



# THE HAZMAT NEWS NETWORK



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**HEY, WE'RE BACK!** Boy, what a long hiatus. I took that cruise in April and had a slow recovery from the "I don't want to work anymore" post-cruise syndrome. Anyway, welcome everyone to the combined April/May/June/July '09 issue of **The Hazmat News Network**. It's a free service with no hidden side affects. Please forward this on to others. Contact us if you wish to be removed.



**GUESS WHAT ... STILL NO MAJOR DOCKET ACTION** from PHMSA since our Jan 09 newsletter. Expect a docket tsunami one of these days! There were two items published in the Federal Register since the Feb/Mar 09 newsletter worth noting.

**Mar 13<sup>th</sup>:** PHMSA published a notice of the actions on special permits applications in spanning from June 2008 to March 2009.

**Jun 22<sup>nd</sup>:** PHMSA withdrew the Notice of Proposed Rulemaking, "Miscellaneous Revisions to Registration and Fee Assessment Program" originally published under docket HM-208G on May 5, 2008. It appears there's enough money in the coffers for the next year without raising the existing fee structure.

**DON'T YA JUST LOVE THE SIMPLICITY** of the battery transport regulations? Why it's second only to the UN's new Environmentally



Hazardous Substance criteria!! I should have believed my parents when they said the 60's and 70's would catch up with them all some day. Well, there is one true bright spot in the battery picture (you'll get a charge out of this). You remember the fairly new Special Provision 130 (§172.102) where it says non-regulated dry batteries are regulated. Well this prompted a couple of folks who know batteries (apparently) to write PHMSA asking about 1.5V dry alkaline batteries. PHMSA responded by stating that "...it is the opinion of this Office that spent 1.5-volt alkaline dry cell batteries are not likely to generate a dangerous quantity of heat nor are they likely to short circuit or create sparks when they are transported in a packaging with no other battery types or chemistries present. Therefore, when transported by highway or rail and separated from other types of batteries of different sizes or chemistries, spent 1.5-volt alkaline batteries do not pose an unreasonable risk in transportation and are not subject to regulation under the HMR." [Ref. No. 09-0090] PHMSA repeated themselves in a second letter [Ref. No. 09-0135] where basically the same question was asked except in this letter the requestor included 9-V batteries. Could it be...well no. In their response, PHMSA did not include the 9-V battery in the 'not regulated' group. So, not being a battery expert myself, I think it's fairly safe to say for now that you'd better prevent 9-V from short-circuiting in transport as stated in SP 130.

**IMPORTANT NEWS BREAK...** We have now confirmed two open enrollment classes ready for registrations. Finally, the DOT

Explosives Packaging and Transport Workshop is a go! The class will be held September 9-10 at the Cities of Gold Hotel just north of Santa Fe, NM. Visit our website to obtain a copy of the registration form. This full 2-day workshop targets those responsible for ensuring DOT compliance for explosives classification, packaging and shipping. The first day is dedicated to the classification, testing and approvals – including Interim Hazard Classifications – of explosives and their packagings. The second day is devoted to preparing the package for shipment, e.g., marking, labeling, placarding and shipping papers. Please get your registrations in as soon as possible so we can ensure you have a seat in the class.



The second class offering on October 5-9 at the Cities of Gold Hotel is the Advanced RCRA/DOT Mixed Waste Packaging & Transport Workshop. This intense 5-day workshop is targeted to those who are responsible for operations and regulatory compliance in the preparation and shipping of radioactive/mixed waste. This workshop is not a first-time training course! We



recommend at a minimum that you already have successfully completed all necessary 'basic' training courses, and have job experience. We cover the RCRA hazardous waste designation requirements, TSCA PCB waste classifications, CERCLA hazardous substance determinations for complex wastes, DOT hazardous materials characteristics with heavy emphasis on Class 7 radioactive materials. Make sure to pack an extra bag as there is a large volume of information provided. The registration form is available at our website.

**GET READY, WE'RE GOING FOR A YO-YO RIDE.** Remember back after 2001 when DOT added the requirement to identify the package type and count in the shipping description. And remember when it was okay to identify the package type by the code (e.g, UN 4G, UN 1A1, etc.). And remember when a trucking association complained that their hazmat trained and tested and qualified drivers didn't know what all this packaging code meant and it would cost a bazillion dollars to "train" them all. And remember when DOT said "ok" and changed the requirement so the type of packaging had to be identified (like box, drum). And remember when DOT said in a letter that it's okay to use abbreviations like "PL" for pail and "TT" for cargo tank. Well now for Class 7 materials all you have to do is identify the group of packaging (e.g., Industrial, Type A, etc.) and you're good to go [Ref. No. 09-0110]. I mean **everybody** knows that an Industrial Packaging is a fiber box or drum or crate or bulk metal box or cargo tank or railcar or non-rigid IBC or... Although I like the direction they're heading, I'm tired of riding the yo-yo!