



# 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](mailto:newsletter@regulatoryresources.net) — [www.regulatoryresources.net](http://www.regulatoryresources.net) — March 2008



**IS IT SPRING WHERE YOU ARE?** Up here in the northwest spring must be in a hurry because it's sure blowing in hard. Welcome to the March 2008 issue of **The Hazmat News Network** newsletter. We all hope you enjoy this issue. Remember, the newsletter is always FREE. Please pass it along

to others you think will benefit. Cheers!

**NO NEW DOCKETS TO REPORT ON.** Things are quiet for now...is this the calm before the storm? Check out [2008 Federal Register Contents](#) if you need copies of any 2008 federal register or visit <http://hazmat.dot.gov/reg/notice/rulemake.htm> to see what dockets PHMSA has published.

**REGISTRATION TIME IS LIMITED!** Our April 24-25 DOT explosives course in Las Vegas is filling quickly. The registration cut-off for this course is April 4<sup>th</sup>. Hurry and get your registration in to ensure your seat is available...registration is limited. Also, get signed up for our advanced DOT radioactive materials course. This course is in Las Vegas, May 5-9. The advanced rad course is designed for shippers of radioactive materials/wastes as well as those responsible for compliance. Come and participate in the same course and instruction given to hundreds of shippers and NRC, DOT, and DOE regulators.



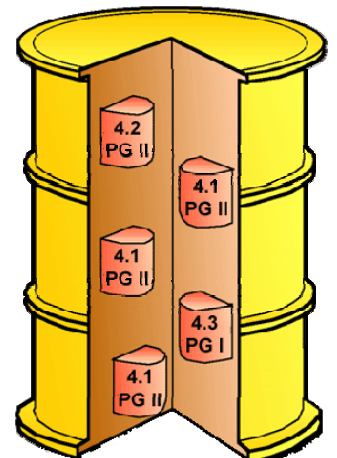
The registration for this course closes April 14<sup>th</sup>. In both courses you'll receive the latest 49 CFR from MANCOMM publishing, professional designed training materials, the latest regulatory updates, and copies of pertinent and valuable letters from the regulators – complete with a copy of the original request to the regulator. Visit our [website](#) to download a syllabus and obtain a registration form for these courses.

**GOOD CLARIFICATION REGARDING LAB PACK WASTES!**

I recently read a great letter from Ms. Hattie Mitchell, Chief of the Regulatory Review and Reinvention, PHMSA, and want to pass it on to you. I think one of the most common errors made by the regulated and regulator has to do with inappropriately using or misusing 'defined' terms. 49 CFR 171.8 provides definitions and terminology that is to be applied to all the Hazardous Materials Regulations (HMR). Read the first three words: "In this subchapter"... Remember, 'subchapter' includes Parts 171 through 180. Therefore, unless a specific term is defined elsewhere in the HMR (for its use in that location), the definitions of §171.8 stand. On January 11<sup>th</sup>, PHMSA responded to a questions concerning the 'only one hazard class' limitation in the use of the §173.12(b)(2)(iii) lab pack exception:



"Each outer packaging may contain only one class of hazardous material". The question concerned the ability of a labpack to contain both a Division 4.2 and Division 4.3 waste; both of these hazards are authorized for the lab pack exception as seen in §173.12(b)(1). PHMSA responded by stating that a lab pack may contain both of these wastes in a single lab pack. Now that may not sound right but let's go back and review both the current and historical information. Originally, the lab pack exception was only authorized by use with a DOT Exemption (DOT-E 8129). The wide usage of this exemption prompted the DOT, on March 25, 1985, to incorporate it into the HMR. As adopted, waste materials classed as flammable liquid, flammable solid, oxidizer, corrosive material, Poison B or ORM-A, B, C, and E were authorized (remember the old days), but only one class of material per lab pack. When the revised hazard class structure was adopted in 1990 (HM-181), the 'one hazard class' condition remained even though the defining criteria of some of the hazard classes were divided into Division. Let's look at the §171.8 definition of 'hazard class': "[t]he category of hazard assigned to a hazardous material under the definitional criteria of Part 173..." The term 'class' and 'hazard class' are synonymous. The term 'division' means "a subdivision of a hazard class." Therefore, Class 4 includes three subdivision, all of which are under the same 'class'. The wastes allowed under the lab pack exception in paragraph (b)(1) are identified not by class, but by division (when applicable). The limiting condition of only one 'class' of waste per lab pack applies to the 'hazard class' and is not limited to only the 'division'. Therefore, one lab pack can contain chemically compatible wastes that are in Class 4 – 4.1, 4.2, and 4.3. Now this does not override §173.12(b)(1). For example, Class 5 has two divisions: 5.1 and 5.2. However, only Division 5.1 is authorized in the lab pack exception. The process of selecting the 'one' proper shipping name for a single lab pack that contains Division 4.1, 4.2, and 4.3 wastes is exactly like that used as if the three wastes were a mixture. The offeror utilizes the multiple hazard class/division criteria in §173.2a. The proper shipping name is based on the primary hazard with consideration of the first secondary hazard, and if found in the Hazardous Materials Table, the second secondary hazard. For example, a lab pack containing a 4.1 (PG II), 4.2 (PG II), and a 4.3 (PG I) would be most appropriately described as *Water-reactive solid, self-heating, nos (containing \*\*\*)*; 4.3 (4.2, 4.1); UN3135; PG I.



**CHECK OUT THE NEXT PAGE** for our training class information. **Don't miss out on the best DOT training available!**



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## RRI's 2008 Open Enrollment Training Course Schedule

Regulatory Resources, Inc. is pleased to provide a range of open enrollment courses. The courses are conducted in Richland, Washington at the top rated Hampton Inn nestled on the banks of the beautiful Columbia River or in exciting Las Vegas, Nevada at the stylish Alexis Park Hotel. Don't delay in registering as each course fills on a first-come, first-serve basis. (Oh, July 26-27 is the Unlimited Hydroplane races here in Richland, WA along with many other events.)

**NOTE: Scheduled 5-day workshops conclude at noon on Friday.  
All other workshops run full days, 8am through 4:30 pm.**

Date	Course No.	Title	Location	Tuition
<del>Mar 3-6</del>	<del>301</del>	<del>Advanced Hazardous Material Packaging &amp; Transport Workshop</del>	<del>Richland, WA</del>	<del>\$1,195</del>
Apr 24-25	204	DOT Explosives Packaging & Transport Workshop	Las Vegas, NV	\$675
May 5-9	303	Advanced Radioactive Materials Packaging & Transport Workshop	Las Vegas, NV	\$1,395
Jun 2-6	302	Advanced Hazardous Waste Packaging & Transport Workshop	Richland, WA	\$1,295
Jul 22-25	203 & 402	Shipping of Radioactive Materials by DOT Ground and IATA/ICAO Air	Richland, WA	\$1,095
Jul 28-29	306	Class 7 Packaging for Shippers & Inspectors	Richland, WA	\$595
Dec 3	504	IATA/ICAO Dangerous Goods Recertification Training	Richland, WA	\$450*
Dec 4	505	IATA/ICAO Radioactive Materials Recertification Training	Richland, WA	\$450*
				*\$695 if together

Hotel Info:	Las Vegas, NV	Richland, WA	Hotel Info:
\$89/night	Alexis Park Hotel 375 E. Harmon Ave. Las Vegas, NV 89169 800-582-2228 702-796-3322	Hampton Inn 468 Bradley Blvd. Richland, WA 99352 800-560-7809 509-943-4400	Gov't Rate
(Special training rate; limited number of rooms available!)	<a href="http://www.alexispark.com">www.alexispark.com</a>	<a href="http://www.hamptoninn.com">www.hamptoninn.com</a>	(Special training rate; limited number of rooms available!)