U.S. Department
of Transportation

**Research and
Special Programs
Administration**

400 Seventh Street, S.W.
Washington, D.C. 20590

December 29, 1994

Minutes
November 16, 1994 Meeting
UN Third-Party Certification Agencies
The Nassif Building
400 Seventh Street, SW.
Washington, D.C. 20590

In the opening remarks, the Office of Hazardous Materials Safety (OHMS) of the Department of Transportation (DOT) stressed that it is of national interest that we have this program in place and it is important that everyone play on a level field. The Associate Administrator adamantly stated that the "USA" mark may only be applied to packagings manufactured in the United States. A question was asked if the labs could test packagings that were manufactured outside the U.S. DOT answered yes, they can test foreign manufactured packagings, but they should instruct customers to use the country code for the country where the packaging was manufactured, and they should not assign the "+ mark"; the customer should self-certify. Another question was asked, "What if one component is foreign made?" DOT answered that in certain instances if the packaging is assembled and marked in the United States, it can be considered a U.S. manufactured package. To be marked "USA," the UN markings must be applied to the packaging in the United States.

OHMS discussed the labs' role with respect to Training. The Hazardous Materials Regulations have been amended to require training of all hazardous materials (Hazmat) employees. The required training involves(l)general-awareness/familiarization training and (2) Function/specific training. A Hazmat employee means a person who is employed and directly affects hazardous materials transportation safety including a person who tests, reconditions, repairs, modifies, marks, or otherwise represents packagings as qualified for use in the transportation of hazardous materials. A brochure including questions and answers regarding the training requirements, as well as some of the sources that one can use to obtain the required hazmat training, is included with these minutes.

Approvals Overview

The Approvals office re-emphasized basic responsibilities and again stated that as a Third-Party Lab, you cannot certify any of your own packagings and mark them with your third-party mark. You are permitted to self-certify. Packagings which you manufacture, even if you manufacture only a component of the packaging, should be marked with your name and address or M-number.

In response to a question, DOT stated that even if the third party lab is not part of a manufacturing facility, it cannot third party certify packagings made by the same company at a different facility. The lab cannot be considered a separate entity unless it shares no financial interest with the manufacturing facility. DOT stressed the importance of maintaining the integrity of the third party system by ensuring that third party certification agencies are operating independently. If a third party certification agency derives all its income from a single packaging manufacturer, that could be a problem, since the lab would lose its ability to be independent.

The annual reporting requirement was discussed. As the approval letter stated that you must submit a listing of your third-party activity for the previous year by February 1st, failure to do so subjects you to penalties and could include revocation of your approval. A question was asked if self-certification testing should be on the annual listing. DOT answered "No, only the third-party activity." It was also emphasized that their approval letter requires them to have in their approval file a report format for each type of packaging. It was advised that if they did not have this information in their file they should send it in as soon as possible as the Enforcement office could cite them in an enforcement review. For testing of intermediate bulk containers (IBCs), detailed information regarding test equipment and procedures should be sent in to update their file if they plan to test IBCs. DOT noted that a certification agency does not necessarily have to have the equipment, but must at least have the ability to use someone else's equipment. Obviously, if a lab has been approved only to do fiberboard packaging testing, the approval does not allow them to test other design types unless they submit a new application.

The labs were encouraged to go back and review their approval letter to focus on their responsibilities and if they had questions to call or write in for explanation or guidance. The Agencies were asked to review the current listing of their addresses and phone numbers and to make corrections or changes if necessary. A new listing will be prepared incorporating the changes.

IBC Rulemaking

The agencies were given an overview of the new regulations for IBCs, which were published in Docket HM-181E on July 26, 1994. It was advised that anyone needing a copy should stop by or contact the Dockets Office (202-366-5046). DOT explained that the rule established requirements for the construction, maintenance and use of IBCs for transporting hazardous materials. The amendments are based on UN Recommendations and the commodity assignments set forth in the bulk packaging authorizations under HM-181 and the IMDG Code. The rule establishes safety standards; allows for flexibility and technological innovation; eliminates the need for most DOT exemptions applying to polyethylene, composite and flexible IBCs; and harmonizes domestic provisions for IBCs with international provisions.

Subpart N of Part 178 (49 CFR) contains the performance standards and marking requirements, and Subpart O of Part 178 contains the testing requirements. In addition, the rule established an approval of equivalent packaging section. This allows for manufacturing a bulk container which differs from the standards in Subpart N, such as a capacity smaller than 450 liters, or which is tested using methods other than those specified in Subpart O, if approved by the Associate Administrator for Hazardous Materials Safety. DOT stated that at least one approval has been issued for the manufacture of an IBC which is smaller than the capacity specified in the regulations. (Anyone interested can obtain a copy of this from the Approvals Office at 202-366-4512.)

DOT pointed out that Subpart O requires design qualification testing on each different design type, and periodic design requalification (periodic retesting). This periodic testing must be performed at least once each year, unless a less frequent retest interval has been approved by the Associate Administrator. DOT pointed out that an approval for less frequent periodic retesting would be based on two factors: (1) a detailed quality assurance program, and (2) evidence that packaging is capable of meeting standards higher than the minimums in Subpart O.

A third party certification agency asked where this retest frequency came from, and asked whether it is consistent with the international community. DOT noted that the international regulations defer to the competent authority of each country to establish a retest frequency, and that some countries have put quality assurance programs such as ISO 9000 in place in lieu of a retest. In response to a complaint that the annual retest is too frequent, DOT pointed out that polyethylene portable tank and composite portable tank exemptions require periodic retesting a minimum of three times per year (a minimum of once each four months). DOT further stated that testing once each year is a very low frequency, in the absence of any other quality assurance program.

Another certification agency noted that a failure of the periodic retest frequently identifies a change that has been made to the packaging which affected its performance. In these cases, there would have been no way of knowing that a change had been made until the retest was performed.

DOT expressed an interest in moving towards quality assurance in the future, in lieu of periodic retesting, noting that the UN Recommendations have a quality assurance provision for both non-bulk and IBC packagings. DOT said that if the industry were to propose a quality assurance program with some "teeth" in it, DOT would consider it, noting that the quality assurance program would be different for each type of packaging.

DOT stated that records must be kept which include design types and packaging specifications, test and inspection dates, name and address of test and inspection facilities, name or names of any persons conducting tests or inspections and test or inspection specifics and results. Records must be kept for each packaging at each location where periodic tests are conducted until such tests are successfully performed again or for at least 2.5 years from the date of the last tests.

Enforcement

The Enforcement Office gave an overview of a typical inspection. A member of the Central Region Enforcement Office explained what inspectors expect to review during an on-sight unannounced visit.

They first ask for the person listed on the special approval and request (1) a copy of the approval letter; (2) a copy of the application for approval; (3) copies of the previous year's annual report which is to be sent to DOT by February I of each year; and (4) a copy of the list of packagings certified for the current year. They discuss business/testing generalities; periodic retesting versus new design qualification; and package variations. They request to see the testing lab and discuss the companies testing procedures and methods. They look for heat chambers, freezers, recording devices, conditioning rooms, and ask about instrument calibrations. They discuss lab personnel and check to see if they are listed on the application or update of application and ask if they have received HM-126F training. They then review paperwork and choose a random sample of tests. They look to see if the report accurately specifies the package that was tested. For boxes, they look for documentation that shows fluting, paper basis weight, manner of construction, pads, dividers, (optional) printing, and customer specification. For drums, they look for resin, closures, gaskets. They check for correctness in drop height, weight, stacking test and package conditioning. They compare original design qualification against periodic retest. If there are violations they document them and then explain findings to company representatives and discuss possible ways of correcting the violations. They generally give the company 30 days in which to document corrective actions which may be used as mitigation of any penalty. It was explained that the field report is the first step and that the Washington headquarters supervisors and legal counsel will assess penalties, if any.

A question was asked if the labs can accept documentation or if they must do the analysis or testing themselves. DOT answered that they could accept documentation from clients but that does not relieve them from responsibility as they are applying their third-party marking that represents that the design type meets the requirements set forth in the regulations. It was advised that they thoroughly document exactly what package was tested and to what levels. It was also advised that pictures or videos are helpful.

Responsibility

DOT addressed a memorandum which was sent to the labs as guidance during the past year. The memo stated that since design qualification tests and periodic retesting must be conducted on each different packaging, it is important when conducting periodic retests on a previously qualified design to ensure the packaging being retested is the same as the packaging for which design qualification testing was conducted. To do this the person performing the retest must obtain a copy of the original design qualification test record. DOT stated that where it cannot be determined that a package conforms to a design which has been design qualification tested, the packaging should be subjected to full design qualification testing as defined in Section 178.601(c).

In another area, DOT stated that the approval letter intended that each design type be provided a separate number. The periodic retest should carry the original design type number assigned. In response to a question, DOT stated that if the only difference in an original design is something minor such as a glued manufacturer's joint instead of stapled, and if both packaging designs were tested, you can use one number as long as the test report thoroughly takes into account these differences. An investigator must be able to tell which design type the report represents.

DOT then addressed a number of questions which had been raised by the third party certification agencies prior to the meeting, relating to certification agency responsibilities in testing and certifying packagings.

DOT stated that a certification agency may rely on a test conducted by a packaging manufacturer or someone else in certifying a packaging design, but the responsibility for certification of the packaging still rests with the third party certification agency. Having a test performed by a person other than the third party certification agency does not relieve the certification agency from any responsibility for that packaging meeting all requirements of the regulations. DOT noted that the Cobb water absorption test is frequently performed by a box manufacturer or corrugated supplier.

DOT clarified the requirements for the internal pressure capability of combination packagings which will be shipped by air. DOT pointed out that the inner packagings of combination packagings are not subject to the hydrostatic pressure testing requirements of 49 CFR 178.605. However, for packagings which will be shipped by air, inner packagings containing liquids must be capable of withstanding an internal pressure specified in 49 CFR 173.27(c). No specific test is required, and this internal pressure capability requirement is not part of the performance tests needed to certify a packaging to the UN standards.

A combination packaging with inner packagings containing liquid will be marked with the letter "S," rather than a hydrostatic test pressure, even if the inner packagings have been tested to demonstrate compliance with 49 CFR 173.27(c). DOT noted that some people are voluntarily marking packagings with a statement such as "this packaging is suitable for air shipments," but that such a marking is not mandatory. A representative of a third party certification agency noted that the Chemical Packaging Committee (of the Institute of Packaging Professionals) has a recommended marking to indicate that packagings are suitable for air shipments.

A certification agency had asked whether there is a maximum length of time to complete the design qualification tests. In other words, if a packaging has passed all the tests but one, can that one test be completed four months or more later? DOT stated that it depends on why it took so long to perform the last test. DOT said that a packaging is not an authorized UN packaging, and can't be represented and sold as a UN packaging, until all design qualification tests are completed. There is no specific time frame for completion of these tests. However, if a packaging design has passed all tests but one, and the reason for the delay in completing the last test is that the packaging must be modified in order to pass the test, then all tests must be repeated on the modified packaging before it can be certified to the UN standard.

If all required tests were not completed at the same time simply because the wrong number of samples were sent originally, or because the test samples were improperly prepared for testing, then there is no specific time period after which the tests must be repeated. DOT said that the third party certification agencies must make some determination as to why a packaging failed a particular test. If a failed test was not related to the packaging design, but rather was a problem in the way a test sample was prepared, the certification agency can re-run the test that failed, on a properly prepared sample.

A certification agency representative said that they are not always able to determine the cause of failure, and that customers tell them that a packaging failure is merely a "fluke." DOT pointed out that the Hazardous Materials Regulations require that ALL packagings meet the performance test standards, not just those that are tested. A packaging manufacturer must do whatever is necessary to be sure that ALL packagings meet the minimum standards. If a test result is borderline pass/fail, it is doubtful that all packagings produced will meet the performance standards, given the variability inherent to any manufacturing operation. DOT stated that a third party certification agency is under no obligation from DOT to issue a certification. If a certification agency is doubtful about the suitability of a packaging based on the test results, a certification should not be issued.

If a certification agency is obligated by a contractual arrangement with its customer to issue a certification, DOT suggested that the certification agency document its reservations about the packaging, and include those reservations in the certification.

DOT addressed the testing requirements for packagings produced after interruptions in production. DOT stated that if packagings are not produced for a period of time which exceeds the periodic retest frequency specified in 49 CFR 178.601, periodic retests must be performed immediately upon resuming production.

DOT stated that if periodic retests are due on a particular date, but are not completed for two months after that, any packagings manufactured after the date periodic retests were due are not in compliance with the regulations. Once the periodic retests have been completed, the manufacturer has 12 months (for single packagings) or 24 months (for combination packagings) from the time tests were completed in which to test the packagings again.

DOT again stressed the importance of complete documentation, and pointed out the notification provisions of 49 CFR 178.2(c). The certification agencies should be notifying their customers of any regulatory requirements not met at the time a certification is issued, and how a packaging must be assembled and closed in order for the certification to be valid. DOT again pointed out that packaging manufacturers must be aware of the fact that each packaging must be capable of meeting the requirements.

Testing

DOT advised the third party certification agencies to carefully read the test requirements of 49 CFR, paying close attention to the numbers of test samples required, and for the drop test, the required drop orientations. Some test reports received by DOT show that the correct number of samples is not always used, and packagings are not always dropped from the proper orientation. The specified number of test samples must be used, and the certification agencies should not decide that fewer samples will be a "better test." In response to a question from a representative of a certification agency, DOT stated that in the case of a drum, where the first drop is done from one orientation on three samples, and the second drop is to be done from a different orientation on three samples, all three samples should be dropped from the same orientation. If more orientations are to be tested, they should be in addition to the two orientations used for the required six test samples.

DOT emphasized that the leakproofness test must be performed on EACH packaging which is certified for liquids, not merely the test samples used for design qualification testing and periodic retesting.

DOT explained the testing requirements for packagings for materials which are poisonous by inhalation. For these materials, Sections 173.226 and 173.227 require a drum-within-a-drum configuration, where both the inner and outer drums must be tested at the Packing Group I level for liquids. DOT stated that the inner drum must be tested, filled with liquid, at the Packing Group I level, with a 250 kPa hydrostatic pressure test. DOT explained that the outer drum can be tested one of three ways:

1) As a single packaging for liquids, with the hydrostatic test pressure of 250 kPa;

2) As a single packaging for solids, but with the addition of the required 100 kPa hydrostatic pressure test. This drum would be marked as a single drum for solids, and the hydrostatic test pressure, while not reflected in the marking, should be indicated in the test report; or

3) As a combination packaging, tested with the filled inner drum in place, with the addition of a 100 kPa hydrostatic pressure test. This drum would be marked as a packaging intended to contain solids or inner packagings. The hydrostatic test pressure, while not reflected in the marking, should be indicated in the test report.

DOT noted that when testing and marking the outer packaging as a solids or combination packaging, the gross mass tested and marked must be adequate to cover the mass of the packaging as prepared for shipment.

For testing combination packagings for materials which are poisonous by inhalation, in accordance with 49 CFR 173.226(c), the inner packaging system should be tested appropriately for whatever shape the "leak tight packaging of metal or plastic" is. In response to a question, DOT stated that in 49 CFR 173.226(c), the term "leak tight" means the packaging will not leak liquids. DOT stated that there is no requirement to pressure test this inner packaging to assess leak tightness. DOT suggested that labs use their judgement in determining whether a packaging met the "leak tight" requirement.

DOT addressed the requirements for aerosol cans in outer packaging. DOT pointed out that in the U.S., most aerosol cans are shipped as "ORM-D" materials under a limited quantity provision.

The cans themselves must meet certain testing requirements, but are placed in a "strong outside packaging" which is not subject to performance testing. However, DOT noted that the ICAO Technical Instructions require the outer packaging to be a UN packaging tested at the Packing Group II level. Packagings of this type which are to be UN-marked should be tested as combination packagings with inner metal receptacles.

A certification agency had asked about how their approval relates to the certification of Type A radioactive materials packagings. DOT explained that the approval issued to the third party certification agency was for testing UN non-bulk packagings. DOT did not assess the labs' capability to test Type A radioactive materials packagings. A certification agency can test this type of packaging.

Marking

DOT then addressed several questions related to the marking that appears on a packaging. DOT said that in marking the gross mass on a packaging tested for solids or inner packagings, the certification agencies should keep in mind that a packaging may not be filled to a weight which exceeds that marked on the packaging. When determining what weight to test a packaging with, the lab should keep in mind the weight that will be marked. A packaging can be marked to the nearest tenth of a kilogram. If a packaging is tested to, say, 11.4 kilograms, and is marked 11 kilograms, it can only be filled to 11 kilograms, NOT 11.4. This can be a problem if a certain weight in pounds is tested, and then the lab converts to kilograms for the marking. DOT referred the certification agencies to 49 CFR 171.10 for converting to metric units.

DOT said that there is some confusion over the difference between a UN4G box and an unmarked box. DOT stated that to be marked with a UN standard like the "4G," the packaging must have been performance tested. An untested fiberboard box is not a UN4G. DOT said that if the regulations require a UN standard packaging as an outer packaging, it should be tested. In response to a question, DOT said that if a packaging section requires a UN4G with a more stringent test, like §173.340, which requires a 2.0 meter drop, the more stringent test must be done, but other tests (the stack test) must be performed as per the UN standard. DOT said that the reference to the UN4G standard in 173.340(d) may not have been intended, and if someone disagreed with it, they could let us know and petition for a change. DOT noted that if no performance standard is indicated in a packaging section, the required performance level can be assumed to be Packing Group III.

HM-215A

DOT summarized the changes proposed in Docket HM-215A which would affect packaging, including the acceptability of foreign-manufactured packagings, the revised definition of "manufacturer," and new markings for metal drums. The intent of HM-215A is to implement changes which appear in the 7th and 8th revised editions of the UN Recommendations. In response to a question, DOT stated that immediate voluntary compliance with the new requirements would be authorized, and that there will be a transition period for mandatory compliance. In response to a question, DOT stated that if the testing requirements for a packaging have changed, and a packaging was design qualification tested and certified under the "old" requirement, the packaging would not have to be tested in accordance with the "new" requirements until it was due for a periodic retest.

In response to a question, DOT said that the UN had not adopted a specific vibration standard, but that a general vibration capability requirement was adopted in 9.3.1.

There was a general discussion of CEN (European standards organization) standards. CEN papers frequently go further than the UN Recommendations and can sometimes exclude U.S. products. A certification agency saw this as a problem and asked what the DOT position is on CEN standards. DOT stated that the CEN standards provide a lot of information the labs might find useful, but did not express support for these documents and did not suggest that DOT will adopt such standards.

DOT encouraged the certification agencies to become more involved with the international standards process through the briefings held before and after each meeting of the UN Subcommittee.

DOT noted that an official of the Canadian government has expressed a desire for total reciprocity between the U.S. and Canada, including the acceptance of USA-marked and certified packaging in Canada. Canada is working with DOT toward that end. DOT expressed a hope that Canada's new view would result in greater acceptance of US-marked packagings without Canadian review of U.S. packaging designs.

DOT indicated they are considering making changes to the packaging marking requirements, to specify that both the third party lab and the actual packaging manufacturer be marked. A certification agency said that 3 sets of regulations (ICAO, IMDG, and 49 CFR) require different things to be marked, and asked if all this information could be marked on a packaging to ensure compliance with all regulations. DOT stated that the information required by 49 CFR to be marked on a packaging must be marked in the proper sequence.

Any additional information should not interfere with the required UN marks, but could be marked "in association with" the required markings.

In response to a question about the "date of manufacture" to be marked on a packaging, DOT stated that the "date of manufacture" should be the date the packaging is manufactured rather than the date testing or certification was completed. For combination packagings, this can be either the date the outer packaging was manufactured, or the date the completed packaging was assembled. If the outer packaging is manufactured (knocked down) and marked at the end of one year, but the packaging is not assembled until the following year, that is appropriate. Essentially, the date of manufacture would be whenever the outer packaging is marked.

DOT noted that certification agencies should not see DOT specification packagings made since October 1, 1994. This includes the inner packagings of combination packagings, if the inner packagings were made to a specification like the DOT-2E. A manufacturer may not continue to make any DOT specification packagings removed from 49 CFR, even to fill existing DOT-12B or other specification boxes.

DOT explained the definition of "different packaging," by saying that any change to a packaging, except as provided in 49 CFR 178.601(c) or the variations of 178.601(g), constitutes a change in the design of a packaging, requiring new design qualification tests. In response to a question, DOT reiterated that a single test number can be used to identify more than one packaging, as long as the test report identifies all the variations being represented by that number. For example, if a box has been tested using three different closure methods, boxes with all three closures can be marked with the same number. The test report must show that all three closure methods were used, and all three closure methods must be tested at the time of periodic retesting. If the specific design type can be identified on the test report, the same number can be used for more than one design.

A discussion over what variations would necessitate new tests and a new test number ensued, particularly with regard to different caps being used on bottles. DOT pointed out that variation 1 of § 178.601(g) authorizes variations in inner packagings, provided the packagings and closures are of similar design. This gives the tester leeway in determining if a closure is of similar design. A certification agency stated that a change in cap can drastically change a packaging's performance. DOT pointed out that the variations of 178.601(g) can only be used *if an equivalent level of performance is maintained.*

During a discussion of corrugated fiberboard packagings, DOT emphasized the need for testing each different design type. To be considered the same design type, the packagings must be made of the same fiberboard; that is, the basis weights of the liner board and corrugating medium must be the same, the

fiberboard must be of the same flute, and the same configuration (single wall, double wall, etc.). A test lab may not simply rely on an edge crush or burst test value to consider fiberboard to be the same.

A certification agency asked, if you have tested a packaging two ways (say for two different types of inner packagings at two different packing groups), and the packaging is marked with two different markings, should the marking that does not apply at the time of shipment be obliterated? DOT recommended that the inapplicable mark be obliterated, but stated that there is no requirement that it be obliterated.

DOT explained some recent approvals that had been issued to the Association of Container Reconditioners and the Steel Shipping Container Institute. The approvals in essence define what constitutes a different "design type" of a steel drum. The approvals list those elements of a steel drum considered critical to the performance of the drum. Changes to elements of the drum other than those listed in the approval would not be considered design changes requiring new design qualification tests. DOT said that these approvals came about because the steel drum industry had requested some relief and proposed what they considered critical design elements. DOT noted that the approvals can only be used by those parties listed in the appendix to the approval, but that other steel drum manufacturers could request similar relief.

DOT suggested that other packaging industries might want to work on defining the design type of other packaging types. DOT would be willing to consider an approval or regulatory change to limit the amount of testing that is needed based on modifications to a packaging. DOT suggested that if an industry like the box industry were seeking some relief, they should identify those aspects of a box which are irrelevant to the box's performance in the required tests.

In response to a question, DOT stated that there is no exception from testing for a change to a packaging which the manufacturer (or tester) believes results in a stronger packaging. The addition of fiberboard, for instance, does not guarantee a stronger box. The certification agencies pointed out that, due to a shortage in the fiberboard industry, box manufacturers frequently must change corrugated fiberboard suppliers. DOT's strict definition of changes in design type in essence is locking manufacturers into a single vendor. DOT stated that changes in corrugated board can and most likely do result in changes in the box performance.

A certification agency asked, if a change is made to a packaging that would not affect the performance in a test, must all tests be performed again, or just the test(s) that would be affected. DOT said that all tests must be performed again after a change is made to a packaging.

There is no provision for not doing a test because you think it won't be affected or because you think a change results in a better packaging.

A certification agency said that it is too difficult to record every detail on a certificate, and that DOT should tell the certification agencies exactly what specifics must be on a test report. Other certification agencies said they would prefer that DOT not specify what must be on the report, and allow the labs some discretion in deciding what is appropriate. DOT stated that the only requirement is the general test report requirements of § 178.601(k). If the industry wants to get together and establish guidelines for the preparation of test reports, DOT would consider incorporation of those guidelines by reference.

A certification agency noted that DOT distributed certain sample forms before, and could perhaps send them out as recommended forms. DOT said that with the appropriate transmittal language, such forms could perhaps be sent out, but that the Paperwork Reduction Act limits DOT's ability to specify forms.

Some certification agencies expressed the belief that a "one size fits all" form is not appropriate.

The certification agencies again explained the corrugated board shortage and emphasized the difficulties in guaranteeing the Cobb water absorption standard is met. The certification agencies asked to what extent they should verify the information given to them by customers. DOT stated that the certification agencies do not need to be in the business of chemical analysis, but the labs need to know what they are testing. Someone knows what the packaging is and must know details of the packaging to be able to place orders. This information can be found.

A certification agency stated that industry input to DOT activities is very important, and that industry input should have been solicited in the preparation of the approvals for ACR and SSCI. DOT generally discussed approvals, and expressed the opinion that approvals are a useful way to accomplish things in a timely manner. DOT stated that if anyone has a problem with the approvals program or a specific approval, he or she can let DOT know. DOT will consider any and all comments.

A certification agency asked whether the so-called "poison pack" exemptions would be continued, and suggested that the provisions of the exemptions be included in regulations. DOT stated that there is no activity at this time to convert the "poison pack" exemptions into regulations, and the exemptions will continue for the time being.

DOT concluded by saying that the National Performance Review requires an ongoing review of all DOT processes, including the approval process for third party certification agencies, and DOT must constantly assess the necessity of programs. DOT and the third party certification agencies agreed that these meetings are useful, and should be held at least once each two years, as has been to date.