



Industry Consultation Paper

Proposed amendments to the European Communities (Carriage of Dangerous Goods by Road and Use of Transportable Pressure Equipment) Regulations 2011 to 2015 concerning Pressure Receptacles constructed before 1 July 2003

Introduction

The Health and Safety Authority propose to review and amend as necessary the above regulations concerning national provisions for the inspection, testing and use of “national use only” pressure receptacles, i.e. Part 8, National Transport Exemptions of S.I. 349 of 2011 as amended by S.I. 238 of 2013 and by S.I.s 31 and 288 of 2015.

This paper only deals with proposals in relation to *Regulation 55, Pressure Receptacles constructed before 1 July 2003*.

Background

Pressure receptacles (gas cylinders) are designed, constructed and maintained in accordance with the European Agreement Concerning the International Carriage of Dangerous Goods by Road (ADR) and in more recent times, the Transportable Pressure Equipment Directive (TPED). In circumstances where national requirements differ from EU Directives, national provisions in legislation provide a means by which national standards may be specified. These provisions apply to national operations and therefore generally restrict affected equipment, such as gas cylinders, to national use only. Pre 2003 construction cylinders were still “ADR cylinders” at the time of construction but prior to “pi” marking of cylinders and the added provisions introduced by ADR/TPED for post 2003 constructed cylinders. These older cylinders may therefore be transported across ADR contracting parties as ADR compliant but are subject to a restriction on the use, i.e. filling and emptying cycle, therefore these cylinders are restricted to national use.

National provisions deviate from the international established norm and are therefore reviewed regularly to ensure they provide adequate safety controls and continue to be justified in maintaining a situation different to international standards. As with the recent approach to ADR road tanks (see [industry consultation](#) in relation to tanks carried out in 2014), current provisions for pressure receptacles have been reviewed.

The review to date has assessed current practice, i.e. industry procedures employed to inspect and test pressure receptacles, national provisions and the deviation from ADR provided by the national provision (Regulation 55).

Consideration has also been given to Ireland's common border with the UK and standards established in that jurisdiction. The significance of having differing standards between the UK and Ireland is that of having potential restrictions in trade and services between neighbouring jurisdictions (Ireland, Northern Ireland and Great Britain).

To further assist in the review process we are now requesting input from industry stakeholders. We are proposing to amend current regulations to align national provisions more closely with the ADR and as a consequence, more closely with the equivalent provisions in the UK. This will have the effect of improving safety standards in line with other ADR contracting parties and may remove potential restrictions in the free use of pressure receptacles between Ireland and the UK (primarily Northern Ireland).

Proposed amendments affecting pressure receptacles

Pressure receptacles are currently subject to periodic inspection and testing in line with ADR requirements in terms of the inspection intervals and the inspection regime, dictated by the relevant provision of ADR and or specific standard. These inspections may be carried out by a *competent person* for cylinders constructed prior to July 2003.

It is proposed to amend the provisions of Regulation 55 so that pressure receptacles constructed before 1 July 2003 shall be -

- **Already in use within the State prior to the effective date of the amending legislation which is expected to be 1st July 2017 i.e. non- pi marked cylinders cannot be imported for use after that date, and**
- **periodically inspected by a suitably accredited inspection body or by a competent person under the surveillance of an inspection body i.e. they can no longer be periodically inspected by a competent person unless under supervision by an accredited inspection body.**

- The inspection body shall be approved a competent authority

Therefore any pressure receptacle in use from 1st July 2017 must be either an existing pressure receptacle within the State at that time or must be ADR/TPED compliant, i.e. pi marked.

Providing Feedback

As part of the consultation process industry are asked to provide comment on the above proposal -

Feedback should be made by email to chemicals@hsa.ie prior to 6th January 2017.

Following submissions by industry the HSA may hold a meeting(s) with stakeholders to discuss these proposals and to provide feedback on industry submissions.

This document has been circulated to stakeholders known to the HSA, but if you are aware of potentially affected organisations or representative bodies who are not on the circulation list please advise the Authority or forward this communication to them directly.

This consultation paper will be made available on the ADR section of the HSA website, at [http://www.hsa.ie/eng/Your Industry/ADR - Road Transport of Dangerous Goods/](http://www.hsa.ie/eng/Your_Industry/ADR_-_Road_Transport_of_Dangerous_Goods/)

Further Information

Draft proposals to national provisions (proposed revisions in red bold).

Regulation 55

“Pressure receptacles constructed before 1 July 2003

55. Notwithstanding Part 2 of these Regulations, a receptacle used for the transport of gases of the ADR Class 2 and its fittings, that is not fully in compliance with Chapter 6.2 of the ADR and that was constructed before 1 July 2003 **and in use within the State prior to 1 July 2017** is taken to comply with the ADR where—

(a) all practicable steps are taken to ensure that the receptacle and its fittings are—

(i) properly designed, of adequate strength, good construction and free from obvious defect,

- (ii) constructed of materials that are not chemically incompatible with or liable to react dangerously with the dangerous goods being carried,
- (iii) suitable for the purpose for which they are being used,
- (iv) designed, constructed and maintained so as to prevent any of the contents escaping except in the interests of safety, where the contents may be released using a suitable safety device, and
- (v) **periodically inspected by an inspection body, accredited type A or B or a competent person under the surveillance of an inspection body type A and otherwise in accordance with the relevant ADR subsections 6.2.1.6, 6.2.2.4, 6.2.3.5, 6.2.4.2 and** at the intervals specified in the ADR and after any major repairs which may affect the integrity or safety of the receptacle,

and

(b) the receptacle has the following particulars stamped either into the metal on a reinforced part of the receptacle **or indelibly printed on the cylinder or on** a ring or disc immovably affixed to the receptacle—

- (i) the name of the owner,
- (ii) its serial number,
- (iii) its year of manufacture,
- (iv) its water capacity in litres,
- (v) its test pressure,
- (vi) (I) the year and, subject to sub-clause (II), the month of its last thorough examination,
 - (II) where a receptacle is used to carry gases of the ADR Class 2 for which the interval between periodic inspections is 10 years or more the month of the last thorough examination need not be indicated,
- (vii) (I) the tare weight of the receptacle without fittings and accessories,
or
 - (II) in the case where the receptacle is a liquefied petroleum gas (LPG) (propane, butane or mixtures of propane and butane of the ADR Class 2, with UN numbers 1978, 1011 and 1965 respectively) cylinder the tare weight inclusive of fittings and accessories,

and

- (viii) the identification mark of the **inspection body responsible for the periodic inspection.**

Notes.

“Competent person” as defined by S.I. 349 of 2011, paragraph (2):

(2) (a) For the purposes of the relevant road transport statutory provisions, a person is deemed to be a competent person where, having regard to the task he or she is required to perform and taking account of the size or hazards (or both of them) of the undertaking or establishment in which he or she undertakes work, the person possesses sufficient training, experience and knowledge appropriate to the nature of the work to be undertaken.

(b) Account shall be taken, as appropriate, for the purposes of paragraph

(a) of the framework of qualifications referred to in the Qualifications (Education and Training) Act 1999.

Accreditation: Accreditation is provided by an accreditation body recognised by the European Co-operation for Accreditation. The competent authority in Ireland responsible for accreditation is INAB www.INAB.ie

Under ADR/TPED, pressure equipment inspection and testing must be performed by or under the surveillance of an inspection body accredited to EN ISO/IEC 17020: 2012 (except clause 8.1.3) type A.

Periodic inspection of pressure receptacles may also be performed by a Type B accredited body.

Inspection body: In accordance with ADR an inspection body performing inspections, checks and tests shall be appointed by the competent authority and shall be appropriately accredited to EN ISO/IEC 17020:2012

Please note all queries, requests for clarification etc. should be sent to chemicals@hsa.ie or contact Stephen McGarry at 01 614 7191.