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Ref.: T3/1.01

DSC/Circ.20
19 January 2004

EXEMPTIONS GRANTED FROM THE PROVISIONS OF THE INTERNATIONAL MARITIME DANGEROUS GOODS (IMDG) CODE

Communication received from the Government of France

1 The Maritime Safety Committee, at its seventy-seventh session (28 May to 6 June 2003), agreed that the unified interpretation set forth in the annex to MSC/Circ.1075 contained appropriate guidance for the competent authorities acting in accordance with chapter 7.9 of the IMDG Code when granting exemptions not specifically covered under the approvals, permits, certificates and other authorizations already provided for by the provisions of chapter 7.9.

2 A communication has been received from the Government of France concerning exemptions authorized under the provisions of part A, paragraph 1 of MSC/Circ.1075.

3 In accordance with the provisions of part A, paragraph 3.1 of MSC/Circ.1075, the above-mentioned communication is circulated to SOLAS Contracting Governments for their information and appropriate action, if any.

Ministry of Public Works, Transport,
Housing, Tourism and the Sea

Paris, 2 January 2004

SPECIAL COMPETENT AUTHORITY APPROVAL
No. F-13/2003/3379/AS/CLAS

The Minister,

CONSIDERING:

The International Convention for the Safety Of Life At Sea (SOLAS), 1974, as amended, published by amended Decree No. 80-369 of 14 May 1980, and the International Maritime Dangerous Goods Code (IMDG Code),

Law No.83-581 of 5 July 1983, as amended, concerning the safety of life at sea, accommodation on board ship and the prevention of pollution by ships,

Decree No.84-810 of 30 August 1984, as amended, concerning the safety of life at sea, accommodation on board ship and the prevention of pollution by ships,

The Decree of 23 November 1987, as amended, concerning the safety of ships, in particular section 411 concerning the transport by sea of packaged dangerous goods and paragraph 2 of its article 411-1.10,

Part A of document MSC/Circ.1075 concerning the granting of exemptions under the IMDG Code,

The translation into French (PML 2000-C88) of the report PML 1995-C23 issued in September 2000 by TNO Prins Maurits Laboratory, Lange Kleiweg 137, P.O. Box 45, 2280 AA Rijswijk, The Netherlands, on the classification for transport of trinitrophenol in glycol with not less than 62.3% glycol by mass,

The letter 02D2/0671 of the TNO Prins Maurits Laboratory dated 11 March 2002, and the additional information provided by the expert from the TNO Prins Maurits Laboratory on 9 July 2002,

Packaging type approval certificate No.1867, index No.1, issued on 4 April 2002 by the Bureau de Vérifications Techniques (BVT), ZAC de la cerisaie, 31 rue de Montjean, 94266 FRESNES Cedex, France,

The decision taken by the United Nations Economic and Social Council (ECOSOC) Sub-Committee of Experts on the Transport of Dangerous Goods at its 20th session, concerning the addition to the Dangerous Goods List (13th edition of the UN Recommendations on the Transport of Dangerous Goods) of two new N.O.S. entries under UN No.3379 (LIQUID DESENSITIZED EXPLOSIVES, N.O.S., class 3, packing group I) and UN No.3380 (SOLID DESENSITIZED EXPLOSIVES, N.O.S., class 4.1, packing group I) (paragraph 90 of the report of 21 December 2001 under ref. No. ST/SG/AC.10/C.3/40),

The decision taken by the IMO Sub-Committee on Dangerous Goods, Solid Cargoes and Containers at its 8th session, concerning harmonization of the IMDG Code with the 13th edition of the UN Recommendations (paragraph 3 of report DSC 8/15),

Draft amendment 32-04 to the IMDG Code as provisionally published by IMO and contained in document MSC 78/3/4,

Document BLG/Circ.13 of 16 May 2003 published by IMO, in particular the hazard profiles of ethylene glycol and 2,4,6-trinitrophenol,

Multilateral agreement M124, signed by France on 30 April 2002 and by the Netherlands on 18 April 2002 and permitting, by means of exemption from the provisions of paragraph 2.2.3.2.3 of the ADR agreement, the transport of trinitrophenol (picric acid) in glycol containing a maximum of 38% trinitrophenol by mass under class 3, in type 6HA1 composite packaging having a maximum capacity of 205 L,

The report of the meeting, on 18 June 2002, of the sub-committee on "exemptions, approvals and agreements" of the CITMD (Interministerial Committee on the Transport of Dangerous Materials), in particular its first paragraph,

The opinion of the Committee on the Transport of Dangerous Goods by Sea expressed on 10 December 2002,

The request of 4 June 2002 made by SNPE, 12 quai Henri IV, 75181 Paris Cedex 04; and

NOTING that:

According to the results of Class 1, 2 and 6(c) tests from the UN manual of tests and criteria performed on trinitrophenol/glycol (37.7/62.3) mixture, the applicant has demonstrated that this mixture was not a class 1 substance when packed in plastic receptacles (net mass of 5.5 kg) placed in a plywood box (8 receptacles per box),

On the basis of his own experience and of tests performed on packagings of various sizes containing trinitrophenol, the expert from the competent laboratory in the Netherlands has found that the use of larger packaging (e.g. 200 L drums) would not change the mixture classification that results from the tests performed with plastic receptacles placed in a plywood box,

Glycol, which has low volatility and is not easily flammable, ensures good physical stability in the mixture concerned and that, as a result, the position of the aforementioned expert can be endorsed,

In addition, the IMDG Code currently contains no entry under which to classify the mixture concerned, but that an entry will be made under UN No.3379 in the 13th edition of the UN Recommendations on the Transport of Dangerous Goods and in amendment 32-04 (compulsory entry into force 1st January 2006) to the IMDG Code, and that transportation under this UN number is currently subject to competent authority approval,

The above-mentioned new entry is the most appropriate one for describing the risks posed by the mixture concerned, provided that suitable information related to the risks, transport conditions and emergency procedures are defined in the approval,

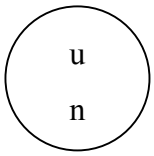
On the proposal of the Director for Maritime Affairs and Seafarers,

DECIDES as follows:

Art.1 – SNPE is authorized to transport by sea trinitrophenol (picric acid) in glycol with not less than 62.3% glycol by mass (refer to the properties in annex I) under the Proper Shipping Name "LIQUID DESENSITISED EXPLOSIVE, N.O.S." **(Class 3, UN No.3379, packing group I, no subsidiary risk)** on the conditions mentioned in articles 2 to 12 of this approval.

Art.2 – For the purposes of documentation and package marking, the Proper Shipping Name shall be supplemented by the technical name of the mixture (trinitrophenol (picric acid) in glycol with not less than 62.3% glycol by mass).

Art.3 – This mixture shall be packed in composite (plastic) packaging of type 6HA1 (plastic receptacle with outer steel drum) having a maximum nominal capacity of 205 L. The packaging shall be marked as follows:



6HA1/X 1.5 / 280/ -*
F / BVT 106234/ BLAGDEN PACKAGING FRANCE

*: year in which the packaging was manufactured

SNPE shall ensure good chemical compatibility between the mixture being carried and its packaging and accessories (closure devices, gaskets…). The packaging used shall correspond to the design type described in packaging type approval certificate No.1867, index No.1, issued on 4 April 2002 by BVT.

The packaging shall also comply with the general provisions of paragraphs 4.1.1 and 4.1.3 of the IMDG Code. They shall be lead-free and constructed so that the percentage of glycol does not fall below the stated level at any time during transportation.

Art.4 – The packaging containing the mixture mentioned in article 1 of this approval shall be placed in closed cargo transport units and secured so as to allow for adequate air circulation throughout the cargo.

The cargo transport units concerned shall be stowed on deck on cargo ships only. Transport by passenger ship is prohibited.

In addition, for the purposes of segregation, the general provisions relating to class 3 shall be applied. Moreover, the cargo transport units shall be stowed "away from" other class 3 materials, heavy metals and their salts and from sources of heat. They shall be stowed in the shade away from radiant heat and kept as cool as reasonably practicable.

Art.5 – With respect to application of the provisions contained in the document of compliance with regulation II-2/19 (ships built on or after 1 July 2002) or regulation II-2/54 (ships built on or after 1 September 1984 and before 1 July 2002) of SOLAS 74, as amended, the mixture shall be treated as a class 4.1 substance.

Art.6 – If an accident occurs involving the mixture mentioned in article 1 of this approval, reference should be made to annex II of this approval.

Art.7 – This approval is valid only between the port of LE HAVRE (France) and the port of ROTTERDAM (Netherlands). A copy of this approval shall accompany the goods concerned so that it may be produced on request and/or sent to any port of transit when necessary. The said copy, including its annexes, must be retained on board all ships transporting the goods for which this approval has been granted.

Art.8 – **This approval is valid up to and including 31 December 2005**. It may be renewed under the conditions stipulated by the Committee on the Transport of Dangerous Goods by Sea on 10 December 2002. Any failure to comply with the provisions of this approval is likely to lead to its withdrawal.

Art.9 – All other provisions of the decree of 23 November 1987, as amended, and of the IMDG Code shall be followed.

Art.10 – Prior to any shipment covered by this approval, SNPE shall notify the other competent authorities concerned. Acceptance of this approval is subject to the discretion of those competent authorities.

Art.11 – The serial number of this approval shall be indicated in the appropriate space on the transport documentation. Any incident or accident that occurs during transportation must be notified to the "Bureau du contrôle des navires et des effectifs, Direction des Affaires Maritimes et des Gens de Mer, Ministère de l'Equipement, des Transports, du Logement, du Tourisme et de la Mer".

Art.12 – Any appeal against this administrative decision must be addressed to the competent administrative court within 2 months of its date of notification to SNPE.

For and with the authority of the Minister
(Signed) The Director for Maritime Affairs and Seafarers

Michel AYMERIC

N.B. The French text serves as the basis for the translation. If any differences exist between the text in French and the text in English, the French text shall prevail.
In order to facilitate the accessibility of the electronic version of the circular in French, it has been linked to the electronic version in English, which may be found on the IMODOCS website.

Annex I of special competent authority approval F-13/2003/3379/AS/CLAS

TECHNICAL INFORMATION RELATED TO THE SUBSTANCE

Name of substance:	Trinitrophenol in glycol with not less than 62.3% glycol by mass
Synonym:	Picric acid in glycol with not less than 62.3% glycol by mass

PHYSICAL PROPERTIES

Melting point or range (before adding DMA):	≥120.5°C
Boiling point or range (DMA only):	197.5°C
Decomposition temperature (picric acid):	300°C
Relative density (at 20°C):	approx. 1.3
Vapour pressure (at 20°C):	6.8 10^{-3} kPa
Solubility in water:	Slightly soluble in water
Physical state at 20°C:	~~solid~~/liquid/~~gas~~ (yellowish suspension)

FLAMMABILITY

Flashpoint (glycol only): 111°C c.c.
Is the substance a flammable solid under para. 2.4.2 of the IMDG Code ? No
Auto-ignition temperature: Not indicated

CHEMICAL PROPERTIES

Does the substance require inhibition/stabilization or other treatment such as a nitrogen blanket to prevent hazardous reactivity ?

No. However, the substance must be packaged so that the diluent percentage does not fall below the stated level at any time during transport.

Is the substance an explosive under paragraph 2.1.1.1 of the IMDG Code ?

No, the substance is not classified in class 1, provided that the competent authority gives its approval for the use of the packaging proposed by the shipper.

Is the substance a desensitised explosive ?	Yes
Is the substance a self-reactive substance under paragraph 2.4.1 of the IMDG Code ?	No
Is the substance pyrophoric under paragraph 2.4.3 of the IMDG Code ?	No
Is the substance liable to self-heating under paragraph 2.4.3 of the IMDG Code ?	No
Is the substance an organic peroxide under paragraph 2.5.1 of the IMDG Code ?	No
Does the substance in contact with water emit flammable gases under paragraph 2.4.4 of the IMDG Code ?	No
Does the substance have oxidizing properties under paragraph 2.5.1 of the IMDG Code?	No
Corrosivity under paragraph 2.8 of the IMDG Code ?	None

BIOLOGICAL EFFECTS

Glycol is toxic on inhalation, skin contact and, especially, ingestion.

Not identified as a marine pollutant under Annex III of MARPOL 73/78

PROPOSED CLASSIFICATION AND PACKING GROUP:

UN Number:	3379
Proper shipping name:	LIQUID DESENSITISED EXPLOSIVE, N.O.S.
Class:	3
Packing group:	I
Subsidiary risk(s):	None

The information contained in this annex is based on the data provided by SNPE in its request of June 13 2002 (Ref. No.231/IG/SE), circular BLG/Circ.13 of 16 May 2003 and the information provided in relation to glycol (FDS EC Erdölchemie 745727/03 of 14 June 1999). The data are cited in this approval for information only and do not render the administration liable.

Annex II of special competent authority approval F-13/2003/3379/AS/CLAS

EMERGENCY RESPONSE PROCEDURES

The current annex, which is applicable to trinitrophenol in glycol with not less than 62.3% glycol by mass, should be used with the general provisions of the revised emergency response procedures for ships carrying dangerous goods.

FIRE SCHEDULE

General comments		In a fire, exposed cargoes may explode or their packaging may rupture. Fight fire from a protected position, as far away as possible. All crew members should be made aware of the explosion hazard and instructed to take appropriate action. SUDDEN OR SHORT-TERM EVENTS (E.G. EXPLOSIONS) MAY ENDANGER THE SAFETY OF THE SHIP
Cargo on fire on deck	**Packages**	Use copious quantities of water from as many hoses as possible. Cargo will explode or burn fiercely. Extinguishing may not be possible.
	Cargo transport units	
Cargo exposed to fire		Do not move packages that have been exposed to heat. If practicable, remove or jettison packages which are likely to be involved in the fire. If the packages are not directly involved in the fire, efforts should be concentrated on preventing the fire from reaching the cargo. This is done by keeping the packages wet, using water jets from as far away as practicable to drive the fire away. If the fire reaches the cargo, the firefighters should withdraw to a safe area and continue to tackle the fire.

SPILLAGE SCHEDULE

General comments		Wear suitable protective clothing and self-contained breathing apparatus. Avoid all sources of ignition (e.g. naked lights, unprotected light bulbs, electric hand tools, friction). Wear non-sparking footwear. Stop leak if practicable. Dried-out material may explode if exposed to heat, flame, friction or shock.
Spillage on deck	**Packages (small spillage)**	Keep spillage wet. Dispose of material overboard. Wash overboard with copious quantities of water. Keep clear of effluent.
	Cargo transport units (large spillage)	