# Questions to be considered as part of the consultation

**European Communities (Carriage of Dangerous Goods by Road and use of Transportable Pressure Equipment) Regulations, 2011 (S.I. No. 349 of 2011) as amended**

1. **It is proposed to delete Schedule 4 Part 1 (2) which states:**

**Sections 2, 3, 4 and 6 of the LPG ITA Code of Practice 2 of January 1974.**

1. A fixed tank or tank-container, complying with Sections 2, 3, 4 and 6 of the LPG ITA Code of Practice 2 of January 1974, issued by the United Kingdom Liquefied Petroleum Gas Industry Technical Association, and used for the carriage of propane, butane or mixtures of propane and butane of the ADR Class 2 with the UN Numbers UN 1978, UN 1011 and UN 1965, is deemed to comply with paragraph 1 (*a*), (*b*), (*c*) and (*e*) where the tank has been designed, constructed and initially tested in accordance with—
   1. one of the following standards of the ‘British Standards Institution’—
      1. BS 1500: 1958, entitled ‘Fusion Welded Pressure Vessels for General Purpose’,
      2. BS 1515: 1965, entitled ‘Fusion Welded Pressure Vessels for Use in the Chemical, Petroleum and Allied Industries’, or
      3. BS 5500: 1976, entitled ‘Specification for Unfired Fusion Welded Pressure Vessels’;

or

* 1. the ‘ASME Boiler and Pressure Vessel Code: 1962: Section VIII, Pressure Vessels’ of the ‘American Society of Mechanical Engineers’.

Do you have any comments or concerns regarding the proposal to delete this provision?

If the answer to this question is Yes, please outline your comments or concerns.

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1. **Regarding the proposed amendment to Schedule 4 Part 1 (3)(c)(i) on hydraulic testing, the following is proposed for pre-2003 tanks for UN1202, UN1203, UN1223 and UN1863[[1]](#footnote-1):**

From six months of entry into force of the amendments, the above national tanks will be assessed at their next inspection (periodic or intermediate) due date to determine if they are suitable for hydraulic testing.

***1: Tank shell and compartments deemed suitable for hydraulic testing.***

Tank and compartments are hydraulically tested.

Subject to satisfactory completion of the hydraulic test, the tank can remain in use. If a tank fails the hydraulic test, it needs to be determined if remedial works can be carried out and the tank retested. If remedial works cannot be carried out or the tank does not pass the retest, it is taken out of service immediately.

***2: Tank shell deemed to be suitable for hydraulic testing, but compartments are deemed unsuitable for hydraulic testing.***

For a tank where the compartments are deemed not to be suitable for hydraulic testing, but the shell is suitable, the compartments will be leak proof tested and the shell will be hydraulically tested.

Subject to satisfactory completion of the leakproof test of the compartments and hydraulic test of the shell, the tank can remain in use for three years from the date of inspection after which time the tank will be taken out of use.

If a tank fails the hydraulic test, or leakproof test it needs to be determined if remedial works can be carried out and the tank retested. If remedial works cannot be carried out or the tank does not pass the retest, it is taken out of service immediately.

***3: Neither tank shell or tank compartments deemed suitable for hydraulic testing.***

The tank is taken out of service immediately after the date of inspection.

Do you have any comments or concerns regarding these proposals?

If the answer to this question is Yes, please outline your comments or concerns.

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1. **Regarding the proposed amendment to Schedule 4 Part 1 (3)(c)(ii) to (iv) which states:**
2. For tanks used for the carriage of powdery or granular substances the hydraulic test may be omitted and replaced by a leakproofness test.
3. For vacuum insulated tanks the inspection of the interior and hydraulic test may be omitted when the vacuum is verified by test. Vacuum test results shall be included on the certificate of examination.
4. For fixed tanks carrying chlorine only the periodic test shall be carried out every 3 years, no intermediate inspection is required.

Do you use national tanks (pre-2003) as specified in parts (ii), (iii) and (iv) for the carriage of dangerous goods?

If the answer to this question is Yes, please outline any comments or concerns you may have regarding this proposal.

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1. **In the draft amends to Schedule 4 Part 1 (3)(e)(ii) which relates to exceptional inspections, it is envisaged that competent persons will not be able to perform exceptional inspections.**

Do you have any comments or concerns regarding this proposal?

If the answer to this question is Yes, please outline your comments or concerns.

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1. **With respect to Regulation 54 as it relates to Schedule 4, it is proposed that a competent person will not be able to perform an examination, inspection, test or issue the corresponding certification for a national tank which is owned and or operated by the competent person.**

Do you have any comments or concerns regarding this proposal?

If the answer to this question is Yes, please outline your comments or concerns.

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1. **Do you use demountable tanks, tank containers, portable tanks or multiple element gas containers (MEGCs) constructed pre-2003 for the transport of dangerous goods?**

If the answer to this question is Yes, please provide information on:

* the numbers in use,
* the dangerous goods they are being used to transport, and
* if they are being inspected by competent persons.

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1. **The anticipated cost associated with the amends are:**
2. **Administrative costs**

* Requirement for competent persons to have documented written test procedures
* Requirement to hold tank records
* Requirement associated with certification forms

1. **“Physical” costs**

* **Hydraulic testing of tanks** - this test will be an added cost for tank operators. Competent persons may need to purchase equipment to carry out this test. Alternatively, a competent person may lose business if an operator decides to get all tank testing, including the hydraulic test, completed by an accredited inspection body. (The proposed amends will not prohibit a competent person if they have the relevant equipment from undertaking the test nor will they prevent the competent person arranging for an accredited inspection body to undertake this part of the overall inspection).
* Testing of Annex C LPG tanks by an accredited inspection body.
* The cost of disposal of a tank that cannot be hydraulically tested.
* Marking of tanks.
* Other costs such as training, legal, consulting etc.

Costs associated with testing have been estimated and included in the Regulatory Impact Assessment (RIA) see section 2.4 and below.

*From initial discussions with a tank inspector, the cost to a tank operator/owner for a hydraulic test on a national tank would be approximately €300 (equating to €50/annum over a 6-year period - the test is done every 6 years). The hydraulic test part of the inspection for pre 2003 tanks can in any event be undertaken by an existing accredited inspection body (AIB).*

Do you have additional information on costs in relation to the envisaged costs outlined?

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1. Legal text to be drafted after public consultation. [↑](#footnote-ref-1)