

Amendments to Hazardous Material Shipping Rules

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Overview

INSIDE THIS BRIEFING

- 1 Overview
- 2 Who Should Be Interested?
- 3 What Key Changes Were Made?
- 4 Other Changes
- 5 Links

The U.S. Department of Transportation - Pipeline & Hazardous Materials Safety Administration (PHMSA) published amendments to its rules on January 28, 2008. These rules apply to anyone transporting hazardous materials or offering hazardous materials for shipment.

The amendments will take effect on October 1, 2008. Some amendments which may require upgrades to transportation equipment will be phased in over two years.

Who Should Be Interested?

Any company subject to rules for shipment of hazardous materials should be interested in the amendments. However, of special interest will be companies involved in the following areas:

- Shipment or handling of **fuels containing ethanol**
- Shipment or handling of chemicals regulated as **“marine pollutants”**
- Shipment or handling of bulk **chlorine**
- Shipment or handling of **compressed gas containers**
- Shipment of **household hazardous wastes**
- Shipment of hazardous materials which are also regulated as **“hazardous substances”**
- Shipment of **explosives**
- Shipment of **dry ice**

The amendments to the hazardous material transportation requirements take effect on October 1, 2008;

Some requirements will be phased in over two years

The amendments also change or clarify requirements for labeling, packaging, exemptions for small quantity shipments, and other minor changes.



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What Key Changes Were Made?

This section highlights some of the key changes reflected in the PHMSA amendments.

Requirements for Fuels Containing Ethanol. Over recent years, fuels containing ethanol have become much more prevalent in the market. These fuels are often transported along with traditional fuels, such as gasoline or diesel. However, the emergency response procedures for spills involving ethanol-gasoline mixtures are different compared to traditional fuels. For example, these mixtures are more soluble in water and foam materials typically used to control fuel spills are not effective.

Therefore, PHMSA has amended their rules to more specifically address the labeling and placarding of shipments containing ethanol mixtures. This is primarily being done to alert emergency responders, so they can use appropriate response measures. These requirements will take effect over a two-year period to allow upgrades to tankers, etc, used to transport these materials.

Requirements for Shipments Containing “Marine Pollutants”. Marine pollutants are a group of materials which represent special hazards if released into aquatic environments. Bulk shipments of these materials have special handling, labeling, etc. requirements. The issue that PHMSA addressed was that shippers typically prepared shipping paperwork based on initial mode of transportation. Some shipments that include some form of marine transportation might begin with truck or rail transport. The current amendments clarify that shippers are obligated to conform to requirements for marine pollutants if **any portion** of the route is by vessel.

Requirements for Shipments Containing “Hazardous Substances”. Some hazardous materials shipped may include chemicals that are also regulated as “hazardous substances” under CERCLA. These chemicals have Reportable Quantities (RQ) established. If a release occurs that exceeds the RQ, it must be reported to appropriate agencies.

The amendments require that limited quantity, non-bulk packages that contain hazardous substances be labeled with the letters “**RQ**”.

Shippers Responsibly to Confirm Transporter Has Required Permit. The transportation of some types of hazardous materials requires that the transporter apply for and obtain a “safety permit” from the Federal Motor Carrier Safety Administration (FMCSA). To be issued a safety permit, carriers must meet FMCSA requirements and have a satisfactory safety rating.

The current amendment extends the requirements that carriers have the required safety permit to companies making the shipment. Therefore, companies wishing to ship materials requiring a transporter to have a safety permit must confirm that their transporter(s) have a valid permit.

Placement of Labels. The current requirements specify that at least two sides of a package must be labeled in accordance with labeling standards. The amendment clarifies that intermediate bulk containers (IBC) must also be labeled on at least two sides.

Other Amendments

Other amendments were made which have more limited application within the regulated community. These include requirements related to:

- Standards for shipment of bulk chlorine
- Standards for shipment of compressed gas cylinders
- Standards for shipment of dry ice (or packages containing dry ice)
- Standards for transportation of certain explosives
- Requirements for transportation of household hazardous wastes
- Standards for material segregation
- Design requirements for portable tanks

Links

If you wish to review the details of the amendments, you can follow these links:

<http://a257.g.akamaitech.net/7/257/2422/01jan20081800/edocket.access.gpo.gov/2008/pdf/E8-1211.pdf>

- This a PDF version of the Federal Register publication from January 28, 2008

<http://hazmat.dot.gov/regs/rules/final/73fr/73fr-4699.htm>

- This is a link to the PHMSA website which provides further information on hazardous material transportation requirements, and the current amendments.

Regulatory Briefings are published periodically by Caltha to highlight new or proposed environmental, health & safety regulations.

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