

OTIF



**ORGANISATION INTERGOUVERNEMENTALE POUR
LES TRANSPORTS INTERNATIONAUX FERROVIAIRES**

**ZWISCHENSTAATLICHE ORGANISATION FÜR DEN
INTERNATIONALEN EISENBAHNVERKEHR**

**INTERGOVERNMENTAL ORGANISATION FOR INTER-
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Subject: Safety advisers and UN 3475

Proposal transmitted by Switzerland

RID/ADR/ADN 2009 includes a new entry UN 3475 ETHANOL AND GASOLINE MIXTURE. Petrol products are carried by dedicated companies. These firms specialise to such an extent that the regulator has introduced specific rules for them. One of these rules concerns the safety advisers. For this segment of the industry specific examinations are prescribed in 1.8.3.13. As an example, the fifth indent in 1.8.3.13 currently refers to three UN Nos. only: 1202, 1203 and 1223. The introduction of the new entry UN 3475 in the dangerous goods list brings with it the following problems:

From 1 January 2009 many companies usually carrying petrol products similar to UN 3475 will not be allowed to carry UN 3475 simply because their safety adviser has no training certificate covering this new entry. It should be borne in mind that in many cases these firms are often small contractors who have their own tank-vehicle, often even a single transport unit, and they are at the same time owners of their company and the safety advisers of it. This might cause supply problems for mixtures of UN 3475 because of the lack of carriers able to do their job in accordance with the regulations. The question arises as to whether all the safety advisers of these companies who are affected will be able to extend their training certificate within the 6 months transitional period. Even if they try to do so one should consider the following consequences:

These safety advisers will be obliged to pass an examination as new candidates for classes 3, 4.1, 4.2, 5.1, 6.1, 6.2, 8 and 9. They will not be allowed to pass the examination as existing holders of a safety adviser certificate and will have to undergo an examination containing the case study specified in 1.8.3.12.4 (b) for all the classes referred to, often after many years professional experience. This alone could cause some major problems for this kind of specialised contractor. All this complicated procedure for only one UN entry seems excessive. One could argue that they could stop carrying UN 3475. Who will do it then? As explained before, it happens that the profession is al-

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ready so specialised that the number of companies in a position to carry the new entry will be considerably reduced. On the other hand there are no safety reasons which could justify prohibiting the usual firms that carry UN 1202, 1203 and 1223 from carrying UN 3475 as well.

In order to avoid probable supply difficulties for UN 3475 and an unnecessary administrative burden and in many cases insurmountable difficulties in passing an examination on subjects not related to a person's professional life, namely case studies concerning classes other than Class 3, it would seem more reasonable also to give these safety advisers approval for UN 3475 from 1 January 2009 .

One should also consider that the new entry will be an important part of the petrol products market . Without wishing to prejudge the abilities of these contractors, the prohibition on carrying UN 3475 could have major consequences for many of them because they will have problems after many years in the profession to become good students again and to pass the examination for all other classes, particularly with the inclusion of the case study for situations which they have never experienced and which they will never experience in their profession.

For these reasons we believe that the scope of the fifth indent in 1.8.3.13 should be extended to the new entry UN 3475 and a transitional period should be provided for those who usually already carry similar products.

These problems will arise as from 1 January 2009 if nothing is done in the new provisions. The RID Committee of Experts is asked to consider the solution proposed hereafter for entry into force in 2009.

Proposal 1

1.8.3.13 In the fifth indent, replace "and 1223" with:
", 1223 and 3475".

Proposal 2

Add a new transitional measure to read as follows:

"1.6.1.19 Safety adviser training certificates limited to UN Nos. 1202, 1203 and 1223 which meet the requirements of 1.8.3.13 in force up to 31 December 2008 shall also be valid for UN No. 3475."

Justification

In addition to the advantages mentioned above the transitional provision has the following advantage: Without the transitional provision, holders of a certificate not including UN 3475 would, from 1 January 2009, be obliged within six months to pass a new examination as non-holders of a training certificate. They would thus have to sit an examination which includes the case study according to 1.8.3.12.4 (b). Such a measure seems disproportionate.
