



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 — June/July/Aug/Sept 2008



WHEW' what a crazy summer! Welcome to the multiple month FREE issue of **The Hazmat News Network** newsletter. This is the only summer I can remember that I can truly say I'm thankful it's over. I hope you all had a great summer. Please forward this newsletter to others you think will benefit from the info provided.

NOT TOO MANY NEW DOCKETS WERE PUBLISHED over the span of the last four months. Check out [this link](#) if you need access to all 2008 federal registers or visit [this DOT website link](#) to obtain the specific dockets PHMSA published. Here's a quick look at what's happened since the April/May 08 newsletter.

Jul 3rd: PHMSA published a ANPRM, HM-238, "*Requirements for the Storage of Explosives During Transportation*". PHMSA is concerned that current requirements may not adequately address the risks associated with the storage of explosives while they are in transportation. On November 16, 2005, they published ANPRM to solicit comments concerning measures to reduce those risks. To ensure that our stakeholders are fully aware of the risks the comment period was reopened to October 1, 2008.

Jul 7th: PHMSA published an ANPRM, HM-231A, "*Combination Packages Containing Liquids Intended for Transport by Aircraft*". PHMSA and the FAA are considering changes to requirements in the HMR applicable to non-bulk packagings used to transport hazmat in air transportation. To enhance aviation safety, the two agencies are seeking to identify cost-effective solutions that can be implemented to reduce incident rates and potentially detrimental consequences without placing unnecessary burdens on the regulated community. The agencies sought comments on how to accomplish these goals, including measures to: (1) Enhance the effectiveness of performance testing for packagings used to transport hazmat on aircraft; (2) more clearly indicate the responsibilities of shippers that offer packages for air transport in the HMR; and (3) authorize alternatives for enhancing package integrity. They are also considering ways to simplify current requirements. The response period ended September 5th.

Jul 31st: PHMSA published a NPRM, HM-224D, "*Revision to Requirements for the Transportation of Batteries and Battery-Powered Devices; Harmonization with the UN Recommendations, IMDG Code, and ICAO Technical Instructions*". PHMSA proposes to amend the HMR to maintain alignment with international standards by incorporating various amendments. The proposals include amendments and clarifications addressing the safe transportation of batteries and battery-powered devices. Consistent with recent changes to the ICAO Technical Instructions, PHMSA is proposing to clarify the prohibition against transporting electrical devices, including batteries and battery-powered devices that are likely to create sparks or generate a dangerous amount of heat. They also are proposing to modify and enhance requirements for the packaging and handling of

batteries and battery-powered devices, particularly in air commerce, to emphasize the safety precautions that are necessary to prevent incidents during transportation. The comment period ended September 29th.

Sep 9th: PHMSA published a NPRM, HM-232F, "*Risk-Based Adjustment of Transportation Security Plan Requirements*". PHMSA, in consultation with the TSA, is proposing to modify its current security plan requirements governing the commercial transportation of hazmat by air, rail, vessel, and highway. Based on an evaluation of the security threats associated with specific types and quantities of hazardous materials, the NPRM would narrow the list of materials subject to security plan requirements and reduce associated regulatory costs and paperwork burden. The NPRM also would clarify certain requirements related to security planning, training, and documentation and incorporate and build on recent international standards governing hazardous materials security. Comments must be received by November 10th.

Oct 1st: PHMSA published the Final Rule, HM-244A, "*Minor Editorial Corrections and Clarifications*" effective October 1, 2008. 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 intended effect of this rule is to enhance the accuracy and reduce misunderstandings of the regulations. A correction docket to this final rule was published October 18th.

Oct 2nd: PHMSA published a NPRM, PHMSA-2005-22356, "*Enhanced Enforcement Authority Procedures*". PHMSA is proposing to issue rules implementing certain inspection, investigation, and enforcement authority conferred on the Secretary of Transportation by the Hazardous Materials Transportation Safety and Security Reauthorization Act of 2005. The proposed rules would establish procedures for: (1) The inspection and opening of packages to identify undeclared or non-compliant shipments; (2) the temporary detention and inspection of suspicious packages; and (3) the issuance of emergency orders (restrictions, prohibitions, recalls, and out-of-service orders) to address unsafe conditions or practices posing an imminent hazard. These new inspection and enforcement procedures will enhance DOT's ability to respond immediately and effectively to conditions or practices that pose serious threats to life, property, or the environment. Comments must be received by December 1st.

WE'RE FINALIZING OUR 2009 TRAINING

calendar and will publish it soon. We'll send it out via a special Newsletter and post it to our website. We plan to offer the full spectrum of DOT hazmat/waste/rad courses in 2009. Thanks for your patience...and keep your training calendars open! Oh, and don't forget that we currently have the IATA/ICAO dangerous goods and radioactive materials recertification courses scheduled for December 3rd and 4th, respectively, in Richland, WA. Get your registrations in now (available on our website) to reserve your seat!

