



# Shipping Container Institute

# NEWS

January – February 2007

## IPANA NEWS

### IPANA Annual Meeting Set for May 2-4 in Phoenix

The 5<sup>th</sup> Annual Meeting of the Industrial Packaging Alliance of North America (IPANA) and its independent affiliates will take place at the Pointe Hilton Tapatio Cliffs, Phoenix, Arizona, on May 2-4, 2007. Recently, preliminary information on the meeting was circulated electronically to all IPANA members and others on the Alliance's mailing list.

The meeting this year breaks with IPANA's usual approach in two ways: the meeting is later in the spring than usual and the arrival and departure patterns are different. For 2007, IPANA's meeting dates fall on Wednesday, Thursday, and Friday, with the actual plenary sessions and individual group meetings beginning on Thursday morning, May 3. On Wednesday afternoon, May 2, IPANA will conduct its annual golf outing at the Sun Ridge Canyon Golf Club preceding a Welcome Reception for all conference participants on Wednesday evening.

The Chemical Packaging Committee (CPC) of the Institute of Packaging Professionals will conduct its spring meeting April 30 to May 2 at The Wigwam Resort, Litchfield, Arizona, a suburb west of Phoenix. CPC members will be alerted to the meeting and some IPANA members may invite CPC participants to participate in the golf outing. CPC members also are invited to participate in the May 2 Welcome Reception at the Pointe Hilton.

Included among the annual meeting materials circulated this week were instructions for reserving preferred accommodations at the Pointe Hilton before the April 10 deadline. Also, a preliminary schedule of events and IPANA registrations forms were provided.

Several DOT officials and an industry executive charged with global sourcing of packaging are among the invited speakers. As speakers and panels are confirmed this information will be conveyed to members via e-mail.

## SSCI NEWS

### SSCI Publishes Additional Customer Brochures, Color Selector Chart

The Steel Shipping Container Institute (SSCI) recently published two additional educational brochures bringing to four the number of such documents that focus on key elements that customers should consider in purchasing and utilizing steel drums and pails.

The two latest brochures, *Steel Drum and Pail Accessory Compatibility* and *Container Assembly and Closure Instructions* are accessible in Adobe PDF and printer-ready format on the SSCI's Web Site at [www.steelcontainereers.com](http://www.steelcontainereers.com). Simply click on the Buyer's/Shipper's Guide in the box on the Home Page.

Earlier, the SSCI had published pamphlets entitled *Lining Selection Guidelines for Interior Lined Steel Drums and Pails* and *Certifiable UN Marks for Steel Drums and Pails*. These documents also are available on the SSCI Web Site.

In addition to these publications, the SSCI recently provided all of its manufacturer members with the new RAL-based chart entitled, *Color Selector for New Steel Drums and Pails*. This chart contains twenty industrial colors, fourteen of which have also been adopted by the European Association of Steel Drum manufacturers (SEFA) and the Asia Oceanic Steel Drum Association (AOSD).

The RAL Classic palette of about 200 total colors is widely known for its industrial application. The SSCI's updated *Color Selector* chart has been developed to assist customers in selecting attractive, uniform colors for steel drums and pails for the domestic or global markets. The 20 modern RAL-based colors are the result of extensive analysis by SSCI manufacturers, their paint suppliers, and container users.

### **SSCI Board Affirms Plans to Collect Production Data**

At its meeting last month in Chicago, the SSCI Board of Directors affirmed its fall decision to gather and aggregate production data for 55-gallon tight head and open head drums. The decision is part of a broader industrial packaging initiative to replace the critical industry data that, until the late 1990s, had been gathered by the Bureau of the Census.

Efforts are proceeding to solicit and evaluate bids by third-party analytical firms that would be charged with collecting and aggregating the data from the SSCI's twelve current manufacturer members. As part of the process, the initial data collection efforts will include a "look back" of several years data to provide a frame of reference for the most recent data on tight head and open head 55-gallon drums produced.

Other independent affiliates of IPANA also are proceeding with data gathering efforts on industrial packaging production.

### **Efforts Continue to Promote the Benefits of NFPA 30**

The Steel Shipping Container Institute (SSCI) through the auspices of the Steel Packaging Alliance for Public Safety (the Alliance) is continuing efforts to broaden awareness of the change in NFPA 30 that allows for the increased storage in steel drums with fusible, or plastic fittings combustible and flammable liquids in appropriately sprinklered storage facilities.

In its awareness campaign, SSCI staff has targeted risk management executives for a mailing of a fire test DVD and related materials. Meanwhile, SSCI manufacturer members also have provided staff with the names of their business's risk consultants so that these individuals, too, can be contacted about the Alliance. Also, the goal is to obtain from these insurance professionals contact information for colleagues who are responsible for assessing risk for their many clients.

The Board also directed staff, for the May meeting in Phoenix, to develop a time line related to marketing objectives related to efforts of the Steel Packaging Alliance for Public Safety, including an assessment of outside resources that could provide a more focused marketing effort to this enterprise.

## **REGULATORY NEWS**

### **PHMSA Administrator Designated as Acting Deputy Secretary at DOT**

Adm. Thomas J. Barrett (USGC Ret.), administrator of DOT's Pipeline and Hazardous Materials Safety Administration (PHMSA) reportedly will be designated by President Bush as acting deputy secretary of transportation. Maria Cino, who currently serves in that post is stepping down on March 2 and is expected to work on organizing the 2008 Republican National Convention. Ms. Cino also had served as acting secretary of transportation following the resignation of Norman Y. Mineta last summer.

Adm. Barrett was nominated by the president as PHMSA administrator in January 2006 and sworn in following Senate confirmation last May. During his tenure at the agency, he has actively engaged in a dialogue with PHMSA's various constituencies explaining his approach to running the agency. He has noted that he is taking an enterprise approach in running PHMSA with a goal of finding solutions to issues that satisfy both the agency and industry. Additionally, PHMSA decision-making on his watch will be risk based and data driven. He also has noted that he believes that transparency in the agency's enforcement efforts leads to self-correcting behavior among the regulated.

At the time of publication, it is unclear whether Adm. Barrett will serve in both posts. With less than two years remaining in the Bush presidency, it will be difficult for the president to find a permanent candidate, other than Adm. Barrett, for the post of deputy secretary. Should the PHMSA administrator permanently shift to the deputy secretary position, it is unclear what the effects of his departure will be on the program he has initiated at the agency.

### **PHMSA to Conduct Meeting to Solicit Input on UN COE Agenda**

The Pipeline and Hazardous Materials Safety Administration (PHMSA) has published a *Federal Register* notice of a February 28 meeting to review and solicit input on the program of work agreed to by the UN Sub-Committee of Exports (COE) on the Transport of Dangerous Goods for its 2007-2008 biennium. In particular, PHMSA's Office of International Standards (OIS) is soliciting input relative to requirements for the transport of dangerous goods in limited quantities, including consumer commodities, which is a major item on the upcoming program of work.

In addition, OIS is developing a five-year work plan to address international and domestic harmonization efforts taking into account its role in representing the U.S. in international forums. The goal is to develop the plan in partnership with affected parties to ensure an enterprise approach which fosters a plan capable of meeting the needs of its stakeholders, the agency's notice observed.

The specific elements of the items on the work plan are a work in progress, PHMSA explained, but some general areas include:

- Enhancing safety through improvements to hazard communication, packaging, and classification requirements;
- Enhancing security by ensuring that international and national regulations adequately address new technologies with potential for improving the secure transport of hazardous materials;
- Enhancing safety and security through improved exchange and review of private and public sector data relevant to the transport of hazardous materials;

- Improving cross-sector regulatory consistency by ensuring that international and domestic transport requirements are properly integrated with the Global Harmonized System for the Classification and Labeling of Chemicals (GHS);
- Facilitating global trade by improving mutual recognition of approvals granted by competent authorities, particularly those issued in relation to cylinders and portable tanks;
- Ensuring stakeholder needs are met by improved dialogue and outreach to affected parties to ensure that changes to the regulations are in step with the marketplace realities; and
- Improve supply-chain efficiencies through use of electronic documentation.

The public is invited to attend this session, from 9:30 a.m. to 12:30 p.m. in Room 3200 at DOT headquarters without prior notification. However, due to heightened security measures, participants should arrive early to allow time for security checks necessary to obtain access to the building.

SSCI will be represented at this meeting.

### **Budget Snafu Puts Increased HM Fees on Hold**

Last August, the Pipeline and Hazardous Materials Safety Administration (PHMSA) published a *Federal Register* notice of proposed rulemaking in Docket No. HM-208F, proposing to significantly boost fees associated with its Hazardous Materials Transportation Registration and Fee Assessment Program. Under the proposal, for the registration year 2007-2008, the fee for registrants not qualifying as a small business or not-for-profit organization increased to \$2,000, from \$1,000 in 2006. Moreover, for 2008-2009, the agency proposed to boost the annual registration fee to \$3,000.

However, as recently reported by the Dangerous Goods Advisory Council (DGAC), the proposed changes expected to be adopted last October 1 – the beginning of the Federal government fiscal year – did not go into effect because the Congress failed to pass funding bills for FY2007. Instead, the Congress enacted a continuing resolution for FY2007 to keep the government operating. Before it adjourned for the year last December, the Congress passed another continuing resolution extending, with certain exceptions not related to the

hazardous materials program, the 2006 funding levels to October 1, 2007. In effect, this means the proposed 2007 budget for hazardous materials transportation operations, including the higher fees, has not been – and will not be – adopted prior to FY2008 next October 1.

Therefore, according to DGAC, “the [hazmat registration] fund will remain authorized at \$14.3 million for the remainder of this fiscal year rather than the \$28 million requested.” Consequently, there is unlikely to be any change in the fees assessed this year.

### **DOT Move to New Offices Now Expected in Spring**

The expected shift of the Department of Transportation to new offices recently constructed in southeast Washington now is expected to occur in an April-May timeframe. The agency is abandoning its long-time home in the Nassif Building at 400 Seventh Street S.W. for a new headquarters in a less developed part of our Nation’s Capital near the Navy Yard Green Line Metro station and close by the new home of the Washington Nationals that is currently under construction.

As previously reported, a number of retirements are expected in the various DOT offices that will be making the move to the new headquarters. Many individuals, who meet the eligibility requirements of age and years in service, plan to retire rather than adjust to a new commute to an office more remote from Washington’s commercial core than is currently the case.

### **CPC, Manufacturer Groups Focus on Design Test Templates**

At a recent meeting in Sarasota, Florida, a Chemical Packaging Committee (CPC) work group comprised of fillers, component suppliers, and industrial container manufacturers continued efforts to evaluate so-called packaging design test report templates developed by the Pipeline and Hazardous Materials Safety Administration (PHMSA). The agency developed the templates, which call for substantially more information than currently required by regulation, over the last several years. In 2006, PHMSA required third-party laboratories to adopt the more extensive report forms as condition of their continued certification by the agency.

Meanwhile, in briefings before packaging manufacturers and reconditioners, PHMSA officials have been encouraging voluntary adoption of the design test report templates by self-certifiers. All parties subject to PHMSA’s design test reporting requirements have expressed concerns about the detail requested in the new reports, which can run up to nine pages in length, as well as related costs. The information requested far exceeds that required in the test report provisions published in Title 49 CFR.

Since PHMSA already has imposed the more detailed report forms on third-party laboratories, there is concern that, eventually, the agency will initiate a notice of rulemaking to similarly impose these requirements on self-certifiers rather than support two different design test reports.

At the Sarasota meeting, the CPC work group divided into two task groups – one focused on packaging such as the 1A1 steel drum and the 1H1 plastic drum and a second that focused on 4G fibreboard box and the 5M2 multi-wall, water-resistance paper bag. During its discussion, the 1A1/1H1 group concluded that CPC, industrial packaging manufacturers, and reconditioners, should meet with PHMSA officials in an effort to reduce the reporting burden associated with the agency’s design test report forms or, alternatively, to develop and recommend a substitute that meets PHMSA’s requirements without imposing an undue burden on self-certifiers and third-party labs.

Among concerns raised about PHMSA’s design test report templates is that some of the information requested could be deemed commercially sensitive and/or proprietary. Although the reports are maintained by the manufacturer or reconditioner and made available upon request to PHMSA representatives, critics of the reports, in many instances, fail to see the relevance of such information in a design test report.

The CPC work group will continue efforts in evaluating the design test report forms and, working with manufacturers and reconditioners, aim at discussing their concerns with PHMSA representatives.

### **Ohio Plant Fined for Air Pollution Violations**

The Environmental Protection Agency (EPA) has assessed a \$750,000 civil penalty against an Ohio company to settle violations of the New Source Review

(NSR) provisions of the Clean Air Act. The agency uncovered the violations at a Cincinnati-area nitric acid production facility. As part of the settlement, the facility's parent companies also agreed to install state-of-the-art pollution control equipment at the plant in violation that will reduce nitrogen oxides (NOx) emissions by more than 200 tons per year.

EPA issued the notices of violation against the firm in October 2006 for making construction modifications to a facility in the mid-1990s without first obtaining necessary Federal pre-construction permits and installing the required pollution control equipment. The unpermitted modifications caused the facility to emit more NOx than allowed by Federal law.

### **Employer Must Post Illness/ Injury List Beginning Feb. 1**

The Occupational Safety & Health Administration (OSHA) issued a press release reminding employers that, beginning February 1, they must post a summary of the total number of job-related injuries and illnesses that occurred during 2006.

The summary must list the total number for the year as logged on the OSHA 300 Form. Information about the annual average number of employees and total hours worked during the calendar year is also required to assist in calculating incidence rates. Companies with no recordable injuries or illnesses in 2006 must post the form with zeroes on the total line. All summaries must be certified by a company executive.

Employers with ten or fewer employees and employers in certain industry groups are normally exempt from Federal OSHA injury and illness recordkeeping and posting requirements. A complete list of exempt industries in the retail, service, finance, and real estate sectors is posted on the OSHA Web Site.

Copies of the OSHA Form 300 are available on the OSHA Recordkeeping Web Site in either Adobe PDF or Microsoft Excel Spreadsheet formats.

### **FMCSA Proposes Rule for Truck On-Board Recorders**

The DOT's Federal Motor Carrier Safety Administration (FMCSA) recently published in the *Federal Register* a long-anticipated notice of proposed

rulemaking aimed at requiring the adoption of electronic on-board recorders (EOBRs) in the trucking industry. However, the agency's proposal limits the mandatory use of such technology to motor carriers with a history of serious hours-of-service (HOS) violations. Such firms would have to install EOBRs in all commercial vehicles for a minimum of two years.

The agency's proposal would require EOBRs to record basic information needed to track a driver's duty status. That information would include: identify of the driver, duty status, date, time, and location of the commercial vehicle, and distance traveled. Additionally, the proposal would add a new requirement to use global positioning system (GPS) technology or other location tracking systems to automatically identify the location of a vehicle, reducing the likelihood of falsification of HOS information.

On-board HOS recording devices that are installed in commercial vehicles manufactured on or after two years from the effective day of a final rule would have to meet these new technical requirements, but EOBRs voluntarily installed before that time would be allowed to continue for the life of the vehicle.

The agency estimates that, within the first two years that the rule is enforced, approximately 930 carriers and 17,500 drivers would be required to use EOBRs.

The proposed rule also would encourage industry-wide use of EOBRs by providing incentives for voluntary use, said John H. Hill, FMCSA Administrator.

The notice of rulemaking was published in the January 18 *Federal Register* as Docket No. FMCSA-2004-18940, RIN-2126-AA89, *Electronic On-Board Records for Hours of Service Compliance*. Comments are due by April 18.

### **HOS Supporting Documents Rule Placed on Hold**

FMCA Administrator John Hill recently announced that a long-awaited final rule amending the agency's hours of service (HOS) recordkeeping and log auditing requirements has been put on hold pending further analysis of its impact.

In announcing this development during a January news conference, Administrator Hill said the agency did not know when the final so-called supporting documents

rule would be published, but that a timeline would be issued soon.

According to published reports, the White House cleared the rule for publication four months ago, but the FMCSA delayed its implementation, ostensibly so enforcement personnel could be trained. In the meantime, the agency discovered that its “paperwork burden” analysis of the proposal was flawed because it relied on incomplete data when determining the time and expense required for motor carriers to collect and manage supporting documents.

The final rule is expected to clarify which supporting documents – such as fuel and toll receipts and bills of lading – motor carriers and drivers must maintain, and how these documents are to be used to verify drivers’ records of duty status, or logs.

### **ATA Petitions FMCSA for Employer Notification**

American Trucking Associations has filed a petition with the Federal Motor Carrier Safety Administration seeking amendments to rules regarding employer notification and drivers.

The petition would allow states to notify companies when a driver receives a traffic violation, conviction or other change to the status of his or her commercial driver license, ATA said.

“These programs address a regulatory loophole that allows some serious traffic convictions to go undetected for several months,” ATA President Bill Graves said.

## **LEGISLATIVE NEWS**

### **Card-Check Bill Would Allow Workers to Bypass Elections**

A bill to amend the National Labor Relations Act by establishing a process whereby unions could gain representation rights for workers by getting a majority of them to sign union authorization cards has been introduced in the U.S. House of Representatives. The measure, H.R. 800, was introduced by Rep. George Miller (D-CA) and has 230 co-sponsors, including seven Republicans. A companion bill in the Senate is expected to be introduced soon.

The legislation is backed by labor unions and a wide range of other groups, including the Democratic Leadership Council, civil rights organizations, and the anti-poverty group ACORN, according to a report by BNA, Inc. in its newsletter, *Daily Labor*.

The measure is opposed by business groups and has been blasted by some republicans as a way for union leaders to coerce workers into signing cards in support of union representation, the newsletter reported.

The bill would allow workers to form a union if a majority of workers sign cards indicating they want a union to represent them. “If a majority of workers sign authorization cards in support of a union, then they get a union,” noted Rep. Miller, chairman of the Education and Labor Committee.

At a press conference, Mr. Miller acknowledged that no companies have endorsed the bill, but there are some companies that have supported workers who elect their union through a “card check” rather than through secret ballot. He cited Cingular Wireless, and Kaiser Permanente, and some hotel chains that have agreed to recognize unions if a majority of workers sign authorization cards.

## **MISCELLANEOUS NEWS**

### **Rising Metal Prices Leads To Bold Thefts, Deaths**

Thefts of metal for sale as scrap have been in the news in many states in recent months,” the Associated Press (AP) reported recently. “In Minneapolis this month, three people were nabbed after a scrap yard rebuffed their efforts to sell as scrap chopped-up remains of two bronze statues stolen from a city park....In Charleston, W.Va., Verizon telephone lines have turned increasingly attractive to copper thieves. The company...says it has lost nearly five miles of cable in 45 incidents over the past year...In Michigan, thieves recently used a semi-truck to make off with 15 tons of copper wire worth \$200,000 in a brazen daytime heist from a suburban Detroit demolition site. Last fall, two men died of electrocution trying to dismantle street lights for scrap....In Georgia, thieves ripped out \$14,000 worth of new copper wiring a few days before last Christmas from the future headquarters of Habitat for Humanity's Albany affiliate....In Washington state, where thieves recently ripped out 2,800 feet of wire from streetlights along a U.S. highway, the Department of

Transportation and state police have launched a new online form where people can report suspicious activity.” Another AP story on Wednesday reported, “The National Conference of State Legislatures says

more than a dozen states are proposing measures they hope would curb thefts of recyclable metal, notably copper.”

## **CALENDAR OF EVENTS**

### **MARCH 18 – 20**

Petroleum Packaging Council  
2007 Spring Meeting  
Las Vegas, Nevada

### **MARCH 29 – 30**

Dangerous Goods Advisory Council  
7<sup>th</sup> International Conference  
Prague, Czechoslovakia

### **APRIL 30 – MAY 2**

Chemical Packaging Committee  
Full & Sub-Committee Meetings  
Litchfield, Arizona

### **MAY 2 – 4**

Industrial Packaging Alliance of N.A.  
5<sup>th</sup> Annual Meeting  
Phoenix, Arizona

\*\*\*\*\*