



WELCOME TO OUR FREE NEWSLETTER, THE HAZMAT NEWS NETWORK. This monthly publication is provided by REGULATORY RESOURCES, INC. to assist in your hazmat and hazwaste transportation and packaging activities. There are no catches, no gimmicks, and no advertising (except for us of course). Although Copyright protected, RRI gives you permission to forward this newsletter in its entirety to others you feel will benefit from the information provided.

BEHOLD, WE'VE WEBBED! We finally set up a web site that tells about us, our training, important links and provides access to every newsletter we've published since November 1995. Our site is at: www.regulatoryresources.net. We'll be modifying it as we continue our development process.



DON'T GIVE UP ON AN ADVANCED DOT WASTE course for shippers. I'm in the process of setting up the site for the workshop (probably Las Vegas). Look for more information on this in the next newsletter.

DOCKET ACTION SINCE JANUARY IS SLOW...and this is okay! Here's what's been happening.

- **Jan 18th:** RSPA published a Safety Advisory Notice to notify the public that RSPA is investigating the apparent unauthorized and improper marking of high-pressure cylinders by FESS, Inc. d/b/a Fire Extinguisher Services and Sales in Cleveland, Ohio. The bad cylinders are from 1995 to present.
- **Jan 22th:** RSPA published an NPRM, HM-226, to revise the transportation requirements for infectious substances, including regulated medical waste. Basically, RSPA is proposing to align U.S. requirements with the international regulations. Comment are due by 4/23/01.
- **Feb 1st:** RSPA published the partial final rule of HM-215D to update into the incorporation by reference the most recent amendments to the IMDG Code, UN Orange Book and the UN manual of tests and criteria. The incorporation of ICAO has been delayed since the amended ICAO Technical Instructions are not effective until July 1, 2001.
- **Feb 9th:** FMCSA published a delay of the effective date of the final rule concerning the definition of CMVs and the requirements for operators of small passenger-carrying CMVs. The new effective date is 4/13/01.
- **Feb 13th:** The EPA published a proposed rule to amend the regulations for RCRA hazardous waste by listing as hazardous certain waste solids and liquids generated from the production of paint. Comments are due by 4/16/01.

SPEAKING OF "INCORPORATED BY REFERENCE" as cited in 49 CFR 171.7, unless the specific referenced material specifies only a part or section within that referenced material, the §171.7 referenced material is incorporated into the HMRs in its entirety. However, secondary sources referred to within the incorporated reference materials are not part of the HMR's material incorporated by reference. Clear?

HAZARDOUS WASTE ISN'T CLASS 9 BECAUSE it's hazardous waste. Regarding hazardous wastes, DOT defines Class 9 to include those materials which: (1) do not meet the definition of another hazard class or division; and (2) meet the definition of a hazardous waste in 49 CFR 171.8. This means that the waste is: (1) a RCRA hazardous waste; and (2) subject to the EPA Manifest requirements of 40 CFR 262.20. Then, the waste cannot meet any other hazard class or division of the HMRs (e.g., not flammable, corrosive, toxic, etc.). This includes combustible liquid! If all these conditions are met, the RCRA hazardous waste will then, and only then, meet the defining criteria of a DOT Class 9.

DID YOU CONFIGURE AN OVERPACK THIS WEEK in your shipping operations? Do you know that an overpack has two separate definitions. First, as defined in 49 CFR 171.8, an overpack is created anytime you place an authorized package into another package or crate for convenience or handling – or for rad, maybe to reduce the dose rate (e.g. **rigid** overpack). The second part of the definition includes any authorized package secured onto a load board, such as a palette (e.g., **non-rigid** overpack)! All overpack configurations are also subject to §173.25(a), and for rad overpacks the additional requirements in §173.448(g). Remember, the package(s) within the overpack must be in full compliance with the HMRs as if it were to be a stand-alone package for shipment. Regarding rad overpacks, rigid and non-rigid configuration matters. For non-rigid overpacks, a new TI must be determined by adding together the individual TI's based on the label on each package in the overpack. This new TI is used to determine the rad label of the overpack (and placarding too). To determine the rad label for rigid overpacks, one can either add the TI's or obtain a new TI based on new dose rate readings. The shipping description for a rad overpack must describe each package per §172.203(d). A recent letter from RSPA states that each description must include the label on the package. In addition, I strongly recommend that you also clearly identify the rad label and TI of the "overpack." This is important since this label is used primarily as the basis for rad placard determination. Cheers!