

DfT dangerous goods guidance note 7 (revised): retail distribution

NOTE: This guidance note applies to the United Kingdom. It has been jointly produced with the Freight Transport Association.

1. Regulation 7(4) of the [Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004, as amended](#) implements a UK derogation allowing alternative carriage provisions to facilitate retail distribution of small quantities of dangerous goods. This allows the carriage of dangerous goods under the limited quantity provisions or packaged according to Chapter 4.1 of ADR without the outer packaging (ie drum, jerrican or box, or wrapping from a shrink-wrapped or stretch-wrapped tray) and without having to meet the marking requirements that would normally be required under ADR from single-layer packaging.
2. This derogation only applies to carriage within the UK for the final stages of the carriage operation, ie to an end-user from a retailer or distribution centre, or to a retailer from a distribution centre.
3. The derogation was originally agreed with the European Commission, and was implemented in the 1996 Carriage of Dangerous Goods Regulations. However, it is important to bear in mind that the package size thresholds applying to retail distribution were not replicated in the 2004 Carriage Regulations. Packages not consigned in accordance with the ADR Chapter 3.4 Limited Quantity (LQ) provisions (see Guidance Note 5) will count towards the load limit thresholds of ADR 1.1.3.6 (see Guidance Note 4). While the Carriage Regulations contain packaging and labelling easements for goods in the final stages of retail distribution, which are discussed below, the important point is that where these easements are taken advantage of, the loads are no longer generally exempt from the operation provisions of the regulations in the way they were before.
4. The amendment made in Schedule 1 paragraph 4(a) of the 2005 Carriage (Amendment) Regulations enacts an extension to the derogation allowed in Authorisation 13 (ie packages falling under ADR Chapter 4.1), which has now expired. It should be noted that the derogation only applies to goods which are not of Classes 1, 4.2, 6.2 or 7.
5. This provision is intended to cover the final stages of the retail distribution chain, eg the distribution of goods to DIY stores. When small quantities of a particular product are required, it may be necessary to break into LQ packages to select a few items to prepare an order for delivery to individual DIY stores. The effect of this provision is that the packaging does not have to be marked with UN certification marks or the hazard symbols.
6. Carriage on these terms must be part of the final distribution stage, from depot to retailer or end user (or retailer to end user), or an equivalent return journey.
7. The total quantity of goods on the transport unit must not exceed more than 30kg or litres per substance or article (eg colour of paint or size of tin), nor more than 333kg or litres per transport unit.
8. However, such a load is no longer generally exempt from ADR. The minimum provisions will apply as long as the 1.1.3.6 limited load provisions are not exceeded (which will often be the case). Those provisions are:
 - general staff (including driver) training - see ADR Chapter 1.3
 - carrying of a 2kg cab fire extinguisher - see ADR 8.1.4.2
 - stowing of the load properly - see ADR 7.5.7 (this is required by other road carriage legislation in any event)

9. Some carriers may be best advised to provide the driver with a "Retail Distribution Dangerous Goods Load Card" that can be shown to enforcement officers. This is useful because as long as the limited load thresholds are not exceeded, there are no documentation requirements in the UK. Some transfers are done by "paperless" systems, so the driver may have no documentation at all. The use of the Card is voluntary, but is designed to avoid misunderstandings at roadside checks. Where there is no card, the driver would have to describe the journey and the load and show that the relevant conditions are met. The Card is annexed to this document (further copies are available from Chris MacRae, Policy Manager--Dangerous Goods, Freight Transport Association 07818-450353 or email cmacrae@fta.co.uk).
10. The relevant trade associations have been advised by HSE that duty holders must be able to show, when requested to do so by an HSE inspector
 - that they have procedures in place to ensure that vehicles will not be loaded outside the limits allowed by Regulation 7(4) (as amended), and
 - that there are relevant training procedures in place (to include short-term agency drivers) and that appropriate records are kept as per ADR Chapter 1.3.

Regulatory Requirements: compliance issues

11. Compliance problems with Regulation 7(4) of the Carriage Regulations can be caused by virtue of the nature of the retail logistics supply chain where individual retail stores order stock keeping units (SKUs) in variable quantities and pull them down the supply chain from national and regional distribution centres in variable order quantities to meet stock - keeping levels responsive to customer demand. It is the responsiveness and flexibility of this system that leads to logistical demands to "split-pack" dangerous goods combination packagings of both LQs and non-LQs. This can lead to problems with ADR 1.1.3.6 load limit thresholds for non-LQs not split-packed and also with the 30 l / kg SKU and 333 l / kg load ceilings of Regulation 7(4) of the Carriage Regulations for split-packed goods. The freedom of individual stores to order SKUs responsive to sales throughput leads to problems in controlling compliance with these limits / ceilings as described above.

Compliance Options

12. Initially there appear to be two:

- a) Stop split-packing LQs and control non-LQ non-split-packed lines within ADR 1.1.3.6 or
- b) Implement a system of controls on all dangerous goods in retail supply chains to keep within both ADR 1.1.3.6 for non-LQs non-split-packed and Regulation 7(4) of the Carriage Regulations for split-packed goods.

- A third linked option exists, however:

- c) If the "tote" boxes used for carrying split-packed inners of dangerous goods to the retail stores after split-packing from their original combination packaging meet the general requirements for packaging suitability for normal conditions of carriage of Chapter 4.1 of the UN and ADR Texts (including being lidded) then so long as all of the provisions for carriage of LQs in ADR Chapter 3.4 including the 30kg gross maximum mass and compatibility of the dangerous goods with different dangerous goods or non-dangerous goods packed together were complied with, then that carriage would again enjoy the easements afforded by ADR Chapter 3.4 to LQs. Crucially, it is agreed that the LQ mark as per ADR Chapter 3.4 could be put on the lid of the box: this could make logistical control easier.

(Note: ADR only allows the letters "LQ" to be used if more than one UN number of dangerous goods is present as inners in the outer packaging: if all goods are of the same UN number then the actual UN number preceded by the letters "UN" must be used.)

13. Utilising option c) above could remove a large part of the "problem" of managing compliance with split packaging limits / ceilings as such goods could again enjoy Limited Quantity easements and therefore not count to the 30 / 333 ceilings of Reg 7(4) or 1.1.3.6 of ADR, and allow more system based controls as per option b) above to be put in place more easily for what dangerous goods could not take advantage of option c).
14. It should be noted that PP1 of Packing Instruction P001 may be utilised within the terms of PP1.
15. If "display packs" contain shrink wrapped trays or boxes correctly marked as LQs, then the display box is an overpack. Alternatively, if the box contains UN marked packagings then again the box is an overpack. However, if the "display pack" does not meet either of these conditions then the display box will need to be tested as a UN packaging. For aerosols the test will not be required BUT no display box can exceed 50kg in fibreboard (Packing Instruction 204) and this Packing Instruction does not need UN testing. For other substances and articles then the limits of the relevant packing instruction can apply. Of course this will lead to other implications with ADR in respect of 3.4.7 and 5.1.2 for use of overpacks for LQs and non LQs respectively.

IMDG Code issues

16. It should be noted that notwithstanding the "packaged for retail sale" easement of IMDG Code 3.4.7 (*"Limited quantities of dangerous goods for personal or household use that are packaged and distributed in a form intended or suitable for sale through retail agencies are in addition exempt from marking of the UN Number on the packaging"*), it may not necessarily be taken advantage of by option c) as shown above in respect of the Maritime & Coastguard Agency requirement to mark the "transit" packaging. Therefore the requirements of the Code in Chapter 3.4.5 for Limited Quantities packages to be marked with the UN Number (or numbers) of the goods contained therein (which ADR also allows as an option) and 3.4.4 in respect of segregation must be complied with.
17. Such limited quantity carriage by sea does also require dangerous goods documentation as per IMDG Code Chapter 5.4, additionally endorsed with the words "Limited Quantity" or "LTD QTY," and cargo transport units containing such goods need to be marked on the exterior as "LIMITED QUANTITIES" or "LTD QTY" not less than 65mm high in accordance with 5.3.2.4 of the IMDG Code.

"Home Shopping" Deliveries

18. It should be noted that the basic operational provisions of ADR apply, as per paragraph 8 above.

DfT Dangerous Goods Branch December 2004, revised September 2005

Carrier name

Address

The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004

and

The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment (Amendment) Regulations 2005

RETAIL DISTRIBUTION DANGEROUS GOODS LOAD CARD

Road Transport

This transport unit is carrying dangerous goods in accordance with the provisions of Regulation 7 (4) of The Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations 2004, as amended.

Certain goods have been removed from their "Limited Quantity" (LQ) packaging for distribution to retail sites.

This is allowed by Regulation 7 (4) of the regulations subject to limits on the quantities so carried.

This document confirms that those thresholds are not exceeded.

The "non LQ" load is within the thresholds specified in part 1.1.3.6 of ADR and by virtue of Regulation 3(7)(a), dangerous goods documentation is not required.

For further information please contact

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