

Key changes to dangerous goods transport regulations

13 August 2019

From 1 July 2019 key changes have been made to the *Dangerous Substances (Dangerous Goods Transport) Regulations 2008*.

Transport of dangerous goods packed in excepted quantities

Duty holders that transport small quantities of dangerous goods now have reduced marking and documentation requirements when transporting goods that are specified as goods “packed in excepted quantities”. Excepted quantities (EQ) is a packaging method used to transport dangerous goods by air. Chapter 3.5 of the Australian Code for the Transport of Dangerous Goods by Road and Rail (the Code), a new chapter, legalises EQ as a packaging method for the transport of dangerous goods for road and rail.

Necessary amendments to the *Dangerous Substances (Dangerous Goods Transport) Regulations 2008* (DGT Regulations)

Regulation 74 of the DGT Regulations explains when a package of dangerous goods is appropriately marked and labelled for the purposes of Part 6, Division 1. This division prevents a person from packing and consigning dangerous goods for transport in a package unless the package is appropriately marked and labelled. It also prevents prime contractors and rail operators from transporting dangerous goods in a package unless the package is appropriately marked and labelled.

Regulation 74(2) has now been revised to now reference Column 7a of the Dangerous Goods List. This is because the inclusion of Chapter 3.5 in the Code necessitated amending Column 7 of this list. Column 7 has been renumbered as Column 7a “Limited Quantities”, and a new Column 7b “Excepted Quantities” has been inserted in the Code. Regulations 69(b), 70(2) (a), 102(1) (b) have also been revised to now reference Column 7a.

Regulation 74(4) has been inserted to allow for the mentioned regulatory burden concessions in the Code for the transportation of dangerous goods “packed in excepted quantities” to be adopted. Regulation 74(5), a definition of “packed in excepted quantities”, has been inserted as a consequential amendment and to align with the Code and the Model Subordinate Law on the Transport of Dangerous Goods by Road or Rail 2007 (MSL). It references Column 7b.

The following comparison table demonstrates how Regulation 74 has been amended to reflect the mentioned key changes.

Part 6—Signage
Division 1—Marking and labelling of packages

74 Appropriately marked and labelled

(2) However, a package of dangerous goods containing a quantity of dangerous goods in each inner packaging or in each article that does not exceed the quantity specified, or referred to, in column 7 of the Dangerous Goods List for those goods is appropriately marked and labelled for the purposes of this Division if, instead, it is marked and labelled in accordance with Chapter 3.4 of the ADG Code.

Part 6—Signage
Division 1—Marking and labelling of packages

74 Appropriately marked and labelled

(2) However, a package of dangerous goods containing a quantity of dangerous goods in each inner packaging or in each article that does not exceed the quantity specified, or referred to, in column 7a of the Dangerous Goods List for those goods is appropriately marked and labelled for the purposes of this Division if, instead, it is marked and labelled in accordance with Chapter 3.4 of the ADG Code.

(4) A package of dangerous goods that are packed in excepted quantities is also **appropriately marked** if it is marked and labelled in accordance with Chapter 3.5 of the ADG Code.

(5) For the purposes of sub regulation (4), dangerous goods are **packed in excepted quantities** if—

(a) the goods are assigned to code E1, E2, E3, E4 or E5 in column 7b of the Dangerous Goods List; and

(b) the goods are packed in accordance with Chapter 3.5 of the ADG Code; and

(c) the quantity of dangerous goods does not exceed the quantity specified in section 3.5.1.2 of the ADG Code.

Transport of empty dangerous goods packaging

Part 8 of the DGT Regulations (Regulations 91-96) deals with duties for the transport of designated dangerous goods (as defined by this Part). These duties centre on compliance with specified chapters of the Code. As part of the key changes to the DGT Regulations, empty dangerous goods packaging is permitted to be transported in compliance with Chapter 7.2 of the Code (Transport of empty packagings and containers). The DGT Regulations now clarify that Part 8 applies to the transport of empty dangerous goods packaging and the concessional requirements provided in Chapter 7.2 of the Code. They also clarify who has duties in relation to the transport of this packaging.

Necessary amendments to the DGT Regulations

Regulation 91(2) and 91(3) has been inserted, to ensure consistency with the Code and the MSL. Regulation 91(2) clarifies that Part 8 of the DGT Regulations applies to the transport of empty dangerous goods packaging. Regulation 91(3), a definition of “empty dangerous goods packaging”, is a consequential amendment. Reference to Chapter 7.2 of the Code has been included through Part 8 of the DGT Regulations (regulations 93, 94, 95(1) and 96) to clarify transport of empty dangerous goods packaging duties and to reflect changes to the Code and the MSL.

The following comparison table demonstrates how Regulation 91 has been amended to reflect the mentioned key changes.

| DGT Regulations as at 30 June 2019 | DGT Regulations as at 1 July 2019 |
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| <p>Part 6—Signage Division 1—Marking and labelling of packages 74 Appropriately marked and labelled</p> <p>(2) However, a package of dangerous goods containing a quantity of dangerous goods in each inner packaging or in each article that does not exceed the quantity specified, or referred to, in column 7 of the Dangerous Goods List for those goods is appropriately marked and labelled for the purposes of this Division if, instead, it is marked and labelled in accordance with Chapter 3.4 of the ADG Code.</p> | <p>Part 8—Self-reactive substances, organic peroxides and certain other substances 91 Interpretation</p> <p>(1) In this Part – designated dangerous goods means</p> <ul style="list-style-type: none">(a) gases of UN Class 2;(b) self-reactive substances of UN Division 4.1;(c) dangerous when wet substances of UN Division 4.3;(d) organic peroxides of UN Division 5.2;(e) toxic substances of UN Division or Subsidiary Hazard 6.1;(f) infectious substances of UN Division 6.2;(g) other substances for which the proper shipping name contains the word "STABILIZED" and the self-accelerating decomposition temperature (as determined in accordance with Part 2 of the ADG Code) when presented for transport in a packaging is 50°C or lower. <p>(2) This Part also applies to the transport of empty dangerous goods packaging, and a reference in this Part to designated dangerous goods includes a reference to empty dangerous goods packaging.</p> <p>(3) In this regulation— empty dangerous goods packaging means—</p> <ul style="list-style-type: none">(a) unused pre-labelled packaging intended for use with dangerous goods; and(b) packaging that has been used for dangerous goods and is nominally empty. |

Terminology update

The term "Subsidiary Risk" has been replaced with "Subsidiary Hazard" in Regulations 4(1), 14, 91(e), 92, 95(2), 101(b), 132(1)(b), 155(1)(a)(iii), to align with the Code and the MSL. There is no change to duty holder requirements.