



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

Enforcement Notice

PHMSA # 3-05
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PHMSA Office of Hazardous Materials Safety February 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 11 hazardous materials civil penalty cases it closed in the month of February 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
AGRILIANCE LLC, San Antonio, TX (Shipper)	Offered environmentally hazardous substances, liquid, n.o.s. (containing 2,4-D salt), 9, PG III, when design qualification testing had been conducted on the packaging but it had not been marked with the UN certification, as required, thus rendering it unauthorized non-bulk packaging; offered hazardous material in a reused non-bulk packaging marked as meeting a UN standard, when it failed to perform a leak-proofness test as required for such packaging before being reused. [173.22(a)(2), 173.203, 178.3(a), 173.28(b)] Case No. 04-526-SD-SW	\$7,235
CHICAGO STEEL CONTAINER CORP., Chicago, IL (Steel Drum Manufacturer)	Manufactured, marked, certified, and sold steel drums as meeting the UN1A2 standard when the packaging was not capable of passing the hydrostatic pressure test. [178.601(b), 178.605] Case No. 04-135-DM-CE	\$10,500
CONTROL FIRE & SAFETY, INC., Morgan City, LA (Cylinder Retester)	After equipment malfunction, conducted a second test at the same pressure, rather than at 10 percent or 100 psi higher (whichever is lower); failed to verify the accuracy of the test equipment to within one percent of the calibrated test pressure and corresponding expansion values. [180.205(g)(5), 180.205(g)(4)] Case No. 03-534-CR-SW	\$3,000

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DOW CHEMICAL COMPANY, INC., Marietta, GA (Shipper)	Offered hazardous materials in a portable tank marked as meeting the DOT 51 specification that was not subjected to leak-proofness testing within a five-year period prior to the offering; offered hazardous materials in drums that were not closed as tested or in accordance with the manufacturer's closure notification. [180.605(c)(2), 173.22(a)(4), 173.24(f)(2), 178.601(b)] Case No. 04-552-SPT-SO	\$9,000
WILLIAM H. EBEL & SON, INC., Castleton, NY (Fiberboard Box Manufacturer)	Manufactured, marked, certified, and sold fiberboard combination packaging as meeting the UN4G/Y standard without providing all the components of the certified packaging design and without notifying the customer in writing of all the requirements not met at the time of transfer, including the closure notification. [178.2(c)(1)(i)] Case No. 03-018-BM-HQ	\$4,200
EVERGREEN FIRE AND SAFETY, INC., Lynwood, WA (Cylinder Retester)	Failed to (1) condemn cylinders consistent with the requirements of the regulations and (2) provide written notification of the cylinders' condemnation to the owners; failed to create complete hydrostatic retest records; failed to create and retain records of employee training testing. [180.205(i)(2), 180.215(b), 172.704(d)] Case No. 03-161-CR-SW	\$3,000
FIREX, INC., Portsmouth, RI (Cylinder Retester)	Failed to confirm the accuracy of the test equipment to within one percent of the calibrated test pressure and corresponding expansion values; failed to maintain complete records of reinspection and retest. [180.3(a), 180.205(g)(4), 180.215(b)(2)] Case No. 04-368-CR-EA	\$2,200
KITZINGER COOPERAGE CORPORATION, St. Francis, WI (Drum Reconditioner)	Represented, marked, and certified a 55-gallon reconditioned closed-head steel drum as meeting the UN1A1/Y1.6/250 standard, when the drum was never manufactured and tested to that standard, and, as a result, failed to meet that standard. [173.28(a), 173.28(c)(3) and (4)] Case No. 04-163-DR-WE	\$5,400
PEKIN HOSPITAL, Pekin, IL (Shipper)	Offered regulated medical waste, 6.2, in non-UN-standard packaging that did not meet the requirements of a DOT exemption and when it failed to follow the terms of the exemption; failed to provide general awareness, function-specific, and security awareness training. [DOT-E 13556, 172.702(b), 172.704(a)(1), (2), and (4)] Case No. 04-408-EX-CE	\$6,825
PIONEER BRITE, INC., Memphis, TN (Shipper)	Failed to develop and implement a security plan; failed to register with RSPA. [172.800, 172.802, 107.601(a)(6), 107.608(a) and (b)] Case No. 04-558-SD-SO	\$6,525
WESTCO CHEMICALS, INC., North Hollywood, CA (Shipper)	Offered oxidizing solids, n.o.s. (containing sodium percarbonate), 5.1, in unauthorized, non-UN-standard, non-bulk packaging; offered this material accompanied by a shipping paper that (1) failed to show a proper shipping name and a proper packing group and (2) did not include a shipper's certification. [173.22(a)(2), 173.24(c)(1), 173.212(b), 172.202(a)(1) and (4), 172.204(a), 173.22(a)(1)] Case No. 04-165-SD-WE	\$4,990

Total number of cases – 11
Total civil penalties – \$62,875

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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 10,000 individuals in the hazmat community, provided over 270 hazmat awareness presentations, and distributed nearly 30,000 standard information packets. The OHMIT training program includes Multimodal HazMat Transportation Training Seminars held throughout the country that drew more than 1,100 participants last year. The 2005 seminar schedule includes Richmond, Va., April 26-27; and Louisville, Ky., June 7-8. For more information, go to the USDOT Hazmat 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.

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