



**ROAD TRANSPORT FORUM NEW ZEALAND INC  
SUBMISSION TO MNZ  
ON  
Proposed Amendments to Maritime  
Rule 24A**

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## **SUBMISSION BY ROAD TRANSPORT FORUM NEW ZEALAND TO MARITIME NZ ON PROPOSED AMENDMENTS TO MARITIME RULE 24A**

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### **1.0 Road Transport Forum New Zealand**

1.1 Road Transport Forum New Zealand is a nationwide organisation of voluntary members drawn from the road transport industry and includes owner-drivers, fleet operators and providers of services to freight transport operators. The Forum provides services to and public policy advocacy for its members.

1.2 The Forum's Constituent Associations include:

- National Road Carriers (Inc)
- NZ Road Transport Association Region 2 (Inc)
- Central Area Road Transport Association (Inc)
- NZ Road Transport Association Region 4 (Inc)
- Combined Owner Drivers Association (S.I.) Inc (Trading as NZ Trucking Association)
- NZ Road Transport Association Region 5 (Inc)

1.3 The Forum's Associations have in excess of 4,000 members and associate members who operate approximately 17,000 trucks over 3,500 kg or 80% of the hire and reward truck fleet in New Zealand.

1.4 The Forum is the authoritative voice of New Zealand's road transport industry which employs 22,600 people (3.0% of the workforce), has a gross annual turnover of \$6 billion and carts over 80% of New Zealand's land based freight.

### **2.0 Comment**

2.1 New Zealand, as signatories to the International Maritime Dangerous Goods Code is obliged to meet the IMDG requirements when transporting dangerous goods by water. When transporting dangerous goods by land road freight transport operators are required to meet the provisions of New Zealand's Dangerous Goods

Rule: Rule 45001 and also observe the requirements within the Dangerous Goods Standard: NZS 5433.

2.2 Currently, when heavy vehicles that are transporting dangerous goods are carried on ships domestically IMDG Code requirements are required to be met. There are circumstances where requirements within Rule 45001 and NZS 5433 contrast significantly with IMDG Code provisions.

2.3 Rarely are road freight transport vehicles that are carrying dangerous goods transported internationally on ships. Given the infrequency of such voyages we have provided no comment in respect to the international component of the amendment rule.

2.4 In its previous iteration (the 2011 draft) a valiant effort was made to create a more seamless modal transition. This was achieved by enabling land transport legislation to take dominance over the IMDG code.

### 3.0 **Forum Response**

3.1 The 2012 discussion paper compares conditions in New Zealand and other OECD nations and seemingly the simplest action to take when transporting dangerous goods by water borne modes would be to more completely observe IMDG code requirements.

3.2 New Zealand does not have the same legacy of alignment with the IMDG code that other OECD nations do. Encouraging greater compliance with IMDG code requirements will not:

- be the most cost effective option for New Zealand
- increase freight inter-modality
- significantly enhance safety

- 3.3 The document states that "*some 2.2 million TEUs pass across New Zealand wharves each year*". That freight is predominately cleared from ports by road freight transport vehicles. Typically, after that freight is cleared from the ports it is transported away to customs depots, de-vanned and the majority of that freight is then delivered by road.
- 3.4 The road freight transport industry transports approximately 70% (in tonne/km) of all freight in New Zealand. The majority of the remaining portion is carried by rail (15%) and coastal shipping (15%). A small volume is transported by hand or in small vehicles.
- 3.5 Estimations are that 5% of shipping containers entering New Zealand contain dangerous goods. A minor proportion of that volume is transported on water. This highlights the relatively small volume of dangerous goods transported by water compared to land.
- 3.6 That is not to say that no risk exists when transporting dangerous goods on vessels. We are only highlighting the vast disparity in freight volumes transported on land compared to that of water borne transport.
- 3.7 It is important to understand this difference as some of the proposals discussed, while having minimal effect on seafarers will have far greater ramifications from a land transport perspective.
- 3.8 New Zealand's excellent dangerous goods transport safety record is due to the effectiveness of land transport legislation.
- 3.9 The Dangerous Goods Rule is readily available and free to access in New Zealand. Although access to the Standard is not free it is readily accessible in New Zealand. There is a high level of familiarity with both in New Zealand.

3.10 The IMDG code by comparison is foreign to the land transport industry. It is not readily available and is not free. (Purchase cost \$390 NZD + shipping costs)

### **Training**

3.11 In 2009 the EPA estimated (during their assessment of the Controlled Substances Licensing) that there were 930 Approved Handlers in New Zealand. That same year NZTA records indicated that there were a total of 34,221 "live" holders of "D" licence endorsements. It was estimated that 11,400 of those active licence holders were active in the road freight transport industry.

3.12 Enforcing the IMDG code more rigorously in New Zealand would require the majority of these personnel to train to that code. Typically DG training creates a day of lost productivity per person. Commercial heavy vehicles usually provide returns of \$300- \$400 per hour when operating.

3.13 Dangerous goods training courses range from \$350-\$450 per person. The cost to train to IMDG standards would be similar.

3.14 The worst case scenario equates to nearly \$5.5 million in training costs. Lost productivity while training is being conducted could exceed \$30 million. These costs could be considered conservative as amendments to dangerous goods handling requirements would have an effect on the complete supply chain and its personnel.

3.15 These costs would be incurred without creating safer dangerous goods handling procedures in New Zealand.

### **Placarding**

3.16 The current discussion covers IMDG code requirements where vehicles and loads that are being transported on water borne vessels are required to be placarded on four sides rather than the land transport practice of placarding the front and rear of vehicles (or the front of a truck and rear of a trailer when in combination).

3.17 There are times when trucks and trailers are separated and transported individually on vessels. Usually this results in the vehicles being insufficiently placarded.

3.18 Rather than apply the full IMDG requirements in these situations it would be more practical to require that those vehicles are individually placarded front and rear.

### **Segregation**

3.19 The discussion document invites feedback on suggestions to apply IMDG code requirements to the segregation and stowage of dangerous goods. These requirements would also apply when loading and segregating dangerous goods on road freight vehicles that are to be carried on water borne vessels.

3.20 Given the exceptional safety record that the land transport industry has in this area there is no valid reason to apply additional and unfamiliar requirements to what are already comprehensive safety conditions.

3.21 Although dangerous goods might be segregated and stowed in accordance with land transport requirements inter-vehicle segregation would remain a concern when parking road freight vehicles in close proximity to each other on water borne vessels.

3.22 The positioning of vehicles on vessels is the responsibility of ship master's. No dangerous goods handler can predict in advance (and therefore position dangerous goods accordingly) where heavy vehicle's will be parked on vessels or what other vehicles will be parked near them.

### **DG declaration**

3.23 Rule clause 24A.43 exempts carriers from having to comply with IMDG code requirements if they meet certain provisions within that

clause. One of these provisions is for dangerous goods transport documents to be in accordance with “a Multimodal Dangerous Goods Form or approved dangerous goods declaration in accordance with Chapter 5.4 of the IMDG Code”.

- 3.24 The multi modal example of the dangerous goods form within the consultation document is similar to the IMDG’s document format. The IMDG code format contains some variances that are not required within NZS 5433 that could create unnecessary complications for road freight transporters.
- 3.25 During the Standard’s revision in 2011 considerable effort was put into designing multimodal dangerous goods and packing declarations. The dangerous goods Standard committee grappled for some time with conceptual declaration designs as the maritime position was to include IMDG code requirements. For reasons alluded to above the majority (all but the MNZ representative) of committee members favoured not having any IMDG influence within the multi modal document.

## **CONCLUSION**

Maritime New Zealand has the opportunity to put in place a truly intermodal dangerous goods system that will enable efficient, seamless transitioning between land and maritime transport modes.

It would be extremely inefficient if any domestic voyages made by ships transporting dangerous goods would be required to observe IMDG code requirements.

New Zealand has an excellent dangerous goods transport safety record. This is due to the effectiveness of land transport legislation. It would be no less safe to apply those requirements in water borne situations.

If adopted as per suggestions in the discussion document the IMDG code would take precedence over land transport legislation. That would have wide ranging negative effect.

If the IMDG code is more fully incorporated into New Zealand legislation it is unlikely that land transport legislation would adopt these changes.

Doing so would also duplicate training requirements and would require familiarity with two similar but separate pieces of legislation. This should be avoided.