



THE HAZMAT NEWS NETWORK



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

Voice: 509-628-1020 — Fax: 509-628-0972 — email: newsletter@regulatoryresources.net — www.regulatoryresources.net — January 2010



Welcome everyone to the January '10 issue of The Hazmat News Network. It's been quite a few months

since the last newsletter. Why is it that we have less time as we get older when we need more time to do the same thing that took less time when we were younger? Wow, with a sentence like that I may end up being a regulator yet!! Anyway, this newsletter is absolutely FREE. We hope it is a benefit.

SINCE JULY THE PHMSA PUBLISHED a few rulemakings. A summary is provided below. Remember, if you need a copy of any of these dockets, visit [2009 Federal Register Contents](#) or [PHMSA's Regulation Notices](#) webpage.

Oct 15th: The PHMSA published a direct final rule (HM-224G), "Chemical Oxygen Generators". This direct final rule amends the Hazardous Materials Regulations (HMR) to revise the quantity limitation from 25 kg "gross" to 25 kg "net" for packages of chemical oxygen generators transported aboard cargo aircraft only. The effective date was 15 Oct 09 (as indicated in the 11 Dec 09 Federal Reg.).

Oct 16th: The PHMSA published the final rule (HM-244B), "Minor Editorial Corrections and Clarifications". This final rule corrects editorial errors, makes minor regulatory changes and, in response to requests for clarification, improves the clarity of certain provisions in the HMR. The effective date was 16 Oct 09.

Oct 21st: The PHMSA published the advanced NPRM (HM-215K), "Harmonization with the United Nations Recommendations on the Transport of Dangerous Goods Model Regulations...". PHMSA is considering amending the HMR by incorporating various amendments to international standards and modal regulations, including changes to proper shipping names, hazard classes, packing groups, special provisions, and packaging authorizations. Comments must be received by 19 Jan 2010. The next step in the rulemaking process is for PHMSA to publish the Notice of Proposed Rulemaking.

Oct 22nd: The PHMSA published the final rule (HM-206F), "Revision of Requirements for Emergency Response Telephone Numbers". PHMSA is amending the HMR to clarify requirements governing emergency response information services provided by arrangement with hazardous materials offerors (shippers). In order to preserve the effectiveness of these arrangements for providing accurate and timely emergency response information, PHMSA is requiring basic identifying information (offeror name or contract number) to be included on shipping papers. This information will enable the emergency response information provider to identify the offeror on whose behalf it is accepting responsibility for providing emergency response information in the event of a hazardous materials incident and obtain additional information about the hazardous material as

needed. The effective date is 01 Oct 2010 (as corrected in the 22 Oct 2009 Federal Reg.).

FINALLY, OUR 2010 TRAINING SCHEDULE IS OUT. Included with the newsletter is our 2010 training schedule. Due to prior commitments, we are not offering as many classes this year. Please get your registrations in early to ensure you have a seat in the class. I'm working on updating our website with all the course information and registration forms. When updated, you can obtain these on our website by clicking [here](#). Please note that our first course offering is only a few weeks away!!



WASTE BATTERY UPDATE! First, let's discuss dry cell and Ni-Cd batteries. Many letters have been published recently by PHMSA concerning these materials (as tied to Special Provision 130). Here's what PHMSA stated: "After further consideration and analysis of the battery chemistries and sizes in question and based on information available to us, it is the opinion of this Office that used or spent dry, sealed batteries of both non-rechargeable and rechargeable designs, described as "Batteries, dry, sealed, n.o.s." in the Hazardous Materials Table in § 172.101 of the HMR and not specifically covered by another proper shipping name, with a marked rating up to 9-volt are not likely to generate a dangerous quantity of heat, short circuit, or create sparks in transportation. Therefore, used or spent batteries of the type "Batteries, dry, sealed, n.o.s." with a marked rating of 9-



volt or less that are combined in the same package and transported by highway or rail for recycling, reconditioning, or disposal are not subject to the HMR. Note that batteries utilizing different chemistries (i.e., those battery chemistries specifically covered by another proper shipping name) as well as dry, sealed batteries with a marked rating greater than 9-volt may not be combined with used or spent batteries of the type "Batteries, dry, sealed, n.o.s." in the same package. Okay, this is good news. In a second letter on this subject, the question of whether spent, dry, rechargeable Ni-Cd batteries of the same shape, size and voltage as the batteries already excepted (above response) would also not be subject to the HMR. PHMSA responded by stating, "The answer is yes." (yippee)

STILL SEEING BAD ADVICE ON PACKAGING as it relates to bulk vs non-bulk. First, except in a couple of limited situations, something must always be the package! Then, look at the content and review the definition of each term. Packagings for Class 7 are not excepted from these definitions!! The phrase, "with no intermediate form of containment" included in the bulk packaging definition applies if the inner packaging is a "designed" system. For example, bags, boxes, and drums of solids are placed into a large box (>450 L capacity). Because the inner packagings are not part of a 'designed intermediate form of containment', the definition of bulk packaging applies and hazard communications must be displayed accordingly!!



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Regulatory Resources' 2010 Compliance Training Schedule				
Date	Course No.	Course	Location	Where
Jan 25-29	201/202/203	Initial DOT Hazmat/Waste/Rad P&T	Santa Fe, NM	Cities of Gold Hotel
Feb 22-24	305 & 306	UN and Class 7 Packaging for Users	Santa Fe, NM	Cities of Gold Hotel
Apr 26-30	301	Advanced DOT HazMat P&T for Shippers	Santa Fe, NM	Cities of Gold Hotel
Apr / May (TBD)	204	DOT Explosives P&T	Santa Fe, NM	Cities of Gold Hotel
July 20-23	203 & 402	DOT & ICAO Class 7 P&T for Shippers	Richland, WA	Hampton Inn
Aug 9-13	303	Advanced DOT Rad Mat'l P&T for Shippers	Santa Fe, NM	Cities of Gold Hotel

Cities of Gold Hotel
10-A Cities of Gold Road
Santa Fe, NM 97506
877-455-0515
505-455-9100

Hampton Inn
468 Bradley Blvd.
Richland, WA 99352
800-560-7809
509-943-4400

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201/202/203	Initial DOT Hazmat/Waste/Rad P&T	Registration Form
305 & 306	UN and Class 7 Packaging for Users	Registration Form
301	Advanced DOT Hazmat P&T for Shippers	Registration Form
204	DOT Explosives P&T	TBD
203 & 402	DOT & ICAO Class 7 P&T for Shippers	Registration Form
303	Advanced DOT Rad Mat'l P&T for Shippers	Registration Form