

3E Company HazMat Management Web Seminar Series

“Are You 2005 DOT Compliant? A DOT Regulatory Update”

3E Company alleviates the pain of HazMat
Information and Compliance Management

- Web Seminar audio and visual presented on the Internet
- The preferred screen resolution is 1024 x 768
- If you do not have access to the Internet, please call 800.214.0694 passcode – 920407
- Click Q&A to submit your questions
- Questions will be answered at the end of the presentation
- If you have any technical difficulties, please email Communicast at support@communicast.com
- Web Seminar will be recorded. Audio and visual presentation will be available after the Seminar.

- NEW - Certification Maintenance Points (CMPs)
- Must participate in full 2 hour Web Seminar to receive 0.125 CMPs
- Complete quiz at the end of the seminar and submit to 3E for approval
- 3E will email a certificate with the amount of points received for each Web Seminar
- Submit certificates to IHMM for credits
- Previous Web Seminars approved for CMPs. We will be sending out certificates to participants
- Replay will be available after the Web Seminar.
 - If you require the Quiz for CMP credits please email info@3ecompany.com and identify the Web Seminar title

- Jacki Burns – Transportation Specialist, 3E Company
 - Responsible for training, program development and project management in the area of hazardous materials transportation compliance
 - DOT compliance specialist working with customers to develop hazmat shipping programs that encompass a total compliance solution
 - Oversees the classification and delivery of inventory items
 - University of California – BA Degree
 - Certified in hazmat shipping with U.S.D.O.T, IATA, IMDGC, TCTDG

“Are You 2005 DOT Compliant? A DOT Regulatory Update”

Jacki Burns
Transportation Specialist
3E Company

- D.O.T. - U.S. Department of Transportation
- N.R.C. - National Response Center
- R.S.P.A. - Research and Special Programs
- F.A.A. – Federal Aviation Administration
- CARRIER - a person engaged in the transportation of passengers or property by land, water, or air via common, contract, or private carriage or civil aircraft.

- **SHIPPER** – Offeror of a hazardous material for transportation, aka Consignor
- **RECEIVER** – Intended/final recipient of a hazmat shipment, aka Consignee
- **INCIDENT** – Unintentional release of a hazardous material from a package in any quantity

Current Requirements

Immediate and Written Notification

- At the earliest practicable moment, each *carrier* who transports hazardous materials (including hazardous wastes) shall give notice after each incident that occurs during the course of transportation (including loading, unloading and temporary storage)
- Except for transportation by aircraft, each notice shall be given to the National Response Center by telephone (toll-free) at 800-424-8802

- **Aircraft:** Notice involving shipments transported by aircraft must be given to the nearest FAA Civil Aviation Security Office by telephone at the earliest practical moment after each incident in place of the National Response Center.
- **Infectious Substances:** Notice involving infectious substances may be given to the Director, Centers for Disease Control, U.S. Public Health Service, Atlanta, Ga. (800) 232-0124, in place of the notice to the National Response Center

Immediate notification of an incident required if:

- **A person is killed; or**
- **A person receives injuries requiring his or her hospitalization; or**
- **Estimated carrier or other property damage exceeds \$50,000; or**
- **An evacuation of the general public occurs lasting one or more hours; or**
- **One or more major transportation arteries or facilities are closed or shut down for one hour or more; or**
- **The operational flight pattern or routine of an aircraft is altered; or**

Immediate notification of an incident required if:

- **Fire, breakage, spillage, or suspected radioactive contamination occurs involving shipment of *radioactive* material; or**
- **Fire, breakage, spillage, or suspected contamination occurs involving shipment of *infectious substances*; or**
- **There has been a release of a marine pollutant in a quantity exceeding 450 L (119 gallons) for liquids or 400 kg (882 pounds) for solids; or**
- **A situation exists of such a nature (e.g., a continuing danger to life exists at the scene of the incident) that, in the judgment of the carrier, it should be reported**

Each notice must include the following information:

- (1) Name of reporter.
- (2) Name and address of carrier represented by reporter.
- (3) Phone number where reporter can be contacted.
- (4) Date, time, and location of incident.
- (5) The extent of injuries, if any.
- (6) Classification, name, and quantity of hazardous materials involved, if such information is available.
- (7) Type of incident and nature of hazardous material involvement and whether a continuing danger to life exists at the scene.

Each carrier who transports hazardous materials shall report in writing, in duplicate, on DOT Form F 5800.1 within 30 days of the date of discovery, each incident that occurs during the course of transportation (including loading, unloading, and temporary storage) in which there has been:

- an unintentional release of hazardous materials from a package (including a tank), or
- any quantity of hazardous waste has been discharged during transportation, or
- if immediate notification of an incident was required.

Filing and Recordkeeping

Each carrier making a report shall send the report to the Research and Special Programs Administration, Department of Transportation.

For incidents involving transportation by aircraft, a copy of the report shall also be sent to the FAA Civil Aviation Security Office nearest the location of the incident.

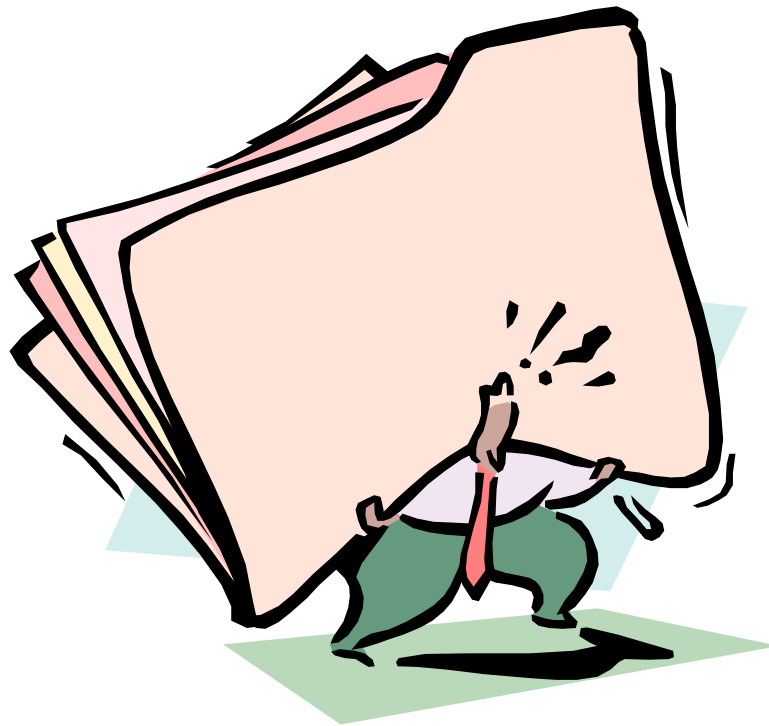
A copy of the report shall be retained for a period of two years, at the carrier's principal place of business, or at other places as authorized and approved in writing by an agency of the Department of Transportation.

- Provided the incident does not require immediate notification or involve a hazardous waste, aircraft shipment, or PG I material, the reporting requirements do not apply to incidents involving the unintentional release of a hazardous material—
- Transported under one of the following proper shipping names:
 - **Consumer commodity.**
 - **Battery, electric storage, wet, filled with acid or alkali.**
 - **Paint and paint related material when shipped in a packaging of five gallons or less.**
 - Prepared and transported as a limited quantity shipment.

- 9/11 created heightened security requirements and scrutiny of any shipper offering hazmat
- Hardcopy forms made analysis and coupling of data difficult and cumbersome for the agency to manage
- Only carriers were obligated to report incidents in transportation

- Final Rule published December 3, 2003, with an effective date of July 1, 2004
- Regulatory update published May 26, 2004
- Effective date extended to January 1, 2005

Highlights of the Changes



The Change

The discovery of “undeclared hazmat” is now to be reported by carriers

The Change

The discovery of “undeclared hazmat” is now to be reported by carriers

The Goal

Use an existing tool (incident reports) to gain visibility to undeclared hazmat discovered during the course of transportation.

The Impact

- RSPA hopes to identify problem shippers and use outreach and enforcement to prevent recurring incidents
- Carriers now face an additional reporting burden when undeclared hazmat is discovered.
- Offerers of undeclared hazmat now have increased exposure for fines and penalties to be levied against them
- Undeclared hazmat discovered in an air passenger's checked or carry-on baggage is *not* subject to reporting

The Change

RSPA has revised and expanded the data captured on incident reports

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RSPA has revised and expanded the data captured on incident reports

The Goal

Obtain more detailed information regarding hazardous materials incidents to track trends and better determine root causes of package failures

The Impact

- Retraining required to adapt to reporting changes
- More time required to research incident details and complete reports
- Each report is estimated to take 96 minutes to complete

The Change

Electronic filing of these forms is now an option

The Change

Electronic filing of these forms is now an option

The Goal

To streamline the flow of data to the DOT; direct data streaming program is in development

The Impact

- More accurate trend and cause/effect analysis
- Electronic filing helps off-set costs of increased reporting requirements
- Duplicate copies of forms no longer required
- Waste manifests no longer required attachments to reports; now referenced by manifest number

The Change

Reporting obligation no longer exclusive to carriers; now extends to person in possession of the material at the time of the incident

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Reporting obligation no longer exclusive to carriers; now extends to person in possession of the material at the time of the incident

The Goal

More accurate data by placing reporting burden on person in control of material

The Impact

- Shippers, Receivers, and Transportation Hub/Warehouse employers now required to report if there is an incident in their presence/on their premises
- Increase training required for those obligated to report
- Increase cost burden for these companies now required to report – time, training, and research

The Change

Agency approval no longer necessary to retain records at a facility other than the principal location of business.

The Change

Agency approval no longer necessary to retain records at a facility other than the principal location of business.

The Goal

Affords more flexibility in record retention

The Impact

- Employers may now have access to electronic copies available at a location different from that of their main server, which may actually “store” the electronic file of the report
- Reports must be accessible within 24 hours of a request for the document

The Change

Immediate reporting need only be reported to the NRC for incidents involving air.

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The Goal

Centralize all incident notification calls at one source rather than dividing the notifications between the NRC and the FAA field offices.

The Impact

- Streamlined reporting process
- Easier to train employees to contact one phone number in the event of an incident
- NRC will make all subsequent notifications necessary
- Callers can still report incidents to the CDC as needed in the event of an incident involving infectious substances

The Change

Structural damage to hazmat cargo tanks of 1,000 gal or greater capacity must be reported regardless of a release.

The Change

Structural damage to hazmat cargo tanks of 1,000 gal or greater capacity must be reported regardless of a release.

The Goal

Comply with recommendations made by National Transportation Safety Board to provide more data regarding cargo tank equipment failure

The Impact

- Additional reports now must be filed regardless of a release.
- Additional costs may result due to time, training and research required to complete reports.

The Change

Reports must be updated within 1 year of incident if certain incidents occur

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Reports must be updated within 1 year of incident if certain incidents occur

The Goal

To ensure the continued accuracy and quality of the data collected by RSPA, particularly for incidents involving costly damages or loss of life

The Impact

- Increased reporting burden as person's filing reports must submit updates as needed if new info becomes available
- Increased recordkeeping burden to ensure the reports are completed within the 1 year timeframe.
- It is estimated that a very small percentage of requests will require updates (estimated only 800 reports annually)

The Change

Additional exceptions are now afforded to employers required to file incident reports.

The Change

Additional exceptions are now afforded to employers required to file incident reports.

The Goal

To except small spills (less than 5.2 gal/66 lbs) of low hazard materials from the reporting requirements and reduce the number of reports filed annually

The Impact

- Products with shipping description of Paint and paint related material (5 gal package or less) or Battery, electric storage, wet, filled with acid or alkali no longer excluded from reporting requirements
- Many “incidental” spills not subject to the reporting requirements

Effective January 1, 2005



- Unintentional release means the escape of a hazardous material from a package on an occasion not anticipated or planned. This includes releases resulting from
- collision,
 - package failures,
 - human error,
 - criminal activity,
 - negligence,
 - improper packing, or
 - unusual conditions such as the operation of pressure relief devices as a result of over-pressurization, overfill or fire exposure.

Undeclared hazardous material means a hazardous material that is

- (1) Subject to any of the hazard communication requirements in subparts C (Shipping Papers), D (Marking), E (Labeling), and F (Placarding) of Part 172 of this subchapter, or an alternative marking requirement in Part 173; and
- (2) offered for transportation in commerce without any visible indication to the person accepting the hazardous material for transportation that a hazardous material is present, on either an accompanying shipping document, or the outside of a transport vehicle, freight container, or package.

- As soon as practical but no later than 12 hours, each person in physical possession of the hazardous material must provide notice after each incident that occurs during the course of transportation in commerce (including loading, unloading and temporary storage)
- Each notice shall be given to the National Response Center by telephone (toll-free) at 800-424-8802

- **Infectious Substances:** Notice involving infectious substances may be given to the Director, Centers for Disease Control, U.S. Public Health Service, Atlanta, Ga. (800) 232-0124, in place of the notice to the National Response Center

Immediate notification of an incident required if:

- A person is killed; or
- A person receives an injury requiring admittance to a hospital; or
- The general public is evacuated for 1 hour or more; or
- A major transportation artery or facility is closed or shut down for 1 hour or more; or
- The operational flight pattern or routine of an aircraft is altered; or

Immediate notification of an incident required if:

- **Fire, breakage, spillage, or suspected radioactive contamination occurs involving shipment of *radioactive* material; or**
- **Fire, breakage, spillage, or suspected contamination occurs involving shipment of *infectious substances/regulated medical waste*; or**
- **There has been a release of a marine pollutant in a quantity exceeding 450 L (119 gal) for liquids or 400 kg (882 lbs) for solids; or**
- **A situation exists of such a nature (e.g., a continuing danger to life) that, in the judgment of the person in possession of the hazmat, it should be reported**

Each notice must include the following information:

- (1) Name of reporter.
- (2) Name and address of carrier represented by reporter.
- (3) Phone number where reporter can be contacted.
- (4) Date, time, and location of incident.
- (5) The extent of injury, if any.
- (6) Class or division, proper shipping name, and quantity of hazardous materials involved, if available.
- (7) Type of incident and nature of hazardous material involvement and whether a continuing danger to life exists at the scene.

Each person in physical possession of a hazardous material at the time that any of the following incidents occurs during transport shall report in writing, in duplicate, on DOT Form F 5800.1 within 30 days of the date of discovery of the incident :

- an unintentional release of a hazardous material, or
- any quantity of hazardous waste has been discharged , or
- immediate notification of an incident was required, or
- A specification cargo tank (1,000 gal capacity or greater) suffered structural damage to the retention system, or
- An undeclared hazardous material is discovered.

Filing and Recordkeeping

Each person making a report shall send either a written or electronic copy of the report to the Research and Special Programs Administration, Department of Transportation.

For incidents involving transportation by aircraft, a copy of the report shall also be sent to the FAA Civil Aviation Security Office nearest the location of the incident.

A written or electronic copy of the report shall be retained for a period of two years, at the person's principal place of business, or available at the person's principal place of business within 24 hours of a request from an agent of the Department of Transportation.

A report must be updated within one year of the date of the incident when:

- A death results from injury caused by the hazmat
- There was misidentifications of the hazmat or package information on a prior report,
- Damage, loss, or cost that was unknown becomes known,
- Damage, loss, or cost changes by \$25,000 or more, or 10% of the the prior total estimate.

Provided the incident does not require immediate notification or involve a hazardous waste or aircraft shipment, the reporting requirements do not apply to incidents involving—

- A release of a minimal amount of material from
 - **A vent when venting is authorized,**
 - **The operation of a seal, pump, compressor, or valve,**
 - **Connection or disconnection of loading or unloading lines (if no property damage)**
- Hazmat classed as ORM-D
- Undeclared hazmat found in passengers baggage during security screening.

Provided the incident does not require immediate notification or involve a hazardous waste or aircraft shipment, the reporting requirements do not apply to incidents involving the unintentional release of a hazardous material—

- A Packing Group III material in Class or Division 3, 4, 5, 6.1, 8, or 9; and
- Each package has a capacity of less than 20 liters for liquids, 30 kg for solids, and
- Is not an undeclared hazmat

- **Reporting of incidents involving a specification cargo tank with a capacity of 1,000 gal or greater that receive structural damage that may adversely affect the cargo tanks's ability to retain lading even when no hazardous material is released.**
- **Reporting discoveries of undeclared hazardous material shipments.**
- **Updating incident reports when significant new information becomes available.**

- **Requiring the person in physical control of a hazardous material during transportation to report an incident.**
- **Excepting small releases of specified materials that pose the least hazard from reporting requirements.**
- **Restructuring the form to utilize failure codes to obtain information on packaging failures.**

- **Effective June 30, 2004**
- **Mandatory Compliance Date January 1, 2005**
- **Issued by the Federal Motor Carrier Safety Administration division of the US Department of Transportation**

A motor carrier is required to file a Motor Carrier Identification Report Form (MCS-150) the motor carrier may not transport in interstate or intrastate commerce any of the following hazardous materials, in the quantity indicated for each, unless the motor carrier holds a safety permit:

- **(a) A highway route-controlled quantity of a Class 7 (radioactive) material,**
- **(b) More than 25 kg (55 pounds) of a Division 1.1, 1.2, or 1.3 (explosive) material or an amount of a Division 1.5 (explosive) material requiring placarding;**

A motor carrier is required to file a Motor Carrier Identification Report Form (MCS-150) the motor carrier may not transport in interstate or intrastate commerce any of the following hazardous materials, in the quantity indicated for each, unless the motor carrier holds a safety permit:

- **(c) More than one liter (1.08 quarts) per package of a ``material poisonous by inhalation," that meets the criteria for ``hazard zone A,";**
- **(d) A ``material poisonous by inhalation," that meets the criteria for ``hazard zone B," in a bulk packaging (capacity greater than 450 L [119 gallons]);**

A motor carrier is required to file a Motor Carrier Identification Report Form (MCS-150) the motor carrier may not transport in interstate or intrastate commerce any of the following hazardous materials, in the quantity indicated for each, unless the motor carrier holds a safety permit:

- **(e) A "material poisonous by inhalation," that meets the criteria for "hazard zone C," or "hazard zone D," in a packaging having a capacity equal to or greater than 13,248 L (3,500) gallons; or**
- **(f) A shipment of compressed or refrigerated liquefied methane or liquefied natural gas, or other liquefied gas with a methane content of at least 85 percent, in a bulk packaging having a capacity equal to or greater than 13,248 L (3,500 gallons).**

Federal Register Links:

June 30, 2004 Hazmat Permit

<http://frwebgate5.access.gpo.gov/cgi-bin/waisgate.cgi?WAISdocID=8097945231+0+0+0&WAISaction=retrieve>

December 3, 2003 Final Rule Incident Notification

<http://hazmat.dot.gov/rules/68fr-67745.htm>

May 26, 2004 Update Incident Notification

<http://hazmat.dot.gov/rules/69fr-30113.htm>

Q&A