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PREPARATION OF DRAFT AMENDMENTS (42-24) TO THE IMDG CODE

CONSIDERATION OF PROPOSALS REFERRED TO E&T 38 BY CCC 8

Regulation of UN 1361

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SUMMARY

Executive summary: This document provides a summary of the decisions made by CCC 8 on the regulation of UN 1361 and relevant proposals on these decisions.

*Strategic direction,
if applicable:* 7

Output: 7.10

Action to be taken: Paragraph 23

Related document: CCC 8/18

1 CCC 8 considered document CCC 8/6/1 (report of the Correspondence Group on a Review of Maritime Special Provisions), which dealt with the regulation of UN 1361, among other topics. Upon discussing this document, CCC 8 made decisions which can be broadly divided in the following categories:

- .1 agreed on certain points, in principle, and referred them to E&T 38 for consideration and incorporation, as appropriate, into draft amendment 42-24 to the IMDG Code;
- .2 did not agree on certain points and invited interested Member States and international organizations to submit further proposals on this matter to E&T 38; and
- .3 in order to deal with other points, established the Drafting Group on Amendments to the IMDG Code and Supplements, and having considered the report of this Drafting Group (CCC 8/WP.7), approved it in general and took action, as will be described further below.

2 This document summarizes the above decisions by CCC 8 and makes relevant proposals.

Points agreed by CCC 8

Packing provisions for UN 1361¹

3 CCC 8 noted the Correspondence Group's discussion on the packing provisions in paragraph 17 of the Correspondence Group's report and the invitation to approve the deletion of UN 1361 under PP12 (CCC 8/6/1, paragraph 27).

4 After consideration, CCC 8 agreed to the deletion of UN 1361 under PP12, in principle, and decided to refer this matter to E&T 38 for consideration and incorporation, as appropriate, into draft amendment 42-24 to the IMDG Code.

Points not agreed by CCC 8

Stowage of UN 1361²

5 CCC 8 noted the Correspondence Group's discussion on stowage requirements for UN 1361 in paragraphs 19 and 20 of the Correspondence Group's report and the consequence that the proposed amendment of the stowage category from A to C (i.e. to allow on-deck only stowage), would prohibit the transport of UN 1361 on ferry ships without on-deck stowage locations and also as break-bulk in the cargo hold of a general cargo ship; and if these consequences were deemed acceptable, the invitation to approve the assignment of stowage category C to UN 1361 (CCC 8/6/1, paragraph 25.2).

6 After consideration, CCC 8 agreed not to approve the proposed amendment of stowage category from A to C to UN 1361.

Stowage in accessible position³

7 CCC 8 had been invited by the Correspondence Group to consider a mandatory requirement of stowage in an accessible position and to develop a definition for such location, if deemed appropriate. Hence, CCC 8 noted the Correspondence Group's discussion on a requirement of "stowage in accessible position" in paragraph 21 of the Correspondence Group's report and noted that no concrete proposal had been agreed by the Group.

Vanning certificate⁴

8 CCC 8 noted the Group's discussion on the vanning certificate in paragraph 16 of the Correspondence Group's report and the invitation to decide whether such a certificate should be required for UN 1361 (CCC 8/6/1, paragraph 26.3).

¹ See the report of CCC 8 (CCC 8/18), paragraphs 6.38 to 6.39.

² See the report of CCC 8 (CCC 8/18), paragraphs 6.27 to 6.28.

³ See the report of CCC 8 (CCC 8/18), paragraph 6.29.

⁴ See the report of CCC 8 (CCC 8/18), paragraphs 6.35 to 6.37.

- 9 During the discussion, CCC 8 noted the following views:
- .1 the proposed requirement for a vanning certificate would cause practical difficulties; and such a requirement should in any case be based on scientific evidence;
 - .2 vanning certificate was already in use for many shipments of charcoal; and
 - .3 the proposal for a vanning certificate could be supported but needed further consideration.

10 After consideration, CCC 8 agreed to invite interested Member States and international organizations to submit further proposals on this matter to E&T 38.

11 The co-sponsors of this document propose to continue discussion on this matter, and are in favour of a requirement for a vanning certificate which could be modelled after the proposed wording provided in the Correspondence Group's report (CCC 8/6/1, paragraph 26.3) but with appropriate amendments to take into account the progress made in the Drafting Group on Amendments to the IMDG Code and Supplements at CCC 8 regarding weathering provisions, as well as the co-sponsors' proposal to require a weathering certificate (see paragraph 16.1 further below in this document).

Points from the Drafting Group's report which were referred to E&T 38

12 Having considered the report of the Drafting Group on Amendments to the IMDG Code (document CCC 8/WP.7), CCC 8 approved it in general and took action, as described in the following paragraphs.

Provisions for UN 1361⁵

13 CCC 8 noted the deliberations of the Drafting Group on provisions for UN 1361 and referred the draft amendments to the IMDG Code to E&T 38 for further consideration; and agreed to invite interested Member States and international organizations to submit further proposals to E&T 38 (CCC 8/WP.7, paragraphs 7 to 14 and annex 2).

14 For convenience, CCC 8/WP.7, paragraphs 7 to 14 are pasted directly below:

- "7 The Group agreed to delete SP223 and SP925 from UN 1361 in column 6 of the Dangerous Goods List in chapter 3.2 of the IMDG Code.
- 8 The Group agreed to use paragraph 26.1 of document CCC 8/6/1 as basis for further development of SP9xa for UN 1361.
- 9 The Group had a lengthy discussion on the terms "cooling" and "weathering". The Group agreed that it would be sufficient to have requirements for "weathering" in the draft new SP9xa. With regard to the need for a "weathering certificate", the Group agreed to invite the Sub-Committee to invite interested Member States and international organizations to submit further proposals to E&T 38.

⁵ See the report of CCC 8 (CCC 8/18), paragraph 6.96.

- 10 The Group could not reach consensus on "ambient temperature". Consequently, the Group agreed to leave the corresponding text in the draft new SP9xa in square brackets and agreed to invite the Sub-Committee to invite interested Member States and international organizations to submit further proposals to E&T 38.
- 11 The Group discussed the need for a specific prohibition on transport of UN 1361 in bulk containers. The Group noted that as no "BK" code is assigned to UN 1361, transport in bulk containers is not authorized and no specific additional text in this regard is necessary.
- 12 Noting that there are issues which may need further consideration in the draft new SP9xa, the Group invited the Sub-Committee to invite interested Member States and international organizations to submit further proposals to E&T 38 on e.g. package size, block size and headspace.
- 13 As proposed in paragraph 25.3 of document CCC 8/6/1, the Group agreed to include the words "of animal or vegetable origin" after the words "carbon blacks" for UN 1361 in column 17 of the Dangerous Goods List in chapter 3.2 of the IMDG Code.
- 14 The corresponding draft amendments to the IMDG Code, as prepared by the Group, are set out in annex 2, with a view to referring them to E&T 38 for further consideration."

15 Also for convenience, annex 2 to document CCC 8/WP.7 is attached as the annex to this document.

16 The co-sponsors of this document reiterate support for the draft amendments as provided in annex 2 to document CCC 8/WP.7, as agreed in principle by the Drafting Group and CCC 8. As regards the outstanding points on which CCC 8 invited interested Member States and international organizations to submit proposals, the co-sponsors propose:

- .1 On the need for a weathering certificate: While it is correct that the draft amendments include requirements for weathering information to be included in the transport document, and also acknowledging that reputable manufacturers already apply these safety standards, there is a need to verify that these requirements are followed by all manufacturers, and that information provided is correct. Therefore, it is proposed to require a weathering certificate.
- .2 On package size: The co-sponsors propose to introduce a provision that the maximum mass of UN 1361 per package not exceed 30 kg and that packaging should be in good condition and must not be torn.
- .3 On headspace and utilization: At the time of submission, the co-sponsors are in the process of detailed consideration of appropriate headspace and utilization provisions, with a view to making a proposal.

Documentation requirements for UN 1361⁶

17 CCC 8 noted the deliberations of the Drafting Group on documentation requirements for UN 1361 and agreed to refer the draft new provision 5.4.1.5.18 of the IMDG Code to E&T 38 for further consideration (CCC 8/WP.7, paragraphs 17 to 18 and annex 2).

18 For convenience, paragraphs 17 to 18 to document CCC 8/WP.7, are pasted directly below:

"17 The Group agreed to a draft new provision 5.4.1.5.18 of the IMDG Code, as proposed in paragraph 28 of document CCC 8/6/1, with minor modifications with regard to adding the "date of packing".

18 The corresponding draft amendments to the IMDG Code, as prepared by the Group, are set out in annex 2, with a view to referring them to E&T 38 for further consideration."

19 Also for convenience, annex 2 to document CCC 8/WP.7 is attached as the annex to this document.

Packing group assignment for UN 1361⁷

20 CCC 8 noted the deliberations of the Group on packing group assignment for UN 1361 and agreed to refer this matter to E&T 38 for further consideration, with a view to providing further advice to CCC 9 (CCC 8/WP.7, paragraphs 19 to 20).

21 For convenience, paragraphs 19 to 20 of document CCC 8/WP.7, are pasted directly below:

"19 The Group discussed the issue on maintaining two packing groups (PG) PG II and PG III for the UN 1361 entry, noting that the proposal in document CCC 8/6/1 was to maintain both PG options. In this context, the Group noted the view that it was unclear how a shipper could determine the appropriate PG if the material was untested. In addition, the Group had a discussion on the appropriateness of requiring the use of a test that had been determined unreliable for use in determining exemption from the application of the IMDG Code to differentiate between PGs.

20 The Group noted that in the first instance, a decision needed to be taken to either continue to apply the N.4 test for the purpose of differentiating between PGs or to not utilize the N.4 test in any capacity related to UN 1361. Thereafter, the determination of the appropriate number of Dangerous Goods List entries to maintain for UN 1361 could be made, and a recommendation on the associated appropriate packaging requirements for each entry could also be made. In this context, the Group noted the following options and remarks associated with each option, with a view to referring them to E&T 38 for further consideration:

with regard to deleting PG III:

- .1 flexible, wooden or fiberboard IBCs would not be authorized;
- .2 large packagings would not be authorized;
- .3 portable tank instructions would differ;

⁶ See the report of CCC 8 (CCC 8/18), paragraph 6.98.

⁷ See the report of CCC 8 (CCC 8/18), paragraph 6.99.

- .4 there would be a possibility of over-classification of materials meeting the PG III criteria;
- .5 there would be higher requirements for packagings compared to the ones actually being used;
- .6 there would be a possibility of increase in the number of smaller shipments in palletized loads and more densely-stowed shipments;
- .7 there would be fire-fighting challenges, including with regard to the correct amount of water; with regard to deleting PG II:
- .8 there would be a possibility of under-classification of goods meeting the PG II criteria;
- .9 there would be lower requirements for packagings compared to the ones required for PG II goods;

with regard to maintaining both PG II and PG III and the current testing along with the requirement to utilize PG II if no test is conducted:

- .10 certification/verification of test results and packing group assignment in all cases where PG III assigned would need further consideration;
- .11 reliability of the test to be used would need further consideration; with regard to maintaining both PG II and PG III and the current testing along with the requirement to utilize PG III if no test is conducted:
- .12 reliability of the test to be used would need further consideration;
- .13 it could be more beneficial to not test and receive a PG III designation than to test and potentially receive a PG II designation; and

with regard to an alternative test method:

- .14 there is currently no alternative test authorized."

22 As it has now been agreed that the UN N.4 test, according to section 33.4.6 of the UN *Manual of Tests and Criteria*, shall not be used to exempt carbon of animal or vegetable origin (UN 1361) from the provisions of the IMDG Code, the co-sponsors of this document note that this leaves a gap in the decision-making process on whether to apply PG II or PG III. This is because the decision to apply either PG II or PG III depends on the results of the UN N.4 test.⁸ The co-sponsors also note that currently, there is no other test method to fill this gap. Taking into account the potential discussions that may take place in the Sub-Committee of Experts on the Transport of Dangerous Goods (UNSCETDG) on this point, as well as the compelling need to finalize the IMDG Code amendments on UN 1361 for maritime carriage, the co-sponsors propose that the more stringent of the two PGs be applied as an interim standard, pending consideration of this issue by UNSCETDG.

Action requested of the Group

23 The Group is invited to consider the proposals in paragraphs 11, 16 and 22 of this document, and take action, as appropriate.

⁸ See UN *Manual of Tests and Criteria*.

ANNEX

(Please note that this annex is referred to as 'annex 2' in document CCC 8/WP.7 (report of the Drafting Group on Amendments to the IMDG Code and Supplements))

DRAFT AMENDMENTS TO THE INTERNATIONAL MARITIME DANGEROUS GOODS (IMDG) CODE CONCERNING CARBON AND SPECIAL PROVISION 964

PART 3 DANGEROUS GOODS LIST, SPECIAL PROVISIONS AND EXCEPTIONS

Chapter 3.2 Dangerous Goods List

Dangerous Goods List

UN No.	Amendment
1361 PG II	In column 6, replace "925" with "9xa". In column 17, after the words "carbon blacks", add the words "of animal or vegetable origin".
1361 PG III	In column 6, delete "223" and replace "925" with "9xa".
1362	In column 6, replace "925" with "9xb".

Chapter 3.3

Special provisions applicable to certain substances, materials or articles

SP925 is deleted.

SP964 Replace the text in SP964 to read as follows:

"SP964 This substance is not subject to the provisions of this Code when:

- .1 it is transported in non-friable prills or granules form;
- .2 it does not meet the criteria for class 5.1 based on the result of one of the tests for oxidizing solid substances as reflected in the Manual of Tests and Criteria (see 34.4.1 or 34.4.3); and
- .3 at the time it is offered for shipment, it is accompanied by a certificate (see 5.4.4) from a laboratory recognized by the main designated competent authority as listed in 7.9.3 of this Code stating the results of the test."

Add the following new special provision:

"SP9xa

- .1 For the purpose of this Code, carbon of animal or vegetable origin means carbon, generated in a production or manufacturing process, not formed in a geological process and not obtained from mining. Carbon covered by this entry is produced by pyrolysis of an organic material such as bone, bamboo, coconut shell, jute or wood.
- .2 The UN N.4 test according to section 33.4.6 of the *UN Manual of Tests and Criteria* shall not be used to exempt carbon of animal or vegetable origin (UN 1361) from the provisions of this Code.

.3 After production, the unpacked material shall be subject to a minimum weathering period (stored under cover, but in the open air) of 14 days before being packaged for transport.

.4 The material shall be packaged only when the temperature of the material does not exceed a value of 5°C above the ambient temperature on the day of packing.

[Note: Ambient temperature means the daily mean temperature of the air near the surface of the earth, not influenced by direct solar radiation, soil heat or thermal conduction.

(Footnote: for measurements of air temperatures and for the approval and calibration

of instruments, see: World Meteorological Organization, No 8 (2018), Guide to instruments of observation, Vol. I chapter 2).

The daily mean temperature is the mean of the minimum and maximum temperature readings for the particular activity or purpose, e.g. packing, for which the temperature readings are undertaken on a given day.]

.5 The additional documentation requirements in 5.4.1.5.18 shall be complied with."

PART 5 CONSIGNMENT PROCEDURES

Chapter 5.4

Documentation

5.4.1 Dangerous goods transport information

5.4.1.5 Information required in addition to the dangerous goods description

5.4.1.5.18 Add the following new paragraph:

"5.4.1.5.18 *Transport of UN 1361*

For transport of UN 1361, the transport document shall contain the following additional information:

.1 date of production;

.2 date of packing;

.3 mean temperature of the material on the day of packing into the packagings expressed in °C; and

.4 ambient temperature on the day of packing into the packagings expressed in °C."

Renumber the existing paragraph 5.4.1.5.18 to 5.4.1.5.19.