

Marks of approval

Since the beginning of this year, new statutory ADR rules have come into force. Dave Young explains how some instructions require changes in vehicle marking and operation

Potentially the most confusing of the updated ADR regulations is the Limited Quantities (LQ) dry freight markings system. Why? Because the UK uses a different interpretation of the ruling than the rest of Europe.

This legislation applies to loads of eight tonnes on a chassis of more than 12 tonnes 'maximum mass' (ADR 2011 3.4) – effectively applying to vehicles of 18 tonnes gvw or over. But the markings can be dispensed with, if the total gross mass of goods packaged in limited quantity does not exceed eight tonnes per transport unit.

The UK has an operator-friendly view of the revised LQ legislation, taking the 12 tonnes to refer to a vehicle's unladen weight and thus exempting smaller vehicles from the need for such markings.

Essentially, says Nick Deal, manager of logistics development at the Road Haulage Association (RHA), there is "no particular benefit" to either the public or industry in altering the LQ rules. He warns, however, that the interpretation of LQ regulations may be tightened for ADR update 2013, and 2011 changes may be interpreted more harshly across mainland Europe.

Meanwhile, the revisions to Environmental Hazard Marking (EHM) rules – applicable to tankers such as the industry-typical 36,000-litre petrol delivery type – are also dismissed by Deal as "fairly pointless". He argues that tankers already display hazard boards and product codes, but now have to carry another "stating the obvious: 'Don't let this material into a water course'."

As the RHA man points out, although not toxic, leakage of a large volume of milk into a stream could have potentially damaging environmental effects, yet there is no requirement for such markings on dairy tankers.

Training changes

Another ADR 2011 change concerns Vocational Training Certificates, which will, by the end of 2012, become plastic cards, rather than the current paper documents – the goal being to prevent fraud. There is, cautions Deal, a black market in training certificates and "the DSA realised the process needed tightening".

Further, Instructions in Writing changes (affecting loads such as bitumen) are also now being implemented, having been

approved for use in 2009. It's worth noting that strict (European) interpretation would, to date, require original instructions, so Deal recommends best practice is to issue them to staff as laminated cards. That said, he is concerned that, at present, Instructions in Writing forms do not carry dates or revision numbers, and his association is currently lobbying for this to become the case.


At a general level, Andrew Jackson, a partner at Thomas Egger, the specialist solicitors, believes the tone of the ADR changes is in keeping with the overall approach now taken by the various regulatory bodies dealing with health and safety,

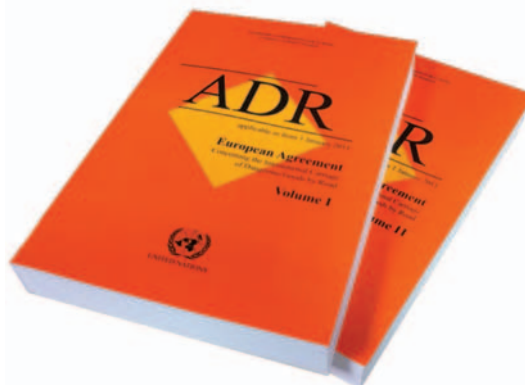
and environmental contamination generally in the UK. "Although many businesses will view these measures as simply increasing the bureaucratic burden on them, the increased personal risk on directors and senior managers of any organisation, in the event of an accident, is such that they ignore them at their peril," he believes.

And take note: "ADR permits dangerous goods travelling by road through more than one country to be exempt from the domestic

legislation in force in those countries, as long as the requirements of ADR are met in full," continues Jackson. "However, as ADR contains no provisions for enforcement, where a vehicle travelling under ADR does not comply in full that particular country's domestic legislation will govern any such enforcement."

Chris Macrae, head of policy at the Freight Transport Association, believes the "tinkering with straightforward [LQ] rules risks a danger of misunderstanding. It will be more work for managers and more complexity for supply chains," he believes.

The FTA is part of the legislative consultation process and runs regional ADR update seminars in the autumn of each year prior to impending changes. So the next can be expected late in 2012. 



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