



U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration
Office of Governmental, International and Public Affairs
Washington, D.C.

Enforcement Notice

PHMSA # 5-05
Friday, June 24, 2005

Contact: Joe Delcambre
Tel.: (202) 366-4831

PHMSA Office of Hazardous Materials Safety April 2005 Notice of Hazardous Materials Regulations Enforcement

The Pipeline and Hazardous Materials Safety Administration (PHMSA) today gave notice to the regulated industry and its stakeholders of the 34 hazardous materials civil penalty cases it closed in the month of April 2005 for violations of the Hazardous Materials Regulations (HMR) (49 Code of Federal Regulations Parts 100 – 185). It is the task of PHMSA's inspection and enforcement staff to determine compliance with the safety and training standards of the HMR by inspecting the regulated industry that offers hazardous materials for transportation. PHMSA files all of its final orders weekly into the Department's Docket Management System (DMS). Access to the DMS system is available on the DOT website at <http://dms.dot.gov>.

Company	SUMMARY	Penalty
AUSTIN POWDER COMPANY, East Camden, AR (Shipper)	Offered three different types of boosters, without detonator, 1.1D, in packaging marked as meeting the UN4G/Y29/S standard (1) with exposed metal staples inside the interior of the outer packaging and with inner packaging that did not adequately protect the boosters from contact with the staples, (2) that did not include a required polymer liner sealed by a plastic tie strap, and (3) in a configuration such that the inner packages did not allow for adequate closing of the packaging, thereby rendering the packaging unauthorized for the explosives. [173.60(b)(1), 173.62(a)-(c)—Table 132(b)] Case No. 04-138-SE-CE	\$15,600
BOC GASES, INC., Lovington, NM (Shipper)	Filling and offering for transportation in commerce a hazardous material, hydrochloric acid, 8, UN1789, PG III, in an intermediate bulk container (IBC) that had not been reinspected or retested within the past 2.5 years. [173.35(a), 180.352(a)] Case No. 05-0027-SIBC-SW	\$3,045
CAPTAIN CHEMICAL LLC, Hobbs, NM (Shipper)	Failed to develop and implement a security plan; offering for transportation and transporting in commerce hazardous materials accompanied by shipping papers that failed to include the required technical name in parentheses. [172.800(b), 172.802(a) and (b), 172.203(k)] Case No. 05-0085-SD-SW	\$4,650

PHMSA Notice of Hazardous Materials Regulations Enforcement

Company	SUMMARY	Penalty
CLEVELAND STEEL CONTAINER CORPORATION, Niles, OH (Steel Drum Manufacturer)	Manufactured, marked, certified, and sold drums as meeting the UN6HA1/X1.8/250 standard, when they had not been subjected to periodic testing; manufactured, marked, certified, and sold these drums when they were not capable of passing the hydrostatic pressure test. [178.2(b), 178.601(e), 178.2(b), 178.601(b), 178.605] Case No. 04-059-PM-EA	\$6,050
COASTAL UTILITY SUPPLY & SERVICE LLC, Savannah, GA (Shipper)	Failing to develop and adhere to a security plan; failed to provide employee training, including security awareness training, or create and retain records of training testing. [172.800(b), 172.802(a) and (b), 172.702(b), 172.704(a)(1)-(4), 172.704(d)] Case No. 05-0053-SC-SO	\$3,360
COBRA MANUFACTURING, INC., Gardena, CA (Shipper)	Offered a class 6.1 HM without executing shipping papers and without marking or labeling the packages, thereby creating an undeclared shipment; failed to provide employee training, or create and retain records of training testing. [172.202(a), 172.301(a), 172.400(a)(1), 172.604(a), 173.22, 172.702(b), 172.704(a) and (d)] Case No. 03-239-SB-SW	\$11,550
DALEY INTERNATIONAL, Luling, TX (Shipper)	Failed to provide recurrent employee training. [172.702(b), 172.704(c)(2)] Case No. 04-524-SD-SW	\$1,000
DALEY INTERNATIONAL, St. Louis, MO (Shipper)	Offered hazardous materials in a 55-gallon drum that had not been subjected to leak-proofness testing more than five years after the original date of manufacture. [173.22(a)(2), 173.28(b)(7)] Case No. 04-525-SD-SW	\$4,800
DICKLER CHEMICAL LABORATORIES, INC., Philadelphia, PA (Shipper)	Offered compound, cleaning, liquid (containing sodium hydroxide), in 55-gallon drums that were unauthorized because they were not marked as meeting a UN standard; failed to close 30-gallon drums in accordance with the manufacturer's closure notification; represented and marked combination packaging as meeting the UN4G/Y22.8/S standard, when the applicable test report indicated that the packaging had been certified to a gross mass of 22.3 kg and the third-party packaging certifier assigned "+BA0607" to this packaging; offered combustible liquid, n.o.s. (containing terpene hydrocarbons), which was misclassified in the Material Safety Data Sheet and misdescribed as a Packaging Group II and Limited Quantity material on the outer packaging and the shipping paper; failed to create and retain complete records of employee training testing. [173.22(a)(2), 173.202, 173.22(a)(4), 173.24(f)(2), 178.2(b), 178.503(a)(4)(i) and (8), 178.602(a), 172.202(a)(4), 172.203(b), 173.22(a)(1), 172.704(d)] Case No. 04-389-SD-EA	\$8,200

PHMSA Notice of Hazardous Materials Regulations Enforcement

Company	SUMMARY	Penalty
ECTOR DRUM, INC. D/B/A LONE STAR DRUM COMPANY, Odessa, TX (Drum Reconditioner)	Represented, marked, certified, and sold reconditioned steel drums as meeting the UN1A1/Y standard, when they were not capable of passing the drop, leak-proofness, and hydrostatic pressure tests, and represented, marked, certified, and sold plastic drums as meeting the UN1H1/Y standard, when they were not capable of passing the drop, leak-proofness, hydrostatic pressure, and vibration tests; represented, marked, certified, and sold steel drums as meeting a UN standard, when they were not marked in a permanent manner, on the bottom or the side, with the UN symbol, the packaging identification code, the letter identifying the performance standard, the specific gravity or mass for which the packaging design had been tested, the test pressure in kilopascals, the last two digits of the year of manufacture, the state authorizing allocation of the mark, the manufacturer's symbol or name and address, and the nominal thickness (in millimeters) of the packaging material. [173.28(c), 178.603, 178.604, 178.605, 178,608, 173.28(b)(4), 173.28(c), 178.503(a) and (d)] Case No. 04-241-DR-SW	\$7,500
EVANS CUSHING, INC., Cushing, OK (Steel Drum Manufacturer)	Manufactured, marked, certified, and sold 55-gallon, closed-head steel drums as meeting the UN1A1/X1.8/300 standard, when they were not capable of passing the drop and hydrostatic pressure tests. [178.601(a), 178.603, 178.605] Case No. 03-514-DM-SW	\$5,045
EVANS CUSHING, INC., Cushing, OK (Steel Drum Manufacturer)	Manufactured, marked, certified, and sold steel drums as meeting the UN1A1 and UN1A2, standards, when the design qualification test reports for the drums were incomplete or improperly maintained; manufactured, marked, certified, and sold steel drums as meeting the UN1A1 standard, when the design qualification drop and hydrostatic pressure tests were not properly conducted. [178.2(b), 178.601(d) and (l), 178.2(b), 178.601(d), 178.603(e), 178.605(d)] Case No. 04-214-DM-SW	\$5,890
FLORIDA CHEMICAL CO. INC., Winter Haven, FL (Shipper)	Failed to have a security plan in place; Allowing employees to perform a function subject to the requirements of federal hazardous materials regulations when the employees had not received hazardous materials general awareness training [172.800(b)(7), 172.802(a), 172.702(b), 172.704(a)(1)] Case No. 05-0035-SD-SW	\$4,800
GRUPO ZAPATA INDUSTRIA METALICA DEL ENVASE, Huehuetoca, Mexico (Steel Drum Manufacturer)	Manufactured, marked, certified, and sold five-gallon, closed-head steel drums as meeting the UN1A2/Y1.5/80 standard, when they were not capable of passing the drop, leak-proofness, and hydrostatic pressure tests; manufactured, marked, certified, and sold five-gallon, closed-head steel drums as meeting the UN1A2/Y1.5/80 standard, when, during design qualification testing, it failed to drop test the required number of samples. [178.601(b), 178.603(f)(1), 178.604(f), 178.605(e), 178.601(a), 178.603(a) (see also UN Recommendations on the Transport of Dangerous Goods, 12 th Edition, §6.1.5.3)] Case No. 04-156-FDM-WE	\$15,944

PHMSA Notice of Hazardous Materials Regulations Enforcement

Company	SUMMARY	Penalty
GULF COAST CHEMICAL, INC., Alvin, TX (Shipper)	Offered and transported flammable liquid, corrosive, n.o.s., in unauthorized, non-UN-standard, non-bulk packaging; offered this material without labeling the packaging with a subsidiary hazard warning label. [173.22(a)(2), 173.202(a) and (c), 172.402(a)] Case No. 04-501-SD-SW	\$1,220
GULF COAST CHEMICAL, INC., Abbeville, LA (Shipper)	Offered flammable liquid corrosive, n.o.s., in unauthorized, non-UN standard, non-bulk packaging; offered this material without labeling the packaging with a subsidiary hazard warning label. [173.22(a)(2), 173.202(a) and (c), 172.402(a)] Case No. 04-502-SD-SW	\$4,570
GULF COAST CHEMICAL, INC., Lake Charles, LA (Shipper)	Failed to develop and adhere to a security plan. [172.800, 172.802] Case No. 04-540-SD-SW	\$3,150
HEDWIN CORPORATION, Baltimore, MD (Fiberboard Box Manufacturer)	Manufactured, marked, certified, and sold fiberboard boxes as meeting the UN4G standard, when they were not capable of pass the required drop test. [178.2(b), 178.601(b) and (d), 178.603] Case No. 99-088-BM-EA	\$6,425
HEDWIN CORPORATION, Carson, CA (Fiberboard Box Manufacturer)	Manufactured, marked, certified, and sold three different fiberboard boxes as meeting the UN4G standard, when they were not capable of pass the required drop test. [178.2(b), 178.601(b) and (d), 178.603] Case No. 00-152-BM-WE	\$6,425
HEDWIN CORPORATION, Baltimore, MD (Fiberboard Box Manufacturer)	Manufactured, marked, certified, and sold combination packaging as meeting the UN4G/Y32/S standard, when they were not capable of passing the drop test. [178.2(b), 178.601(b) and (d), 178.603] Case No. 02-059-BM-EA	\$2,900
MIKE KILLIAN FIREWORKS, South Pittsburg, TN (Shipper)	Offered fireworks, 1.4G, in unauthorized, non-UN standard packaging; failed to register with RSPA/PHMSA; failed to provide employee training, or create and retain records of training testing. [173.22(a)(2), 173.62, 107.601(a)(6), 107.608(b), 172.702(b), 172.704(a) and (d)] Case No. 04-277-SB-SO	\$7,250
LELAND LIMITED, INC., South Plainfield, NJ (Shipper)	Offered nitrous oxide, 2.2, without declaring it as a hazardous material. [172.2(a), 172.316, 173.306(h), 173.156] Case No. 02-364-SB-EA	\$6,000
LUSTER-ON PRODUCTS, INC., Springfield, MA (Shipper)	Failed to register with RSPA/PHMSA; failed to develop and adhere to a security plan; failed to provide recurrent employee training and security awareness employee training. [107.106(a)(6), 107.608(a), 172.800(b), 172.802(a) and (b), 172.702(b), 172.704(c)(2), 172.704(a)(4)] Case No. 04-607-SD-EA	\$5,500
MCCONNELL DRUM SERVICES, INC., Doraville, GA (Drum Reconditioner)	Failed to develop and adhere to a security plan; failure to register with RSPA/PHMSA. [172.800(b), 172.802(a) and (b), 107.601(a)(6), 107.608(a) and (b)] Case No. 04-559-SD-SO	\$2,000

PHMSA Notice of Hazardous Materials Regulations Enforcement

Company	SUMMARY	Penalty
POLYSCIENCES, INC., Warrington, PA (Shipper)	Offered propylene oxide, 3, in an unauthorized packaging; failed to close a packaging in accordance with the manufacturer's closure notification. [173.22(a)(2), 172.102(c)(2)—Special Provision A3, 173.22(a)(4), 173.202(c), 178.2(c)(1)] Case No. 04-393-SBG-EA	\$6,800
PREMIER CHEMICAL & PAPER COMPANY, Tampa, FL (Shipper)	Failing to develop and implement a security plan; offered for transportation and transported in commerce a hazardous material, Sodium hydroxide solution, 8, UN1824, PG II, when it used a packaging that had been tested and certified to a UN standard, but that was not subjected to leak-proofness testing prior to reuse; offered for transportation in commerce a hazardous material, corrosive liquids, n.o.s. (contains potassium hydroxide), 8, UN1760, PG III, accompanied by a shipping paper which failed to include an emergency response telephone number that was monitored at all times the hazardous material was in transportation, including storage incidental to transportation; employees have not received initial hazardous materials general awareness, function specific, safety, and security awareness training. [172.800(b), 178.802(a) and (b), 173.22(a)(2), 173.24(c), 173.202, 172.201(d), 172.604(a)(1), 172.702(b), 172.704(a)(1)-(4)] Case No. 05-0061-SD-SO	\$6,250
RUSSELL-STANLEY CORPORATION, Houston, TX (Steel Drum Manufacturer)	Manufactured, marked, certified, and sold 55-gallon closed-head plastic drums as meeting the UN1H1/Y1.8/100 standard, when the drums were not capable of passing the required drop test. [178.2(b), 178.601(b), 178.603] Case No. 04-529-DM-SW	\$12,850
SERVICE WELDING SUPPLY, Miami, FL (Shipper)	Failed to develop and implement a security plan; failed to create and retain records of employee training testing; offering for transportation in commerce, a hazardous material shipped as compressed gas, n.o.s., (argon, carbon dioxide), 2.2, UN1956, accompanied by a shipping paper that listed an incorrect shipping name and failed to list a UN identification number. [172.800(b), 172.802(a) and (b), 172.704(d), 172.202(a)(1) and (2)] Case No. 05-0064-SC-SO	\$6,075
SIGMA-ALDRICH LABORCHEMIKALIE N, GMBH, Seelze, Germany (Shipper)	Offered toxic liquid, organic, n.o.s. (containing ethylene chlorohydrin and chloroform), 6.1, inhalation hazard, hazard zone B, when it did not package the material in a packaging meeting the requirements for transporting a toxic by inhalation, hazard zone B material; offered this material by aircraft, when it was forbidden for transportation aboard an aircraft; offered this material without properly describing it on the shipping paper and without properly marking and labeling the packaging. [173.22(a)(2), 173.226(c), 173.227(a), 171.11(d)(9), 172.101(a), ICAO Technical Instructions—Table 3-1 and Special Provision A4, 172.203(m), 172.213(a), 172.400(a)(1), 172.402(c)] Case No. 04-067-FSB-EA	\$15,915
STATE INDUSTRIAL PRODUCTS CORPORATION, Atlanta, GA (Shipper)	Offered corrosive solid, n.o.s. (containing sodium hydroxide), in open-head steel drums marked as meeting the UN1A2/Y30/S standard, when the gross weight in each drum was 11 percent over the maximum allowable weight, therefore rendering the drums unauthorized. [173.22(a)(2), 178.503(4)(ii)] Case No. 04-272-SB-SO	\$4,526

PHMSA Notice of Hazardous Materials Regulations Enforcement

Company	SUMMARY	Penalty
V.S. DISTRIBUTORS, LTD., Chicago, IL (Shipper)	Offered hazardous materials that were not declared as hazardous on the shipping documents, thereby creating an undeclared shipment; failed to provide employee training, or create and retain records of training testing; offered acetone accompanied by a shipping paper that listed an unauthorized emergency response telephone number. [172.200(a), 172.201, 172.702(b), 172.704(a) and (d), 172.604(b)] Case No. 02-146-SB-CE	\$18,300
THE VALSPAR CORPORATION, Seattle, WA (Shipper)	Offered flammable liquids, corrosive, n.o.s. (containing isopropanol and ethanol aromatic sulfonic acids), in combination packaging not authorized because they were not marked as meeting UN performance standard; failed to close steel drums in accordance with the distributor's closure notification [173.22(a)(2), 173.202, 173.22(a)(4), 173.24(f)(2), 178.601(b)] Case No. 04-274-SB-SO	\$7,125
S. VITALE PYROTECHNIC INDUSTRIES, INC., New Castle, PA (Shipper)	Offered fireworks, 1.3G, in a packaging with exposed metal staples inside the interior of the outer packaging and with inner packaging that did not adequately protect the fireworks from contact with the staples; offered the fireworks accompanied by a shipping paper that did not list the unit of measure for the gross mass of the material. [173.22(a), 173.60(b)(1), 172.202(a)(5)] Case No. 03-624-SE-EA	\$3,900
YORK CONTAINER COMPANY, York, PA (Fiberboard Box Manufacturer)	Failed to provide security awareness employee training, and failed to create and retain records of hazardous material general awareness and function specific employee. [172.702(b), 172.704(a)(4), 172.704(d)] Case No. 05-0080-BM-EA	\$1,650

Total number of cases - 34
Total civil penalties - \$226,265

Hazardous Materials Initiatives and Training:

PHMSA uses a number of tools in meeting its goal to improve hazardous materials safety. Enforcement is but one useful safety tool and training is another. The PHMSA Office of Hazardous Materials Initiatives and Training (OHMIT) provides products and programs that aid the regulated industry's compliance with the HMR. Last year, the PHMSA Hazmat Safety Assistance Team reached over 11,200 individuals in the hazmat community, provided over 250 hazmat awareness presentations, and distributed over 39,000 standard information packets. The OHMIT training program includes Multimodal Hazardous Materials Transportation Training Seminars held throughout the country that drew nearly 1,000 participants last year. The 2006 seminar schedule dates are being finalized and will soon be available. Seminars are planned for Chicago, IL; Dallas, TX; Newark, NJ; and Seattle, WA. For more information, go to the USDOT hazardous materials website at <http://hazmat.dot.gov/training.htm>.

PHMSA has public responsibilities for the safe and secure movement of hazardous materials to industry and consumers by all transportation modes, including the nation's pipelines.

- END -