

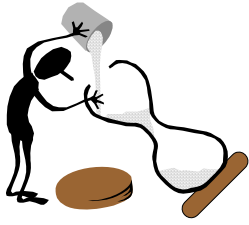


# THE HAZMAT NEWS NETWORK



Regulatory Resources, Inc. 240 Joshua Road Kennewick, WA 99338

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**HI...AFTER A LONG ABSENCE.** I've put some sand back in the hour glass and am hoping I can resurrect The Hazmat News Network newsletter again. My last issue was way back in January 2010. You can say I've been a bit preoccupied in the last year. I hope you enjoy it!

**THE NEWSLETTER WILL BE A BIT DIFFERENT** than it has in past years. Since January 2010, there have been a lot of rulemaking actions. It would be too difficult to include all of them on this single-page newsletter format. So rather than me providing this information each month, I'd like to introduce you a technical journal that has just that type of information...and maintains it so you can check what docket actions are open and when they become effective. *"The Journal of HAZMAT Transportation"* is a publication that dedicates itself to the domestic and international hazardous materials regulations. The Journal is a publication of PRI International, Inc. Anyone responsible for hazardous materials (including hazardous wastes) packaging and/or transportation should subscribe to this Journal. And no, it's not free. A subscription is necessary and well worth the cost. I guarantee you'll recoup your investment by being able to keep track of the docket actions (real time with email notices, too) let alone all the informative articles. In fact, the publisher is happy to provide no-obligation guest user access to their website and a complimentary copy of the publication. Check it out: [www.hazmatship.com](http://www.hazmatship.com). And no, I'm not getting anything for promoting the Journal (it's just that good).



**WE STILL DO REGULATORY TRAINING!** I want to thank all of you for your continued calls and emails asking about our training classes. It seems most of my time is consumed by consulting work...but I still get a few classes in. This year, we have two classes scheduled with other offering still being finalized. The two classes already confirmed are listed below (click on them to link to the registration form and syllabus).



- [Comprehensive RCRA Waste Workshop, May 16-20, 2011](#)
- [Shipping of Rad by DOT Ground & ICAO, Jul 26-29, 2011](#)

Look for our DOT Explosive Class and Advanced DOT Waste Class yet to come.

**DOT LETTERS OF INTERPRETATION** can be a great source of information. However, once in a while we read one that makes us want to bang our head against the wall...or desk. The illustration



here is who I believe to be the father of regulatory compliance. I came to this conclusion because of the shape of his forehead...years of head banging! Here's a couple of "clarifications" from recent letters.

— Ref. No. 10-0220; Dec 15, 2010. The questioner asks PHMSA if it's okay to classify damaged aerosol cans (i.e., dented, spray nozzle missing, cover cap missing) as ORM-D and send them for repair/reconditioning. PHMSA responded that the ORM-D classification was valid. Then they went on to say that an aerosol "without a self-closing release device that would allow the contents to be ejected by a gas cannot be shipped as an aerosol." In other words, if the spray nozzle is missing the aerosol can is no longer an "aerosol" can. Is "hogwash" a real word? The spray nozzle that sticks out of the top of the aerosol can is not the mechanism that self-closes. If the spray nozzle is missing the aerosol can is still an aerosol can. If the self-closing device was missing, this discussion would be moot (nothing left but the metal shell!). Furthermore, if removing the spray nozzle invalidates the "aerosol" nature of the can, PHMSA is in need of amending their regulations (e.g., §173.306(k)) and a number of Special Permits.



— Ref. No. 10-0159; Dec 29, 2010. This is one 'special' letter. The initial question was posed to the IATA regarding an air shipment of a flammable liquid that was also a limited quantity of a Class 7 radioactive material. In this case, ICAO Special Provision A130 (also IATA) has some unique requirements (and finally clarified this year). SP A130 states the "transport document" must identify the non-rad PSN description (predominant risk) and also include the Class 7 PSN: *UN1993; Flammable liquid, nos (ethanol mixture), Radioactive material, excepted package – limited quantity of material; Class 3; PG III*. Because DOT allows ICAO for air shipments in place of most of



the HMR, the additional rad information in the Basic Description is acceptable. The original question posed to IATA had to do with marking the Class 7 name on the package as well. IATA replied, "Since the 'new' PSN includes the Radioactive material in excepted package indication I believe that you do not have a choice but to include it on the package." **NOT!** Don't do that!! It is a transport document requirement ONLY. Now back to PHMSA. In PHMSA's response they indicate that the shipper must also meet §173.423 and reference Part 171, Subpart C. This is incorrect. The ICAO interface regulations for Class 7 material specified in §171.23(b)(11) does not include §173.423, nor is it referenced by one of the existing interfaces in §171.23(b)(11). Therefore, the shipment is subject to ICAO, including SP A130, and 49 CFR 171.23(b)(11), not including §173.423.



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Regulatory Resources' 2011 Compliance Training Schedule				
Date	Course No.	Course	Location	Where
May 16-20	603	Comprehensive RCRA Waste Workshop	Santa Fe, NM	Cities of Gold Hotel
July 26-29	203 & 402	DOT & ICAO Class 7 P&T for Shippers	Richland, WA	Hampton Inn

Cities of Gold Hotel  
10A Cities of Gold Road  
Santa Fe, NM 87506  
877-455-0515  
505-455-9100  
[www.citiesofgold.com/lodging](http://www.citiesofgold.com/lodging)

Hampton Inn  
468 Bradley Blvd.  
Richland, WA 99352  
800-560-7809  
509-943-4400  
<http://hamptoninn.hilton.com/en/hp/hotels/index.jhtml?ctyhocn=PSCRLHX>

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We'll keep you posted as other workshops are scheduled, including our DOT Explosives P&T, Advanced DOT Waste P&T, and Advanced DOT Class 7 P&T. Visit our website for the latest information!