

Why consignor-only companies involved in dangerous goods transport must check their status

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Pietro Di Tondo, regulatory manager at REACHLaw UK, says with new safety responsibilities from 1 January, businesses need to know they have the correct arrangements in place



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For consignor-only companies involved in the transport of dangerous goods, there is an imminent deadline that they may have overlooked.

In 2019 the International Carriage of Dangerous Goods Regulations for road (ADR) and rail (RID) were amended to require consignor-only companies to appoint a dangerous goods safety adviser (DGSA) by [31 December 2022](#).

As these companies were previously exempt, a four-year transitional period (transitional measure 1.6.1.44) was granted to allow time to do this. However, the changes will enter into force from 1 January. I hope this article will serve as a reminder to businesses to check their status and act if necessary.

To understand this, let's start with an overview of the regulatory change and where it comes from.

Organisations that transport dangerous goods must pack and carry them according to international regulations such as the ADR and RID, which apply both in Great Britain and Northern Ireland through a piece of legislation called the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations (as amended). This is a legal requirement.

Previously under the ADR and RID, companies were only required to appoint a DGSA if their business regularly packed, filled, loaded, unloaded or transported dangerous goods. However, the changes now mean that anyone involved in the organisation of transporting dangerous goods, even only as a consignor, must have a DGSA by the end of this year.

With this change in mind, it is important to understand what the role entails, and its responsibilities.

What is the role of a DGSA?

A DGSA should be a competent person able to advise on the safe transport of dangerous goods, nationally and internationally. Their role is to help control the risks inherent in such activities in relation to people, property and the environment.

DGSAs generally complete training and pass specific exams to gain their qualification, which must be renewed every five years. Their duties and responsibilities include:

- monitoring compliance with the requirements governing transport of dangerous goods;
- advising the business on the transport of dangerous goods;
- preparing an annual report on the business' activities

- and performance in the transport of dangerous goods;
- monitoring the provision of training and advice to other staff;
- investigating any accidents or infringements of regulations and preparing reports; and
- reporting incidents and accidents to the Department for Transport.

Companies have the option to either train a member of staff or appoint a third-party (consultant). Often when appointing internally, they chose to incorporate this qualification into other roles in the organisation, such as within the product stewardship, regulatory or shipping departments. The company has final responsibility for this decision, which may require consideration of multiple factors, such as:

- how many DGSA's are needed based on the number of operating sites;
- the level of complexity of cases to be dealt with;
- if knowledge of a specific class of dangerous goods is needed; and
- if further module knowledge is required through the company operating in additional modes of transport such as air (International Air Transport Association) or sea (The International Maritime Dangerous Goods).

What is meant by consignor?

The ADR defines a consignor as: "an enterprise which consigns dangerous goods either on its own behalf or for a third party. If the transport operation is carried out under a contract of carriage, consignor means the consignor according to that contract" [ADR/RID-1.2.1].

Practically speaking, a consignor prepares the consignment for carriage, making sure the requirements of the ADR are met before any dangerous goods are transported. Typically, their responsibilities are to classify, mark or pack the dangerous goods, and provide the carrier with the correct information in the form of transport documents. An organisation that is office-based and does not undertake the packing, filling, or loading can still be classed as the consignor while focusing on the other responsibilities.

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As previously mentioned, both the ADR and RID apply in Great Britain through the Carriage of Dangerous Goods and Use of Transportable Pressure Equipment Regulations, with Northern Ireland having its own, similar legislation which makes it applicable – therefore this requirement for a consignor-only company to appoint a DGSA applies in the United Kingdom. However, as both laws are international agreements, this affects companies when operating within other countries that are signed up to them such as France, Spain, Germany and Italy. A full list of countries can be found on the relevant websites for ADR and RID (see 'further information' below).

Why should businesses comply?

There are several reasons why organisations should comply. The first is outlined within ADR (1.8.1) which specifies that the Department for Transport can ask the responsible DGSA to produce an annual report, along with other relevant information, at any moment.

Failing to comply with the relevant requirements can result in an inspection from enforcement bodies, which can cause costly interruption to business activities.

Lastly, the changes will help to increase the safety of the dangerous goods regime within the United Kingdom and internationally.

As a final note, there are exemptions from appointing a DGSA. If you are unable to work out if they apply, consult with an expert who can help you to understand your company's responsibilities.

The views expressed in this article are those of the authors and are not necessarily shared by Chemical Watch. The author transparency statement can be seen [here](#).

FURTHER INFORMATION

[ADR →](#)

[RID →](#)

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