

LEN HALL CHEMICAL CONSULTANT

DANGEROUS GOODS SAFETY ADVISER
HEALTH AND SAFETY ADVISER
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NEWS LETTER

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A Bit of History

It is now 5 years since the Carriage of Dangerous Goods (Safety Adviser) Regulations were introduced with a commencement date of January 1 2000. The actual Regulations governing the Carriage of Dangerous Goods did not change at this point - but how they have changed since.

Having worked for many years in the chemical manufacturing industry the opportunity to become a consultant arose with the introduction of the requirement for companies involved in the distribution of chemicals to appoint a Dangerous Goods Safety Adviser.

Over the 5 years my client base has grown steadily and I owe a special thanks to those who encouraged me in the first place to go down this route and secondly to those of my clients who have introduced me to new potential clients.

I decided to put this news letter together to recognise that five years have gone by and to highlight some of the recent changes that have taken place and those which will affect us in 2005.

Carriage of Dangerous Security Requirements

Following on from the September 11 terrorist attack in the USA the regulators for the carriage of dangerous goods became more nervous about the potential for terrorists to be attracted to dangerous goods as a means of creating mayhem and loss of life in our major cities. It doesn't take a great deal of imagination to foresee the effects of the cargo of some commonplace road transport vehicles in the hands of those who may wish to do harm on a large scale.

Initially there was a voluntary code of practice and this was incorporated into ADR 2005 and as a result became part of the UK Carriage Regulations. The Regulations set out duties at two levels, the lowest level, which applies to any vehicle displaying orange plates, requires drivers to carry photo identification and all involved to receive awareness training. At the higher level of "High Consequence Dangerous Goods", which includes such items as large quantities of explosives, tankers of flammable liquids and goods of packing group I, in addition to the basic level requirements a full risk assessment and emergency action plan is required.

The Department for Transport has produced a wealth of information on this topic on their web site www.dft.gov.uk, which includes the free security training DVD/video available on request.

The security requirements of ADR are being actively policed, albeit with a soft approach at present, by VOSA who as well as roadside vehicle checks are visiting haulage contractors to ensure that driver training reflects these new requirements and, where appropriate, that security arrangements have been assessed and action plans drawn up.

All transport operators, whether own use or contracting, need to obtain the dvd/video (which comes with brief notes for drivers), and carry out a training exercise.

Driver Training

With effect from the 1st January 2007 drivers of all vehicles carrying dangerous goods above the load threshold, and therefore displaying orange plates, will be required to have a Vocational Training Certificate, normally referred to as a ADR licence. At present drivers of vehicles of less than 3.5 tonne taxation class are exempt from this requirement. Goods packed as limited quantities are exempt from the ADR carriage regulations and are not affected by this change.

If any special classes, Class 1 or Class 7, are being carried then these will be required on the ADR licence. ADR licences have to be renewed every 5 years. It is likely that there will be two consequences resulting from this change:

There will be a rush by operators to get drivers trained and certified towards the end of the 2006. It is likely to take up to three months from finding a training provider, making a booking, driver training and receipt of their ADR licence, assuming that the driver passes first time.

It is inevitable that there will be a reduction in the number of operators who will carry dangerous goods in small quantities. This will present opportunities for some of my carrier clients to secure additional business as a carrier of dangerous goods, and problems for some of my consignor clients, who may find their present distribution routes no longer available if their carrier decides that this additional requirement is one requirement too far.

The Internet

There is a wealth of information available on the Internet on topics related to Health and Safety with many Guidance Notes etc. available as free downloads. The HSE web site www.hse.gov.uk and the Department for Transport web site dft.gov.uk will provide all the information you need.

Limited Quantities

The concept of limited quantities is sometimes difficult for those associated with the carriage of dangerous goods because this concept only became a part of the UK carriage of dangerous goods by Regulations when ADR was adopted as the basis of UK Carriage of Dangerous Goods and Use of Transportable Pressure Vessels Regulations 2004.

The concept of limited quantities is quite simple. It is for the consignor to decide if he can apply the limited quantities rules. If this is the case and he packs the product in a combination pack, one or more cans in a box, and labels the box with the limited quantities label and "this way up" arrows, that package is then exempt from the whole of the remainder of the Carriage Regulations.

For the carrier this means that goods packed as limited quantities are not part of a dangerous goods load and therefore does not require a dangerous goods note, a TREM card, an ADR driver, or a specially equipped vehicle etc.

Unfortunately not all customers want their dangerous goods packed as limited quantities for obvious reasons and this approach really only lends itself to consumer and some speciality industrial products.

Changes to CHIP Regulations

Under CHIP Regulations manufacturers are required to classify their preparations in accordance with a well defined set of rules. Until recently, November 2005, only single substances were classed as environmentally harmful but preparations containing environmentally harmful substances were largely ignored. CHIP (8th edition) changed this so that the environmental effect of preparations had to be declared.

In addition to the classification issue more products have been classified as environmentally harmful. As a result of these two changes products which were not originally classified as dangerous for transport have become environmentally harmful and as a result become Class 9 for transport purposes.

Noise Regulations

With effect from 6th April 2006 the 1989 Noise at Work Regulations will be replaced by the Control of Noise at Work Regulations 2005 and as with most changes to health and safety legislation the boundaries at which action has to be taken will be tightened. In the 1989 Regulations the boundaries at which action has to be taken are lower action level 85dB(A) and upper action level 90dB(A) with a maximum exposure level of 200 pascals sound pressure. The 2005 Noise Regulations reduce these action levels to 80dB(A), 85dB(A) and the maximum exposure to 140 pascals.

The required actions are at the first action level to advise employees, make available PPE and to erect warning signs. At the second action level the employer has to make the

wearing of PPE mandatory and erect enforcement signs. The maximum exposure level is self explanatory.

An increase of 3dB(A) is equal to a doubling of the noise, so whilst these numbers are quite small. just 5dB(A), they represent a large change in real noise.

One area where I have always had concern about noise is in the operation of diesel and gas powered forklift trucks. Such trucks are often not the best maintained pieces of equipment, operated for long periods of time and the exhaust noise is often emitted close to the drivers ears. Such activities could easily exceed the current noise levels to say nothing of the new exposure levels. What about lorry drivers cabs? Will we see drivers with ear defenders? Oh yes, and what about the factory radio blasting away in the corner? Maybe this will be the chance to turn it off for ever!

Dangerous Substances and Explosive Atmospheres Regulations 2002 (DSEAR)

The DSEAR regulations represented the biggest change to the Regulations managing the storage and use of flammable materials, gases, liquids and powders since the Petroleum Act of 1928. The DSEAR Regulations brought work activities associated with flammable materials away from the prescriptive legislation of old to the modern risk assessment based approach to health and safety. The DSEAR Regulations are complicated and are supported by five codes of practice.

Whilst the DSEAR Regulations were meant to be effective from June 2003 there is a technical problem in that zoning of established premises, which is a key part of the legislation, is not required until 1 July 2006, and as a result the HSE have taken a soft approach to enforcement. But be aware, come July 2006 and the HSE will be looking for the appropriate risk assessments and actions, especially with the high profile chemical fires that have occurred in recent times.

The Complete Package

The core business of Len Hall Chemical Consultant has been, and always will be, the provision of Dangerous Goods Safety Adviser on a consultancy basis.

However I do offer, both to my current DGSA clients and other businesses, my services as Health and Safety Adviser and Quality Assurance Adviser. I have a diploma in Health and Safety and I am an IRCA registered lead auditor, and I am particularly interested in ISO18001 the Health and Safety Quality Standard. You can find more information on these topics at www.lenhallsafetyadviser.co.uk

So whether your requirement is for one off assistance or a longer term arrangement in regard to any of my three areas of expertise, I am always happy to receive your enquiries