



Steel Shipping Container Institute

NEWS

July - August 2008

MEETING NEWS

Agenda Set for IPANA 2008 Fall Conference

An uncertain economy, a possible “game-changing” election, and ever-rising commodity prices will be in focus at the October 27-28 IPANA Fall Conference at the Westin City Center Hotel, Washington, D.C. These issues as well as a multitude of industry specific regulatory and technical matters will be on the agenda during this two-day session in our Nation’s Capitol.

David M. Huether, Chief Economist at the National Association of Manufacturers will be the keynote presenter on October 27 providing insight into the current state of the economy as well as a forecast for what is ahead in 2009. Also, the Honorable Thomas M. Davis, (R-VA), retiring member of the House of Representatives, at the October 28 Newsmaker’s Breakfast, will provide his views on the November 4 elections and the impact their outcome will have on businesses and taxpayers in 2009 and beyond. Finally, a panel of specialists in the commodities will share their views on where prices are headed in these markets in the months’ ahead.

The preliminary schedule of events and related hotel and conference registration materials were circulated electronically to the IPANA mailing list earlier in August. Members are encouraged to complete their registration forms and make their preferred hotel reservations promptly. Conference registrations received after September 26 will be assessed higher fees. Hotel rooms at the Westin City Center are available for IPANA members at \$249 single/double until October 3. If you are uncertain of your plans to attend, we *strongly recommend* that you make a room reservation now. It can always be cancelled later without penalty.

Make your plans now to join us in Washington on October 27-28.

SSCI NEWS

SSCI Board Meets with PHMSA Officials on Safety-Related Issues

Lead by Chairman John Dergentis, representatives of the Steel Shipping Container Institute’s (SSCI) Board of Directors, the head of its Technical Projects Committee, and executive director met July 16 with Office of Hazardous Materials Safety (OHMS) Associate Administrator Ted Willke and other senior officials to discuss mutual safety concerns.

In a conference room at PHMSA headquarters, more than 20 PHMSA and SSCI representatives spent more than two hours discussing a broad range of safety-related issues, including Tobyhanna testing, drum marking concerns, cooperative efforts on educational publications for fillers, and closure instruction notification.

At the meeting, SSCI noted recent questions that have been raised about the efficacy of Tobyhanna testing in the face of markedly disparate transport incident reporting involving industry packaging. The Institute reaffirmed its support for the current Tobyhanna testing regimen noting that its members look forward to continue cooperative efforts with PHMSA on achieving improvements in manufacturing and test protocols to enhance hazardous materials safety. SSCI noted the value that was derived from its visit to Tobyhanna last fall to observe demonstration testing and discuss related issues.

The agency noted that it has continued its efforts to provide more timely notice to manufacturers on

packaging test failures at Tobyhanna. Moreover, PHMSA officials said that they are amenable to shifting more of future industrial packaging testing to the manufacturer's facilities in a further effort to streamline the process and deal with any production failures where they occur. Moreover, conducting such testing at the manufacturer's facility would assure exact compliance with the packaging's closure and assembly instructions.

SSCI and PHMSA agreed on the need to continue to shift away from the production of aggressively marked ("X" marked) steel drums in the face rising steel costs that are leading customers to lighter gauge packages. It was observed that a significantly higher percentage of products shipped in steel drums have characteristics that require no more than a "Y" mark.

SSCI Renews Inquiry on Its Pending Request on Closure, Assembly Instructions

During a July 16 meeting between Steel Shipping Container Institute (SSCI) representatives and Ted Willke, Associate Administrator, Office of Hazardous Materials Safety (OHME), and other agency officials, the Institute renewed its request for an agency determination regarding an earlier request involving the dissemination of closure and assembly instructions by manufacturers to their customers.

The SSCI last October, using the agency's Web site portal, filed a request that PHMSA allow the dissemination of closure notification information via e-mail or other electronic media while maintaining compliance with the one-year retention requirement regarding such instructions. In making its request, the SSCI said that providing closure notification information via electronic means will foster greater awareness of the required information and, therefore, promote PHMSA's and the industry's mutual goal of enhancing the safe transport of hazardous materials. The SSCI utilized the informal Web portal in making this request due to its understanding that such inquiries are considered expeditiously by the agency.

At the July 16 meeting, agency officials generally agreed that the idea of providing closure notifications electronically was a good idea and consistent with the broader reliance on this means of disseminating important information. The SSCI was assured that officials would look into the delay in responding to its request and follow up shortly.

REGULATORY NEWS

PHMSA Introduces Searchable Data Base on HM Incidents

The Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT, has posted on its Web site a database that allows users to search for hazardous materials incidents by any number of 37 different fields generating a report giving the details of all relevant incidents over the past ten years.

The reports automatically can be exported in the form of an Excel file for further analysis. [Click here](#) for the data base.

PHMSA Workshop Focuses on Future HM Transport Safety

More than 100 individuals representing a broad range of hazardous materials interests met in Washington July 31 at a workshop hosted by the Pipeline and Hazardous Materials Safety Administration (PHMSA) to explore the future of transport safety in the next 100 years. Shippers, carriers,, fire fighting/emergency response interests, and representative of industrial packaging manufacturers and reconditioners were among the many constituents participating.

In a July 18 [Federal Register notice](#), the agency explained it was hosting the workshop to identify and discuss strategies for meeting emerging hazardous materials transportation safety challenges, particularly the development of innovative safety solutions that provide DOT and related federal, state, and local safety agencies and emergency response organizations with flexible tools to manage and reduce safety risks.

Workshop speakers representing the wide range of PHMSA constituent interests were requested to focus on three broad themes: (1) Safety, Risk Reduction, and Integrity Management; (2) 21st Century Solutions: Using New Technology for Improved Safety Controls/Improving Safety Controls for New Technology; and (3) Achieving Balance and Effectiveness—Consistency and Uniformity.

PHMSA Administrator Carl Johnson opened the workshop stressing the importance of looking ahead to identify and discuss strategies for meeting hazmat

transportation safety challenges as well as developing innovative solutions to these challenges. Subsequent sessions were facilitated by DOT officials and featured numerous short presentations intended to stimulate thought and feedback.

The agency said it would compile and make available on its Web Site a compendium of the presentations made by the various constituent interests.

Follow-up Meeting Planned on PHMSA Packaging Testing, Data

Building on the wide-ranging discussion that occurred at a June 25 meeting at the Pipeline and Hazardous Materials Safety Administration (PHMSA) involving agency officials, and representatives of the industrial packaging manufacturing and reconditioning industries, a further session between the groups is expected sometime after Labor Day.

The June meeting, called by the Reusable Industrial Packaging Association (RIPA) and hosted by PHMSA led to a wide-ranging discussion of a number of possible topics by various participants. However, for the follow-up meeting industry representatives agreed to focus on three topics: (1) packaging testing; (2) closure instructions; and, (3) interpretation of test results.

The packaging testing discussion will focus on the disparity between the results of Tobyhanna testing and that of self-certifiers and third-party laboratories. One area of focus is whether it would be beneficial to redirect packaging testing efforts to packaging production facilities where tests would be conducted by the manufacturer or reconditioner and observed by PHMSA enforcement staff.

Regarding closure instructions, the focus would be on their necessity and effectiveness as a means of ensuring container safety in transportation and how such closure instructions impact the packaging testing process. Additionally, if closure instructions are considered a valuable tool, the question of whether all parties could benefit from a closure instruction template or another uniform approach to assist in ensuring the integrity of packagings will be explored.

As to the interpretation of test results, the discussion will explore whether the current HMR stipulation that the failure of a single packaging in a design type test

constitutes failure of the entire test series is a meaningful measure of packaging safety.

PHMSA Issues 2007 Penalty Action Report

The Pipeline and Hazardous Materials Safety Administration (PHMSA) provides notice to the regulated industry and its stakeholders of the 169 hazardous materials civil penalty cases it closed in calendar year 2007 and collected \$893,133.04 in penalties. The notice includes detailed information of the 169 civil penalty cases. To view the report [click here](#).

Through the PHMSA website, anyone from the public can now search on hazmat incidents reported within the last 10 years and recorded in PHMSA's hazmat data base. PHMSA's apparent objective in making the data available online is to increase awareness on incidents experienced, recognizing that information on incidents do not always make it back to hazmat transportation managers able to consider appropriate corrective action. With the data base being searchable online, corporate hazmat transportation managers will be able to perform their own analyses of corporate hazmat incidents. The reach the data base [click here](#).

Application for Use of Ultrasound in Leakproofness Testing Advances

Representatives of the Steel Shipping Container Institute (SSCI) and the Reusable Industrial Packaging Association (RIPA) met recently with officials of the Office of Hazardous Materials Safety (OHMS), PHMSA, to discuss an application for Competent Authority Approval currently under development by the groups. The Approval seeks authority for members of these organizations, as well as members of the Plastic Drum Institute (PDI), to utilize prescribed ultrasound technology as an approved alternative methodology for meeting the Hazardous Materials Regulations requirements for leakproofness testing.

The proposal initiated by RIPA more than a year ago has been the subject of several conferences with agency officials to insure that the Approval application submitted meets the stringent requirements necessary to

be favorably considered by PHMSA. In the course of this effort, several real-time tests of the ultrasonic testing technology have been observed by both industry and PHMSA officials, including the latest effort at a SSCI

member's facility last February where the technology is used on the manufacturing line as a secondary leakproofness check.

It is expected that the Approval application will be filed formally within the next several weeks and a decision by PHMSA will be forthcoming by the end of the year. If granted by PHMSA, use of the Competent Authority Approval will be limited to firms listed in it as RIPA, SSCI, and PDI members.

Interviews Held to Choose Successor to Retiring Chief Safety Office at PHMSA

Sources confirm that interviews with finalists for the prospective position of Chief Safety Office (CSO) at the Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT, recently were conducted at agency headquarters in Washington, D.C.

Stacey Gerard, who currently serves as CSO at PHMSA, will be retiring at the end of 2008. However, shortly, she will be taking extended leave from her post to begin a second career as a public school teacher. Ms. Gerard is a long-time agency official who was named to the CSO post after it was created by the Bush Administration as part of a post-9/11 effort to raise security awareness across the Executive Branch of government. As CSO, Ms. Gerard's direct reports at PHMSA include the associate administrators of the Office of Hazardous Materials Safety (OHMS) and the Office of Pipeline Safety (OPS). Ms. Gerard spent a substantial portion of her career in OPS.

Interviews for the CSO post, the highest ranking career position in the agency, were conducted with several candidates from both inside government and the civilian sector. Announcement as to the new CSO is expected soon.

PHMSA Sets October 6 Charity Golf Tournament

The Pipeline and Hazardous Materials Safety Administration (PHMSA) will hold a golf tournament October 6th in support of the Combined Federal Campaign. CFC is the world's largest and most successful annual workplace charity campaign, with more than 300 CFC campaigns throughout the country

and internationally to help to raise millions of dollars each year.

Pledges made by Federal civilian, postal, and military donors during the campaign season support eligible non-profit organizations that provide health and human service benefits throughout the world. [Click here](#) for golf tournament flyer.

OTHER REGULATORY NEWS

Chemical Safety Board Issues Report on Solvents Facility Incident

The U.S. Chemical Safety Board (CSB) recently released a case study and safety video on the July 2007 explosion and fire at the Barton Solvents distribution facility in Valley Center, Kansas. According to the agency's findings, the most likely cause of the incident was a static spark resulting from a loosely linked level measurement float within a tank containing a non-conductive flammable liquid.

In its report, the CSB recommended that companies handling flammable liquids check the conductivity of those liquids, purge storage tanks with inert gas, add anti-static agents, if necessary, pump liquids more slowly to avoid the build-up of static charges, and verify that tank level floats are adequately bonded.

To see the CSB video on this incident [click here](#) and, then, click on 'Completed Investigations' and look for the June 26 entry for Barton Solvents. You can also visit the CSB video site at: [YouTube](#) and look for the video on "Static Sparks."

CDC Cites Elevated Worker Injury Death Risks for Hispanics

Workers of Hispanic decent are exposed to higher risks for work-related industry deaths in comparison to other workers, according to a Centers for Disease Control (CDC) publication. In a recent article in the *Morbidity and Mortality Weekly Report*, authors reported that data demonstrate that rates of work-related injury and death among Hispanic workers exceed those of all U.S. workers, non-Hispanic white workers, and non-Hispanic black workers.

The article also stated that foreign born workers are at especially high risk, and a large proportion of deaths occur in the construction industry. Factors contributing

to the high risk of injury death for Hispanics include work in riskier jobs, inadequate control of recognized safety hazards, and inadequate training and supervision of workers, often exacerbated by different languages and literacy levels of Hispanic workers.

To obtain more information on the report, *Work-Related Injury Deaths Among Hispanics – United States, 1992-2006*, [click here](#).

EPA Considers Use of Control Technique Guidelines for VOCs

The Environmental Protection Agency (EPA) in July published a [Federal Register notice](#) regarding the proposed determination and availability of draft control technique guidelines (CTGs) applicable to five product categories, including one that embraces steel drums.

In its announcement, the EPA explained that pursuant to § 183(e)(3)(C) of the Clean Air Act, it has determined that control technique guidelines will be substantially as effective as national regulations in reducing emissions of volatile organic compounds (VOCs) in ozone national ambient air quality standards (NAAQS) non-attainment areas for certain product categories.

The agency sought comment by August 13 on the draft CTGs document, including the section covering Miscellaneous Metal and Plastic Parts Coatings applicable to steel drums.

INTERNATIONAL NEWS

UN COE Adopts Changes Affecting IBC Permeability, Cross-Bottling

At its 33rd Session held in Geneva in early July, the UN Sub-Committee on the Transport of Dangerous Goods (TDG), adopted proposals amending provisions affecting composite intermediate bulk containers (IBCs).

A German proposal seeking a new sub-section in the UN's *Model Regulations* requiring a new warning sign on transport units containing plastics packagings and IBCs subject to permeation of contents was defeated. However, the COE adopted a new paragraph was added in the general packaging requirements as well as in the standards for packagings section to provide that "any permeation of the substance contained in a packaging

shall not constitute a danger under normal conditions of transport." A similar statement already appears in Chapter 6.5 (IBCs) and 6.6 (larger packagings) in the *Model Regulations*.

On the cross-bottling question, the COE adopted several amendments to the *Model Regulations* to deal with concerns addressed by a Correspondence Group on composite IBC re-bottling and cross-bottling matters that met subsequent to the December 2007 UN session.

The COE approved a revision to "Repaired IBC" at 1.2.1 to require replacement inner receptacles of composite IBCs to conform to the "original design type from the same manufacturer" by inserting those words in place of the words "original manufacturer's specification" that currently appear.

The requirements for marking the inner receptacle of composite IBCs were also revised to require that the receptacle also be marked with the code designating the type of IBC and the capital letter designating the packing group for which the IBC has been tested, and that all required markings appear "in a location so as to be readily visible when [the inner receptacle is placed] in the other casing."

These requirements will be effective for receptacles manufactured after January 1, 2011.

OTHER NEWS

New Study Warns of Golf Cart Risks

The popularity of golf carts has skyrocketed in recent years — unfortunately so have the number of golf cart-related injuries. In fact, a new study conducted by researchers in the Center for Injury Research and Policy of The Research Institute at Nationwide Children's Hospital found that the number of golf cart-related injuries rose 132 percent during the 17-year study period.

According to the study, published in the July issue of the *American Journal of Preventive Medicine*, there were an estimated 148,000 golf cart-related injuries between 1990 and 2006, ranging from an estimated 5770 cases in 1990 to approximately 13,411 cases in 2006.

As golf carts have become faster and more powerful, they are no longer limited to use on the golf course. In addition to their traditional role, golf carts are now

routinely being used at sporting events, hospitals, airports, national parks, college campuses, business parks, and military bases.

street had an increased risk of concussions and were more likely to require hospitalization than individuals injured in other locations.

While the study found that the majority of golf cart-related injuries (70.3 percent) took place at sports or recreational facilities, individuals injured in carts on the

CALENDAR OF EVENTS

SEPTEMBER 10 – 12

National Association of Chemical Distributors
OPSEM 2008
Orlando, Florida

OCTOBER 6 – 8

Chemical Packaging Committee
Full- and Sub-Committee Meetings
Alexandria, Virginia

OCTOBER 22 – 25

Reusable Industrial Packaging Association
67th Annual Conference
Tucson, Arizona

OCTOBER 26 – 28

Industrial Packaging Alliance of North America
Fall Conference
Washington, D.C.

NOVEMBER 5 – 7

Dangerous Goods Advisory Council
30th Annual Conference and HMT Exposition
Savannah, Georgia

DECEMBER 1 – 5

National Association of Chemical Distributors
37th Annual Meeting
Scottsdale, Arizona

2009

APRIL 26 – 29

Industrial Packaging Alliance of North America
7th Annual Meeting
Hilton Head Island, South Carolina

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