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PROPOSALS FOR AMENDMENTS TO ANNEXES A AND B OF ADR

Chapter 8.5 S1(3) Prohibition on smoking during the carriage of Class 1 goods

Transmitted by the Government of the United Kingdom

SUMMARY

Executive Summary: The current wording of Special Provision S1(3) is unclear as to whether smoking is prohibited during the carriage of class 1 goods. This paper, therefore, proposes to amend the text of S1(3) to make clear the prohibition on smoking during carriage of class 1 goods.

Action to be taken: Amend Special Provision S1(3) to prohibit smoking during the carriage of class 1 goods.

Related documents: TRANS/WP.15/2005/22 (United Kingdom) and TRANS/WP.15/185, paragraphs 5 – 7.

Introduction

The United Kingdom submitted TRANS/WP.15/2005/22 to the seventy-ninth session of WP.15 requesting an interpretation on whether S1 (3) currently prohibited smoking during carriage of Class 1 goods. The majority view of WP.15 was that smoking should be prohibited during the carriage of Class 1 goods, although the text of S1 (3), as currently drafted, did not necessarily achieve that. A few delegations thought that ADR should go further and prohibit smoking during the carriage of all dangerous goods.

The United Kingdom is convinced that there is a real safety risk associated with smoking during the carriage of Class 1 goods, but has reservations about whether a robust enough safety case could be made to impose a blanket ban on smoking during carriage of all dangerous goods.

The United Kingdom, therefore, proposes to amend S1 (3), which is specific to Class 1 goods, to prohibit smoking during carriage operations.

Proposal

Amendments to S1 (3) shown in bold as follows:

“S1 (3) *Prohibition of **smoking**, fire and naked flame*

Smoking, the use of fire or of naked flames shall be prohibited on vehicles carrying substances and articles of Class 1, in their vicinity and during the loading and unloading of these substances and articles.”

Justification

Smoking during the carriage of Class 1 Substances and articles represents a genuine safety risk. The current text of S1 (3) goes some way towards minimizing that risk; however, the text is currently unclear and ambiguous as to its scope and intention leading to a difference of interpretation and enforcement by ADR Contracting Parties. Therefore, it is necessary to revise the text to improve the clarity and understanding of its scope, in order to achieve a common interpretation of the prohibition.

Safety implications and enforcement

The proposed amendments to the text of S1 (3) should lead to an increase in the level of safety due to an unambiguous text prohibiting smoking. The text should assist in achieving both a consistent interpretation and enforcement throughout all ADR Contracting Parties.
