



OHM Newsletter

Office of Hazardous Materials

DEPARTMENT OF TRANSPORTATION / OFFICE OF THE SECRETARY / WASHINGTON, D.C. 20590

VOL. III Number 26

September 1973

NOTICES AND AMENDMENTS PUBLISHED DURING AUGUST

HM-110; Notice No. 73-5 (38 F.R. 22901 - 8/27/73). This Notice of Proposed Rule Making proposes to make certain changes in the regulations pertaining to the handling of hazardous materials on motor vehicles. Comment period closes October 30, 1973.

HM-57; Amendment Nos. 172-20, 173-74, 178-26 (38 F.R. 20837 - 8/3/73). This amendment specifies certain shipping names and adds authorized packagings for the shipment of corrosive materials. The effective date is December 31, 1973, with immediate compliance authorized.

HM-99; Amendment Nos. 171-21, 173-75, 178-27 (38 F.R. 21989 - 8/15/73). This amendment provides for the shipment of certain gases in large cylinders or tubes mounted on a motor vehicle. The effective date is September 30, 1973, with immediate compliance authorized.

The closing date for filing comments in the following docket falls during September:

HM-109; Notice 73-4

Tank Car Tank Head Shields September 4, 1973

Notice of Special Permits issued or denied during August 1973 (38 F.R. - 9/11/73).

A FINE OF \$30,000 IMPOSED FOR VIOLATION OF HAZARDOUS MATERIALS REGULATIONS

The Federal Highway Administration's Bureau of Motor Carrier Safety announced that on August 14, 1973, in the Northern District of Florida, a private carrier entered a plea of nolo contendere to three counts of an eight-count indictment charging violations of the Department's Hazardous Materials Regulations. Federal District Judge Middlebrooks imposed the maximum fine of \$10,000 for each count--a total of \$30,000. The three counts involved were (1) failure to properly placard the vehicle; (2) failure to comply with the applicable container requirements in the Hazardous Materials Regulations; and (3) failure to adequately secure containers.

This action resulted from a Federal Highway Administration initiated prosecution following an August 8, 1971 accident in which a tractor-semitrailer operated by the carrier collided with an automobile and overturned near Gretna, Florida. The truck's cargo of steel cylinders containing methyl bromide spilled along the highway, and several of the cylinders were punctured. Four occupants of the automobile died, and 14 other persons were overcome.

This is the largest criminal fine ever assessed in a prosecution for violation of the Department's Hazardous Materials Regulations by a motor carrier.

MOTOR CARRIER APPROVAL TO OPERATE UNDER SPECIAL PERMIT

Most special permits relating to cargo tank operations contain the provision "Any common carrier engaged in transportation covered under the terms of this permit must be specifically approved by the Federal Highway Administration" (emphasis added). The Federal Highway Administration's Bureau of Motor Carrier Safety has learned that some motor carriers have mistakenly assumed that approval to operate under the terms of one special permit means approval to operate under any other similar special permit. The problem is especially prevalent among carriers authorized to transport cryogenic materials.

The Bureau of Motor Carrier Safety advises that a carrier must have separate approval for each permit under which he operates. The purpose of this requirement is to assure that

Motor Carrier Approval to Operate Under Special Permit Cont.

a motor carrier is in satisfactory compliance with applicable regulations of the Department prior to commencement of operations under a special permit. Since a carrier's compliance posture may change over a period of time, the Bureau requires approval for each permit.

Violating the terms of a special permit could result in revocation or suspension of the special permit as well as imposition of criminal sanctions against parties involved. Motor carriers and shippers who may have a question regarding permit approvals are advised to contact the Special Permits Branch, Office of Hazardous Materials.

DESCRIPTION FOR CAUSTIC SODA IN A SOLID FORM

Recently, in Docket HM-57 (Federal Register dated August 3, 1973), the Hazardous Materials Regulations were amended in section 172.5 to provide for some additional shipping names. Several questions have been asked relative to the proper description for caustic soda in the solid form. The intent of the rule making is to provide as much flexibility as possible in describing caustic soda (or sodium hydroxide) by providing alternates, yet preserving in the description an indication that the material is not in liquid form. The use of any one qualifier, "dry, solid, flake, bead, or granular" is required. If desired, more than one qualifier may be used, however, at least one is required. For example: Caustic soda, dry; Caustic soda, solid; Caustic soda, bead, etc., are examples of the acceptable use of one qualifier. Additionally, the regulations would permit the description with two or more qualifiers, e.g., Caustic soda, dry, flake.

In a future rule making action, the Hazardous Materials Regulations Board intends to specify more clearly the proper description to be used when the name of a hazardous material is qualified by several different terms in section 172.5. Meanwhile, the general rule applicable is that when the word "or" is used to separate qualifying terms, a shipper is required to use only one of the qualifiers.

SHIPPERS NEED TO PAY MORE ATTENTION TO FIBERBOARD
BOX REQUIREMENTS AND DRUM AND PAIL CLOSURES

Fiberboard boxes - During recent visits to hazardous materials shipper facilities by personnel of this Office, several discrepancies concerning the fiberboard box requirements have been discovered. Involved are:

1. Use of fiberboard boxes which were not identified by DOT Specification number as required by the Hazardous Materials Regulations;
2. Fiberboard boxes marked as meeting DOT Specifications by the original manufacturer or by the shipper that do not meet the published specifications;
3. Failure to use pads, liners, separators, cushioning and/or absorbent material when required;
4. Failure to close containers as required; and
5. Reshipment of fiberboard boxes that have been damaged in transit or weakened by water.

Shippers should keep in mind that a blank, knocked-down fiberboard box, despite the manufacturer's markings, does not insure compliance with the regulations until it has been properly assembled with all required parts and correctly closed for shipment. These are actions performed by the shipper and he is responsible for them.

It is the shipper's responsibility to see that the supplier is supplying him with fiberboard boxes that meet the requirements and that the containers are properly prepared for shipment.

Drum and Pail Closures - During the past few weeks, an increased number of Hazardous Material Incident Reports have been received which show leakage of hazardous material liquids through and around pail and drum closures on tight-head containers.

Follow-ups indicate that almost all of these incidents can be traced to failure on the part of the shipper to properly install

Shippers Need to Pay More Attention to Fiberboard
Box Requirements and Drum and Pail Closures Cont.

the closure. There has been no evidence to indicate that the closure device was defective.

In a number of cases, the crimped type closure had not been crimped. In others, the closure or the crimping device had been misaligned preventing complete sealing. In a few cases, the container openings had been improperly fabricated, likewise preventing complete crimping and sealing.

Shippers must assure that final quality control inspections of closures are performed.

DOT HAZARDOUS MATERIALS LABELS

Regulations establishing new DOT Hazardous Materials labels were published in the Federal Register of February 27, 1973. These labels are based on the United Nations' labeling system and are presently authorized for both domestic and foreign shipments by all modes of transportation.

The new explosive labels will be required as of January 1, 1974. All other previously required labels may be used until January 1, 1975.

A copy of a color chart describing the new labels (Chart No. 4) is included with this Newsletter. A limited number of copies may be obtained from:

Operations Division (TES-24)
Office of Hazardous Materials
Department of Transportation
Washington, D. C. 20590

A self-addressed mailing label enclosed with your request will be appreciated.

DANGEROUS CARGO FILM AVAILABLE

The US Air Force has designed a film primarily for military cargo type aircraft, but the principles are equally applicable to commercial aircraft and those having the responsibility of preparing hazardous materials for shipment as well as those who accept these shipments.

The film is entitled "Dangerous Cargo Accepting and Airlifting" -- TF 6443. It is 16mm, runs 33 minutes, in color/sound.

The film may be purchased from:

Sales Branch
National Audiovisual Center
Washington, D. C. 20409

at a cost of \$137.00. Check must accompany the order and be made payable to:

National Archives Trust Fund--NAC

Delivery time is 30 to 45 days after receipt of order. Additional information may be obtained by calling: (301) 763-5500.

SEMINARS--TRANSPORTATION OF HAZARDOUS MATERIALS BY AIR

The Office of Hazardous Materials and the Federal Aviation Administration will co-sponsor another series of one-day seminars on air transportation of hazardous materials. These seminars will be held in the New England and the Great Lakes Regions. The dates and contacts are as follows:

Boston -- October 23, 1973

Mr. Charles J. Sarich
DOT/FAA ANE-ACDO-33
General Aviation Administration Building
Logan International Airport
East Boston, Mass. 02128
TELEPHONE: (617) 223-6353

Chicago -- October 29/30, 1973

Mr. Ed Ruchinski
DOT/FAA AGL-ACDO-31
2300 East Devon Avenue
Des Plaines, Illinois 60018
TELEPHONE: (312) 694-2266

Seminars--Transportation of Hazardous Materials by Air Cont.

Detroit -- October 31, 1973

Mr. W. Biron
DOT/FAA AGL-FSDO-63
Flight Standards Building
Willow Run Airport
Ypsilanti, Michigan 48197
TELEPHONE: (313) 941-3266

Cleveland -- November 1, 1973

Mr. Carl Sheldon or
Mr. George Brice
DOT/FAA AGL-FSDO-65
Cleveland Hopkins Airport
Cleveland, Ohio 44135
TELEPHONE: (216) 522-4331

Minneapolis -- November 6, 1973

Mr. L. Hauser
DOT/FAA AGL-ACDO-34
6201 34th Avenue South
Minneapolis, Minnesota 55450
TELEPHONE: (612) 725-3361

These one-day seminars are conducted to assist air carriers, air freight forwarders, shippers and other interested personnel in understanding and complying with the Department's Hazardous Materials Regulations.

Persons interested in attending one of these seminars should contact the appropriate coordinator listed above.



W. J. Burns
Director
Office of Hazardous Materials

The Secretary of Transportation has determined that publication of this periodical is necessary in the transaction of the public business required by law of this Department. Use of funds for printing this periodical has been approved by the Director of the Office of Management and Budget through November 30, 1976.