

HAZMAT Transportation Report



HM-260 clarifies hazmat regs regarding lithium batteries

The Pipeline and Hazardous Materials Safety Administration (PHMSA) has made several changes to improve the clarity of certain provisions of the Hazardous Materials Regulations (HMR), including lithium battery requirements.

PHMSA says that HM-260, published in the November 23, 2015, *Federal Register*, does not impose new requirements and is why the final rule was issued without prior notice and comment. The new final rule is effective December 23, 2015.

The changes and revisions made include:

- **Section 171.24(c)** – clarified to state that a motor vehicle must be properly placarded,

when being transported.

- **Section 172.101** – The Hazardous Materials Table –
 - the symbol “G” is added in Column 1 for the entry **Environmentally hazardous substances, solid, n.o.s.** to indicate that a technical name is required.
 - the symbol “G” is added in Column 1 for the entry **Self-heating solid, organic, n.o.s.** to indicate that a technical name is required.
 - the entry **Batteries, dry, containing potassium hydroxide solid, electric storage** was revised to

See Batteries p. 3

PHMSA issues IFR regarding e-cigarettes onboard aircraft

The Pipeline and Hazardous Materials Safety Administration (PHMSA) has issued an interim final rule (IFR) to prohibit passengers and crewmembers from carrying battery-powered portable electronic smoking devices in checked baggage.

The action, published October 30, 2015, in the



Federal Register, also prohibits passengers and crewmembers from charging the devices and/or batteries onboard the aircraft.

The effective date of the change is November 6, 2015.

On January 22, 2015, the Federal Aviation Administration

(FAA) issued a safety alert recommending that air carriers require their passengers to carry e-cigarettes and related devices exclusively in the cabin of the aircraft.

On June 9, 2015, the International Civil Aviation Organization (ICAO) published an Addendum to the 2015-2016 ICAO Technical Instructions for the Safe Transport of Dangerous Goods by Air prohibiting

See E-cigarettes p. 2

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E-cigarettes *from p. 1*

the carriage of e-cigarettes in checked baggage and restricting the charging of these devices while onboard the aircraft.

An e-cigarette is a battery-powered device that simulates tobacco smoking by producing a heated vapor, which resembles smoke.


Passengers may continue to carry e-cigarettes for personal use in carry-on baggage or on their

person but may not use them on flights. The current regulatory ban on smoking of tobacco products on passenger flights includes the use of electronic cigarettes. Nevertheless, to prevent passenger or crewmember confusion, PHMSA has proposed to amend its existing airline smoking rule to explicitly ban use of electronic cigarettes aboard aircraft.

The IFR does not prohibit a passenger from carrying other devices containing batteries for

personal use (such as laptop computers, cell phones, cameras, etc.) in checked or carry-on baggage, nor does it restrict a passenger from transporting batteries for personal use in carry-on baggage.

Further information


For a copy of the IFR go to <http://phmsa.dot.gov/hazmat/regs/rulemaking/final>. For more information on FAA's safety alert, go to <http://1.usa.gov/1MZtt30>. 

Three proposed FMCSA rules anticipated yet this year

According to its rulemaking agenda, the Federal Motor Carrier Safety Administration (FMCSA) says that several proposed rulemakings are facing delays but are still expected to be published before the end of 2015:

Proposed rule	Projected publication date	The rule will ...
Carrier Safety Fitness Determination	Delayed 3 weeks to 11/24/2015	Change the way motor carriers are rated, relying more heavily on a carrier's on-road performance in place of in-house audits.
Heavy Vehicle Speed Limiters	Delayed 9 weeks to 12/3/2015	Require the installation of speed limiting devices on heavy trucks.
Entry-Level Driver Training	Delayed 2 weeks to 12/28/2015	Set new standards for the training of entry-level drivers.

Several rules projected for publication in 2016 have been delayed too. The new dates are:

Rule	Projected publication date	The rule will ...
Drug & Alcohol Clearinghouse	Delayed 4 weeks to 3/28/2016	Establish an online clearinghouse of commercial drivers who have tested positive or refused a required drug or alcohol test, and will require motor carriers to query the clearinghouse before hiring drivers.
MAP-21 enhancements to UCR	Delayed 5 weeks to 8/2/2016	Adjust the registration fee for new interstate motor carriers, freight forwarders, brokers, intermodal equipment providers (IEPs), hazardous materials safety permit (HMSP) applicants, and cargo tank facilities under FMCSA jurisdiction that must register with the agency to operate in interstate commerce.
State Inspection Programs for Passenger Carrier Vehicles	Delayed 3 weeks to 1/29/2016	Require states to establish a program for annual inspections of commercial motor vehicles designed or used to transport passengers as required by the provision from Section 32710 of the Moving Ahead for Progress in the 21st Century Act 

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ISSN 1041-8296

GST R123-317687

(43667)

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Recycled Paper
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Batteries from p. 1

change the phrase “**electric storage**” back to italicized text.


- the entry **Petroleum sour crude oil, flammable, toxic, UN3494**, was changed to reinstate the references to Packaging Group II and III.

- the entries **Lithium ion batteries including ion polymer batteries, UN3480** and **Lithium metal batteries including lithium alloy batteries, UN3090**, had Special Provision A54 reinstated.

- Transitional provisions that expired were removed. For

example, the “Drive Safely” or “Drive Carefully” safety sign (slogan) was removed.



- 13 editorial corrections and clarifications were made to **Section 173.185 Lithium cells and batteries.** 

EPA seeks comments on proposed export-import revisions

The Environmental Protection Agency (EPA) has proposed to amend its existing regulations regarding the export and import of hazardous wastes from and into the United States.

The proposal was published in the October 19, 2015, *Federal Register*. Comments must be received on or before December 18, 2015.

EPA is proposing the changes to:

- Provide greater protection to human health and the environment by making existing export- and import-related requirements more consistent with the current import-export requirements for shipments between members of the Organization for Economic Cooperation and Development (OECD);
- Enable electronic submittal of all export and import-related documents (e.g., export notices, export annual reports); and
- Enable electronic validation of consent in the Automated Export System for export



shipments subject to export consent requirements prior to exit.

Why are changes needed?

The Resource Conservation and Recovery Act (RCRA) is the public law that creates the framework for the proper management of hazardous and non-hazardous solid waste. The law describes the waste management program

mandated by Congress that gave the EPA authority to develop the RCRA program.

Specifically, the proposed revisions of the existing

regulations will consolidate and streamline some of the requirements and enhance the documentation of the movement and disposition of hazardous wastes and other materials, improving the agency’s ability to:

- Monitor compliance;
- Enable regulated parties and the government to benefit from the electronic submission of data; and
- Consolidate the notification process with foreign governments.

Why is the EPA proposing to require electronic submittal of nine major export and import documents?

Currently all import and export submittals to the EPA are paper-based. The agency is working to convert paper submittals with electronic submittals that comply with the applicable requirements in EPA’s Cross-Media Electronic Reporting Regulation (CROMERR).

Under 40 CFR Parts 261, 262, 264 through 266, and 273, the following paper documents are required to be submitted to the EPA:

- Export notices for hazardous waste being shipped for recycling;
- Import notices for cases where country of export does not control the actual export and the EPA has not received notice from the country of export;
- Export annual reports for hazardous waste being shipped for recycling;
- Export exception reports, in lieu of exception reporting;
- Export confirmations of receipt;

See Revisions p. 6

\$5.9 million headed to first responders to protect communities from flammable liquids rail incidents

The Pipeline and Hazardous Materials Safety Administration (PHMSA) has announced grants totaling \$5.9 million to provide hazmat training for emergency responders.




The Assistance for Local Emergency Response Training (ALERT) grants will go to three non-profit organizations that will provide training for incidents involving shipments of crude oil, ethanol, and other flammable liquids by rail.

Grants from PHMSA are funded by annual user registration fees paid by shippers and carriers of certain hazardous materials in commerce.

During grant period 2013-14, Hazardous Materials Emergency

Preparedness (HMEP) grants funded more than 91,000 first responders in initial or refresher hazardous materials response training, over 1,300 new or revised hazardous materials emergency response plans, and over 950 hazardous materials exercises.

Nearly 25,000 additional firefighters, police, and other first responders are expected to benefit from this one-year realignment of hazmat training grants. 

Awardee Funding Distribution: ALERT Grants


Nonprofit Grantees	Total Awarded
1. University of Findlay (All Hazards Training Center), Findlay, OH	\$611,491
2. International Association of Fire Chiefs, Fairfax, VA	\$2,654,235
3. Center for Rural Development, Somerset, KY	\$2,675,470
TOTAL	\$5,941,196

Almost \$20 million targeted for hazmat incident response

Grants totaling \$19.9 million will go to states, territories, and Native American tribes to improve the nation's response to hazardous materials transportation incidents. According to the Pipeline and Hazardous Materials Safety Administration (PHMSA), more than 2.5 million emergency responders around the country have received training assistance since 1993.

PHMSA's Hazardous Materials Emergency Preparedness (HMEP) grants program allows recipients to design and implement planning and training programs according to the need. For this grant cycle, HMEP applicants were encouraged to allocate funding towards activities such as:

- Developing or revising emergency plans and training activities to account for bulk transportation of energy products by rail and over the road;
- Ensuring that state, federal, and local emergency planning and preparedness is established, integrated, and mutually supportive; and
- Increasing the availability of hazardous materials training to accommodate volunteer organizations.

All 50 states, five U.S. territories, and ten Native American Indian tribes received HMEP grant funding this year. 

See breakdown of grants on pg. 5



**Awardee Funding Distribution
FY 2015 Hazardous Materials Emergency Preparedness (HMEP) State Grants**

State Grantees	Total Federal Share Awarded	State Grantees	Total Federal Share Awarded	State Grantees	Total Federal Share Awarded
1. Alaska	\$98,707	18. Louisiana	\$305,115	35. Ohio	\$853,274
2. Alabama	\$373,333	19. Massachusetts	\$323,260	36. Oklahoma	\$280,304
3. Arkansas	\$230,357	20. Maryland	\$283,345	37. Oregon	\$255,598
4. Arizona	\$297,952	21. Maine	\$138,366	38. Pennsylvania	\$655,764
5. California	\$1,687,390	22. Michigan	\$517,954	39. Rhode Island	\$111,915
6. Colorado	\$278,858	23. Minnesota	\$417,653	40. South Carolina	\$293,009
7. Connecticut	\$204,641	24. Missouri	\$425,932	41. South Dakota	\$171,612
8. Delaware	\$111,675	25. Mississippi	\$261,992	42. Tennessee	\$402,557
9. Florida	\$788,458	26. Montana	\$135,677	43. Texas	\$1,191,690
10. Georgia	\$505,739	27. North Carolina	\$532,395	44. Utah	\$218,390
11. Hawaii	\$108,023	28. North Dakota	\$191,031	45. Virginia	\$390,080
12. Iowa	\$310,142	29. Nebraska	\$274,769	46. Vermont	\$97,457
13. Idaho	\$154,254	30. New Hampshire	\$137,757	47. Washington	\$322,079
14. Illinois	\$1,041,229	31. New Jersey	\$459,332	48. Wisconsin	\$409,644
15. Indiana	\$489,180	32. New Mexico	\$223,089	49. West Virginia	\$198,828
16. Kansas	\$361,991	33. Nevada	\$180,578	50. Wyoming	\$117,760
17. Kentucky	\$273,806	34. New York	\$761,369	TOTAL	\$18,855,310

FY 2015 HMEP Territory Grants

U.S. Territories Grantees	Total Federal Share Awarded
1. N. Mariana Island	\$67,495
2. Puerto Rico	\$166,426
3. Virgin Islands	\$67,920
4. American Samoa	\$67,033
5. Guam	\$69,298
TOTAL	\$438,172

FY 2015 HMEP Native American Indian Tribal Grants

Tribal Grantees	Total Federal Share Awarded
1. Confederated Tribes and Bands of the Yakama Nation	\$86,303
2. Delaware Nation of Oklahoma	\$4,795
3. Inter Tribal Council of AZ	\$140,505
4. Nez Perce	\$21,955
5. Paiute Shoshone Tribe	\$30,455
6. Pueblo of Laguna	\$55,143
7. San Manuel Band of Missions	\$80,977
8. Seminole Tribe of Florida	\$106,774
9. St. Regis	\$34,303
10. Winnebago Tribe of Nebraska	\$68,260
TOTAL	\$629,470

Revisions from p. 3

- Export confirmations of completing recovery;
- Import confirmations of receipt;
- Import confirmations of completing recovery;
- Import notifications regarding need to make alternate arrangements or need to return waste shipment;
- Import notifications of expected initial import shipment of a specific hazardous waste from a specific foreign source;

and

- Transporter notifications regarding need to return shipment transiting U.S. to country of export.


The EPA stresses that not all of the above occur in sufficient numbers to justify converting to electronic submittal. The agency says it is not proposing to require electronic submittal for the last two bulleted items.

However, for the first nine bullets the EPA is proposing a mandatory requirement that sub-

mittal be made electronically on or after the effective date of the final rule, when published.


Further information

Additional information may be obtained by contacting Laura Coughlan, Materials Recovery and Waste Management Division, EPA, (703) 308-0005, or coughlan.laura@epa.gov.

The EPA encourages anyone who is uncertain whether the new revisions would affect them to call or email. 

Past and future U.S. hazmat compliance dates

Changes in the regulations are hard to keep up with, and it always seems like there is another one just around the corner. Or, one you hadn't heard about! Here is a compilation of what is important for you to know:

DATE	CHANGE	REFERENCE
July 8, 2015	States must enforce definition of <i>Tank vehicle</i> as it applies to tank vehicle endorsements.	<i>Federal Register</i> March 25, 2013
January 1, 2016	Compliance with HM-215M (Harmonization with International Standards) amendments is required, unless otherwise specified in the final rule.	<i>Federal Register</i> January 8, 2015
January 1, 2016	Old limited quantity marking may no longer be used; new limited quantity marking must be used.	49 CFR 172.315
January 1, 2016	Each lithium battery must be marked with the watt-hour rating on the outside case.	49 CFR 173.185
January 1, 2017	ID numbers on non-bulk packages must meet size requirements.	49 CFR 172.301
January 1, 2017	New size specifications must be used for: limited quantity, keep away from heat, marine pollutant, petroleum sour crude oil, salvage, excepted quantities, fumigant, and overpack markings.	49 CFR 172.315, 172.317, 172.322, 172.327, 173.3, 173.4a, 173.9, 173.25
January 1, 2017	New label size specifications must be used.	49 CFR 172.407
January 1, 2017	New placard size specifications must be used.	49 CFR 172.519
January 1, 2021	Old ORM-D marking may no longer be used; new limited quantity marking must be used.	49 CFR 172.316 

Quiz answers

- | | | | | | | |
|-------|-------|--------|--------|--------|--------|--------|
| 1. c. | 5. c. | 9. d. | 13. b. | 17. b. | 21. b. | 25. c. |
| 2. b. | 6. d. | 10. a. | 14. d. | 18. d. | 22. c. | 26. d. |
| 3. d. | 7. a. | 11. c. | 15. b. | 19. a. | 23. c. | 27. b. |
| 4. d. | 8. c. | 12. d. | 16. c. | 20. a. | 24. d. | |

VIOLATIONS & ENFORCEMENT

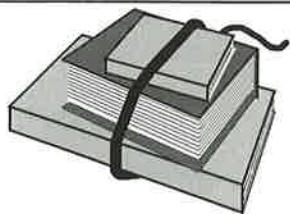
It is the task of PHMSA's inspection and enforcement staff to inspect companies and individuals who offer hazardous materials for transportation or who manufacture, maintain, repair, recondition, or test packages authorized for transporting hazardous materials.



The following table shows recent violations and hefty fines published by PHMSA.

TYPE OF BUSINESS	VIOLATION	PENALTY AMOUNT
Shipper	<ul style="list-style-type: none"> • Failed to provide initial general awareness, function-specific, safety, and security awareness training; and • Offered waste printing ink, 3, accompanied by a shipping paper that provided an unauthorized emergency response telephone number. 	\$1,750
Shipper	<ul style="list-style-type: none"> • Offered corrosive liquids, n.o.s. (nitric acid, hydrochloric acid), 8, in small quantities, and failed to ensure that each inner receptacle with a removable closure had its closure held securely in place with wire, tape, or other positive means; and • Failed to provide general awareness, function-specific, safety, and security awareness training. 	\$950
Shipper	<ul style="list-style-type: none"> • Offered petroleum gases, liquefied, 2.1, and failed to provide a hazardous materials shipping paper that included the proper shipping name, hazard class, identification number for the material, and to include a valid emergency response telephone number; • Offered petroleum gases, liquefied, 2.1, in packages that failed to be properly labeled for the material; • Failed to provide general awareness, function-specific, safety, and security awareness training, and additional training was not conducted regarding the use of Special Permits; • Offered petroleum gas liquefied, 2.1, and failed to comply with the provisions of two Special Permits; and • Offered petroleum gases liquefied, 2.1, in packages that failed to be marked with the proper shipping name, identification number, special permit, and exemption number. 	\$8,700
Propane company	<ul style="list-style-type: none"> • Failed to develop and adhere to a security plan; • Failed to provide general awareness and security awareness training; • Failed to create and maintain a monthly delivery hose assembly inspection report that contains all the required information, and carry on or within the cargo tank motor vehicle written emergency discharge control procedures for all delivery operations; and • Transported propane, 2.1, in a non-DOT/UN standard storage tank designed for permanent installation when the tank was charged to more than five percent of its water capacity. 	\$9,150
Oxygen company	<ul style="list-style-type: none"> • Offered oxygen, compressed, 2.2 (5.1), in packagings that are unauthorized for non-liquefied gases; • Failed to provide recurrent general awareness, function-specific, safety, and security awareness training; and • Offered oxygen, compressed, 2.2 (5.1) and failed to properly mark and label the packages, and to identify the material as a hazardous material by improperly classifying the material as a consumer commodity. 	\$950





Training Take-Home

This series provides a ready reference to reinforce your training in significant areas of the Hazardous Materials Regulations. J. J. Keller & Associates, Inc. grants permission to subscribers to reproduce the Training Take-Home and Quarterly Quiz page(s) for internal use at one business location only provided that J. J. Keller's copyright notice remains visible on all copies.

HAZMAT DISPLAY OPTIONS



Identification Number Markings

When the **Hazardous Materials Regulations** require **identification number markings** on bulk packagings, many shippers and carriers display them with placards.

You may also display identification number markings on orange panels or white square-on-point configurations.



Choose your display from the approved options.

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NAME _____ DATE _____

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TRAINING

END OF YEAR QUIZ

This quiz is compiled from the 2015 TRAINING TAKE-HOMES and features select questions from the quarterly quizzes. Select the best answer for each question.

1. The Hazardous Materials Table (Table) designates the materials listed as hazardous materials for the purpose of _____ of those materials.
 - a. Disposal
 - b. Manufacture
 - c. Transportation
 - d. None of the above
2. For each listed material, the Table identifies the hazard class or specifies that the material is _____ in transportation, and gives the proper shipping name or directs the user to the preferred proper shipping name.
 - a. Accepted
 - b. Forbidden
 - c. Regulated
 - d. Transported
3. Column 1 of the Table contains _____ symbols.
 - a. Three
 - b. Four
 - c. Five
 - d. Six
4. The _____ in Column 1 of the Table fixes the proper shipping name, hazard class, and packing group for that entry without regard to whether the material meets the definition of that class, packing group, or any other hazard class definition.
 - a. Letter "A"
 - b. Letter "D"
 - c. Letter "G"
 - d. Plus sign (+)
5. Column 2 of the Table lists the hazardous materials descriptions and _____ of materials designated as hazardous materials.
 - a. Colors
 - b. Location
 - c. Proper shipping names
 - d. Substances
6. Proper shipping names in Column 2 of the Table are limited to those words shown in _____ type (not italics).
 - a. American
 - b. French
 - c. Greek
 - d. Roman

TRAINING

7. Proper shipping names in Column 2 of the Table may be used in the singular or plural and in either capital or lower case _____.
- Letters
 - Numbers
 - Signs
 - Symbols
8. In Column 2 of the Table, _____ marks and words in italics are not part of the proper shipping name, but may be used in addition to the proper shipping name.
- Addition
 - Durable
 - Punctuation
 - Spelling
9. In Column 2 of the Table, the word “poison” or “poisonous” may be used interchangeably with the word _____ when only domestic transportation is involved.
- Dangerous
 - Deadly
 - Hazardous
 - Toxic
10. _____ of the Table contains a designation of the hazard class or division corresponding to each proper shipping name, or the word “Forbidden.”
- Column 3
 - Column 4
 - Column 5
 - Column 6
11. _____ of the Table lists the identification number assigned to each proper shipping name.
- Column 2
 - Column 3
 - Column 4
 - Column 5
12. There are _____ hazard classes and division numbers.
- Six
 - Seven
 - Eight
 - Nine
13. Each hazardous material listed in the Hazardous Materials Table is identified by a _____.
- Letter of the alphabet
 - Proper shipping name
 - Symbol
 - None of the above

TRAINING

14. The letters _____ may precede the identification number of a hazardous material.
- ID
 - NA
 - UN
 - Any of the above
15. Four-digit identification numbers with the _____ prefix are associated only with hazmat shipped in North America.
- ID
 - NA
 - UN
 - Any of the above
16. The _____ in Column Four of the Table is intended to provide assistance to emergency personnel in identifying a hazardous material.
- Division number
 - Hazard class
 - Identification number
 - Packing group
17. Column _____ specifies the packing group (PG) assigned to each proper shipping name and hazard class.
- Four
 - Five
 - Six
 - Seven
18. Class 1 (explosives), Class 2 (gases), 6.2 Infectious substances, and Class 7 (radioactive) do not have assigned _____.
- Division numbers
 - Hazard classes
 - Identification numbers
 - Packing groups
19. The packing group denotes the degree of _____ presented by the material in transportation.
- Danger
 - Purity
 - Temperature
 - None of the above
20. Packing group I is _____ danger.
- Great
 - Medium
 - Minor
 - Normal

TRAINING

21. Packing group II is _____ danger.
- Great
 - Medium
 - Minor
 - Normal
22. Packing group III is _____ danger.
- Great
 - Medium
 - Minor
 - Normal
23. Column _____ of the Table specifies the label or multiple labels that must be displayed on a package.
- Four
 - Five
 - Six
 - Seven
24. Column _____ of the Table is titled Special Provisions.
- Four
 - Five
 - Six
 - Seven
25. Column Seven contains code _____ applicable to certain proper shipping names.
- Letters
 - Numbers
 - Answers a. and b.
 - None of the above
26. If the space in Column Seven does not contain any letters and/or numbers, no _____ apply.
- Regulations
 - Requirements
 - Rules
 - Special provisions
27. The codes in Column Seven are applicable to the _____ of transportation for specific materials and the types of packaging authorized under specific conditions.
- Areas
 - Modes
 - Requirements
 - Rules

NAME _____ DATE _____

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