling requirements of 5:3.2.12 a) or 5:3.5.1.1 a) ii); providing that the overpack and consignment conform to the following specifications:

- a) the dangerous goods must not be forbidden for transport by air under any circumstance;
- b) the overpack must be labelled with labels that comply with the label specifications of 5:3.5.1.1 and 5:3.5.2;
- c) the overpack is to be marked in accordance with the requirements of 5:2.4.10;
- d) the overpack must be of one consignment or part of one consignment; multiple consignments must not be bundled together into one overpack;
- e) the operator must not break down or re-pack an overpack to form a single handling unit or a number of single handling units;
- f) the aircraft must be operating as a cargo-only aircraft; and
- g) the aircraft must be operating under an exclusive charter.

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