



# OHM Newsletter

Office of Hazardous Materials

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

VOL. IV Number 33

June 1974

## NOTICES AND AMENDMENTS PUBLISHED DURING MAY

HM-103; Notice No. 73-10 (39 F.R. 16481 - 5/9/74), Hazard Information System and Miscellaneous Proposals. The closing date for filing comments in this Notice of Proposed Rule Making has been extended from May 28, 1974 to August 31, 1974.

HM-112; Notice No. 73-9 (39 F.R. 16481 - 5/9/74), Consolidation of Hazardous Materials Regulations and Miscellaneous Proposals. The closing date for filing comments in this Notice of Proposed Rule Making has been extended from May 28, 1974 to August 31, 1974.

HM-106; Amendment Nos. 172-26, 173-81, 174-22, 178-33, 179-13 (39 F.R. 17313 - 5/15/74). These amendments made miscellaneous changes in five Parts of the Hazardous Materials Regulations. The effective date is January 31, 1975, with immediate compliance authorized.

HM-57; Amendment Nos. 172-22, 173-77 (39 F.R. 18461 - 5/28/74). These amendments were first published on December 28, 1973 (38 F.R. 35467), and authorized the shipment of "Acetic anhydride" in accordance with the requirements of section 173.247. The Board received several petitions to reconsider this requirement and to authorize shipment of "Acetic anhydride" under the requirements of section 173.245. The Board agreed with the petitioners. These amendments are effective September 30, 1974, with immediate compliance authorized.

Notice of Special Permits issued or denied during May 1974 (39 F.R. - 6/11/74).

### VIOLATIONS OF HAZARDOUS MATERIALS REGULATIONS

The following violations are examples of DOT enforcement actions concerning the transportation of hazardous materials:

<u>Company</u>	<u>Violation</u>	<u>Fine</u>
Allegheny Airlines (air carrier)	Failure to notify pilot of hazardous materials on board.	\$ 500.
Atomergic Chemical Co. (shipper via air)	Tendering hazardous materials with no certification, and improper labeling, marking, and packaging.	\$ 600.
Colibri Corporation (shipper via air)	Tendering shipment of flammable compressed gas with no certification, labels, required markings on container, and no Bureau of Explosives' approval of packaging.	\$ 500.
E. I. DuPont De Nemours & Company (shipper via air)	Tendering hazardous materials with improper marking, labeling, and packaging.	\$10,000.
Hemisphere Air Freight (air freight forwarder)	Tendering hazardous materials without a shipper's certification.	\$ 250.
Pan American World Airlines (air carrier)	Transporting hazardous materials in violation of the regulations including improper certification, lack of required markings on containers, and no labeling.	\$ 6,000.
Acme Transportation (tank truck operator)	Using non-specification containers to transport hazardous materials.	\$ 1,600.
Alabama Oxygen Co., Inc. (shipper via motor)	Offering hazardous materials shipments without proper labels, classification of materials and certification.	\$ 500.

### Violations of Hazardous Materials Regulations Cont.

<u>Company</u>	<u>Violation</u>	<u>Fine</u>
Coastal Tank Lines, Inc. (tank truck operator and driver)	Failure to placard a vehicle used to transport in excess of 1,000 pounds of hazardous materials.	\$ 500. (carrier) \$ 100. (driver)
Lyons Transportation Lines, Inc. (motor carrier)	Failure to timely report hazardous materials incidents and accepting hazardous materials shipments not properly described on shipping papers.	\$4,800.
Point Express, Inc. (motor carrier)	Accepting hazardous materials not properly described and without a written certificate from shipper.	\$2,000.
Textile Company, Inc. (private motor carrier)	Failure to require driver to have in his possession the shipping classification of a hazardous material.	\$6,000.
American Zinc Co. (shipper via rail)	Failure to determine tank cars in proper condition for safe transportation of lading (hazardous materials).	\$ 250.
Phillips Petroleum Company (shipper via rail)	Using a tank car without required periodic safety valve retest and shipping in a storage in-transit tank car filled to winter density.	\$1,200.
Seaboard Coast Line Railroad Company (rail Carrier)	Handling of loaded box car placarded Explosives without separation from engine.	\$1,000.
Sea Train (water carrier)	Incompatible stowage of containers of regulated cargo.	\$ 200.

SHIPPERS AND CARRIERS MUST INSTRUCT EMPLOYEES  
ON APPLICATION OF HAZARDOUS MATERIALS REGULATIONS

To assist shippers and carriers to comply with the Hazardous Materials Regulations, the Office of Hazardous Materials has provided speakers and panelists, conducted training seminars, distributed handout materials, and otherwise assisted wherever possible. The Department's field personnel have increased their efforts in this area. Last December the Federal Aviation Administration ordered air carriers to establish hazardous materials training programs for their employees. Yet we find more and more shipper and carrier employees involved in the transportation of hazardous materials who have received little or no instructions on the application of the Hazardous Materials Regulations.

SHIPPERS are reminded that the last sentence of § 173.1 (a) reads, "It is the duty of each such shipper to make the prescribed regulations effective and to thoroughly instruct employees in relation thereto."

RAIL CARRIERS are reminded that the last sentence of § 174.500 (a) reads, "It is the duty of each such carrier to make the prescribed regulations effective and to thoroughly instruct employees in relation thereto."

HIGHWAY CARRIERS (COMMON, CONTRACT OR PRIVATE) are reminded that the last sentence of § 177.800 (a) reads, "It is the duty of each such carrier to make the prescribed regulations effective and to thoroughly instruct employees in relation thereto."

Several different handouts, each relating to a particular portion of the Hazardous Materials Regulations, are available from this Office. A copy of each will be furnished upon receipt of your request. After your perusal to determine which ones would be of value to your particular situation, a limited supply of most of these can be made available at no cost to you.

CARRIERS STILL FURNISHING INCOMPLETE  
HAZARDOUS MATERIALS INCIDENT REPORTS

698 Hazardous Materials Incident reports were received during May--the largest number to be received during any one month since the reporting requirement was implemented. However, incomplete and inaccurate reports still remain a problem.

Frequent omissions from the reports are the "essential facts," "probable cause," or "the action taken to prevent future accidents," which are information items in the Remarks section of the report. Incorrect markings submitted are also a problem, i.e., "178" for "17E" or "12865" for "12B65." Also, the reporters very frequently fail to include the name or symbol of the drum or pail manufacturer, gauge, year of manufacture, or the name of a fiber box manufacturer. Some reports identify a box to be a "12B65" and also indicate, for example, that the package weight is 90 pounds and give no further indication that the reporter is aware that 90 pounds exceeds the 65 pounds authorized gross weight in the regulations. It is extremely important that page 2 of the report form be complete and accurate.

Hazardous materials shipping names and classifications continue to be entered erroneously on many reports. "CTNS PARTS (MANUFACTURED)," "CRLD MDSE," "F.A.K.," and "Freight All Kinds" appear on many reports. These are not proper shipping names as listed in § 172.5 of the Hazardous Materials Regulations. "28 198 15," "1500070 NMFC 100A," "UN # 1120, IMCO Class 3," and "eight" often appear in the "classification" column of reports. The Standard Transportation Commodity Code or the National Motor Freight Classification are NOT the hazardous materials classification shown in § 172.4 of the Hazardous Materials Regulations.

Contact with reporters concerning these erroneous or incomplete incident reports often elicits the comment: "that is all that was on the freight bill." This could mean the carrier's own origin terminal failed to include required information on the freight bill. It could mean that the required information was not on the bill of lading which the shipper certified and signed. His certification is supposed to indicate that such shipment complied with applicable hazardous materials regulations. See that the report is correct before filing. A reporter should ask himself the following question before his report is put in the mail:

"Was this shipment (including its package) in complete compliance with applicable DOT Hazardous Materials Regulations?"

Carriers Still Furnishing Incomplete Hazardous Materials Incident Reports Cont.

In this manner the report can become a vital check point in a carrier's own assessment of the condition of the material being received from shippers.

To assist carriers, a "Guide for Preparing Hazardous Materials Incident Reports" has been prepared by this Office. This is a free publication and may be obtained from:

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

SHIPPERS OF EXPLOSIVES AND RELATED ITEMS

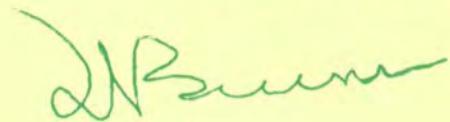
Shippers of explosives and related items are reminded of the requirements of section 173.86 of the Hazardous Materials Regulations, particularly the portion, "Except for shipments of sample quantities as provided for in this section, a written notification of the classification and approval accompanied by a supporting laboratory report or equivalent data must be filed with the Department before the new explosive or explosive device is offered for shipment." A number of required reports are being received with one or the other document missing and this results in extra correspondence and delay for both the Department and the shipper.

The classification and approval letter, the laboratory test report and copies of any referenced documents must be submitted. In the event no testing was involved, the entire package of data (drawings and other information) which was used in the evaluation to establish the recommended DOT classification and description is required to be submitted, as is other referenced information, unless the latter has been previously submitted.

REMINDER - SEMINAR AT CLEVELAND

The Hazardous Materials Seminar to be held at Cleveland, Ohio will be on July 24 and 25, 1974. For additional information, contact the following:

<u>Location and Date</u>	<u>Contact</u>
NASA Lewis Research Center Cleveland Hopkins Airport Cleveland, Ohio July 24 and 25, 1974	Operations Division (TES-24) Office of Hazardous Materials Department of Transportation Washington, D. C. 20590 TELEPHONE: (202) 426-2301



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.

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

Washington, D.C. 20590

Official Business

PENALTY FOR PRIVATE USE, \$300

POSTAGE AND FEES PAID  
DEPARTMENT OF  
TRANSPORTATION  
DOT 518

