



**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****Thirty-eighth session**

Geneva, 29 November–7 December 2010

Item 6 of the provisional agenda

**Miscellaneous proposals of amendments to the Model Regulations
on the Transport of Dangerous Goods****Permissive use of the environmentally hazardous substance
mark****Transmitted by the Dangerous Goods Advisory Council (DGAC)¹**

1. Under special provision 331 and 5.2.1.6.1, the environmentally hazardous substance (EHS) mark must be applied to substances that meet the criteria of 2.9.3 when transported under UN 3077 or UN 3082. Based on 2.9.2 (environmentally hazardous substances), UN 3077 and UN 3082 may also be used for wastes covered under the Basel Convention and substances not meeting the criteria of 2.9.3 but which have been designated as environmentally hazardous by the competent authority of the country of origin, transit or destination. While these substances are not required to bear the EHS mark, their transport is sometimes delayed by acceptance personnel or transport officials questioning the absence of the EHS mark. A solution could be to permit the application of the EHS mark in the case of these substances. Since some competent authorities specifically prohibit unauthorized markings, specific authorization in the Model Regulations is needed to permit the application of the EHS mark under this circumstance.

2. To avoid delays in the future, DGAC proposes that the Model Regulations permit the application of the EHS mark on packages of materials that are classified as environmentally hazardous solids or liquids on the basis of a competent authority designation or that are wastes covered under the Basel Convention.

3. DGAC proposes to add the following sentence at the end of special provision 331 and 5.2.1.6.1:

¹ In accordance with the programme of work of the Sub-Committee for 2009–2010 approved by the Committee at its fourth session (refer to ST/SG/AC.10/C.3/68, para. 118 (d) and ST/SG/AC.10/36, para. 14).

"The mark may also be applied to packages containing other substances transported under UN 3077 or UN 3082 based on a designation by the competent authority of the country of origin, transit or destination or that are wastes covered under the *Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal* (see 2.9.2)."
