



*The Hazmat News Network* provides information on regulatory actions, docket summaries, events, and services that may assist in establishing or maintaining regulatory compliance. If you do not want to be a part of *The Hazmat News Network*, call or send a facsimile to us and we will remove your name from this service. *Regulatory Resources, Inc.* makes no warranties, direct or implied, concerning the accuracy of the information addressed.

**From: Wade A. Winters, CET, CHMM (509) 586-6438, Fax: (509) 582-1187, email: rri@televar.com January 1997**



**HELLO AGAIN!** Welcome to the January 97 issue of *The Hazmat News Network*. This free service is provided to let you know what's happening within our regulatory world. If you benefit from the articles or services provided, that's great. There is no charge. If you think someone would like to receive a copy of *The Hazmat News Network*, please pass a copy onto them and have them call to receive their own monthly copy.

**PLEASE FORGIVE ME** if I haven't been too available this last month. My wife delivered us a little princess on December 6<sup>th</sup>. Both time and sleep were lost last month. If you happened to leave me a message and I haven't gotten back with you yet, please try again. I'm back in the office now full time (semi awake, but full time).

**DOCKET ACTION IS HOT!!** A lot of new final rules have been published the last couple of months. Here's a run down of the heavy hitters. Make sure to get yourself a copy of these.

- RSPA Notice 96-24: Transportation of Hazardous Materials in MC-330 and MC-331 Cargo Tanks; Published 12/13/96. This notice informs us about the bad history of the operation of the tank's emergency discharge control system. If you use MC-330 or 331's, read this docket.
- RSPA Notice 96-25: Transportation of Air Carrier Company Materials by Aircraft; Published 12/13/96. This notice advises us as to the extent and application of exceptions applicable to the transportation of air carrier's company materials (DOT, not IATA/ICAO).
- HM-215B: Harmonization of various international hazmat regulations with our US DOT hazmat regulations; Published 12/16/96. This final rule is only incorporating the latest versions of the ICAO Technical Instructions and IMDG Code to allow voluntary compliance with international standards that went into effect on January 1<sup>st</sup>. All other aspects of the HM-215B NPRM are yet to be addressed.
- HM-224: Prohibition of Oxygen Generators as Cargo in Passenger-Aircrafts; Published 12/30/96. Need I say more.
- HM-206: Improvements to the Hazardous Materials Identification Systems; Published 1/8/97. Lots of new changes are being implemented in this docket. Some of these are (1) new Poison-Inhalation Hazard communications; (2) revised placarding requirements; (3) revised placard prohibition requirements; (4) revised and new marking requirements; (5) new carrier notification requirements; and many more. Details of this docket will be discussed in the upcoming monthly newsletters.
- HM-200; Hazardous Materials in Intrastate Commerce; Published 1/8/97. This docket extends the federal hazmat shipping requirements to intrastate commerce (next article).

**DOCKET HM-200** will affect all of us. Here's a summary of this new final rule (expect more on this docket in the months to come – space here is limited).

First off, this docket applies to highway transportation only, (except railroads operating its motor vehicles in maintenance-of-way service) and provides exceptions for: (1) Materials of Trade (MOT) in both intrastate and interstate commerce; (2) certain non-spec packagings in intrastate commerce; (3) inspectors of small cargo tank motor vehicles used for Class 3 petroleum fuels in intrastate and interstate commerce; and (4) certain agricultural products transported in intrastate commerce under specific conditions.

**Materials of Trade** are defined as hazardous materials (NOT wastes) carried on a motor vehicle for:

- protecting the health and safety of the motor vehicle operator (e.g., insect repellent, SCBA);
- supporting the operation or maintenance of a motor vehicle (e.g., spare battery, starting fluid, brake fluid) – note that the materials are not limited for use on just the vehicle transporting the hazardous material;
- furtherance of a principal business (other than hazmat transportation) by a private motor carrier (e.g., lawn care, plumbing, welding, consumer goods sales, farm operations).

Not all hazardous materials can be MOTs. For Class 3, 8, 9, Divisions 4.1, 5.1, 6.1, or ORM-Ds to qualify, the gross mass or capacity cannot exceed 0.5 kg or 0.5 L for PG I and 30 kg or 30 L for PG II and III. If the MOT is a Class 9, up to 1500 L for dilute mixtures not exceeding 2% concentration is authorized. For Division 2.1 and 2.2, the cylinders cannot have a gross mass greater than 100 kg. And finally, for Division 4.3, the material can only be either PG II or III, and then must be placed in a packaging that does not exceed a gross capacity of 30 ml. Now for a few things that cannot be MOT's – Division 4.1 Self-Reactive Materials; PIH materials; Hazardous Wastes!

Now for a **limit**: except for dilute mixtures of Class 9, the maximum gross mass of MOT per transport vehicle is 200 kg.

**Packaging** is a piece of cake. Use the manufacture's packaging. If that doesn't work, use packaging of at least equal strength. If that still doesn't work, use the inner receptacle from the manufacture and place it in a cage, cart, bin, box or other compartment and ensure it is secured against movement. Wa-la, you're done! And this applies to aerosol cans ,too.

As for **hazcom**, except for cylinders, the only thing required for non-bulk packaging is the material's common name or PSN and RQ if it contains a reportable quantity amount. That's it!

Let's ponder on an application – environmental samplers. What a way to go. Now your preservatives can classify as MOTs! The benefits of this are reduced packaging, no labeling, no placarding, no shipping papers, instructed -vs- trained, very limited marking requirements. Cool! **We'll discuss the other breaks and expand more on this and other docket in next month's issue.**

