

Shipper Check 2002



F M C S A
Federal Motor Carrier Safety Administration

March-April 2002

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HM SHIPPER CHECK 2002

OVERVIEW

The Federal Motor Carriers Safety Administration (FMCSA) placed additional emphasis on the safety of shippers (offerors) of hazardous materials for transportation by highway during March - April 2002. This special emphasis project was designated "HM SHIPPER CHECK 2002." The goal of this project was to reduce the risk of HM incidents (spills) by targeting HM shippers. A secondary goal of the project focused on HM shipper data collection. The data collected will help in us in achieving the following goals: 1) it allows us to improve the shipper prioritization list; 2) the data enables FMCSA to better analyze and determine other ways of identifying high risk shippers; and 3) the data will permit us to target high risk shippers in order to conduct Shipper Compliance Reviews.

Shipper Check 2002 consisted of packaging inspections conducted at dockside, less-than truckload facilities, intermodal facilities and roadside. Shipper Check 2002 provided an opportunity for FMCSA personnel to work with our "ONE DOT" and State partners. A number of Division Offices elected to conduct shipper compliance reviews in addition to the packaging inspections.

HM Shipper Check 2002 relied on the data export feature of the HMPIP software to generate reports. This feature reduces the reporting activities for the Division Offices and eliminate the need for Division Office/Service Center coordinators. The reports generated from the HMPIP data are contained in Tables 1-3. A total of 128 federal and 64 state personnel representing forty-one FMCSA Division Offices and 18 different state agencies completed HMPIP inspection forms.

The participants made Shipper Check 2002 a very successful operation resulting in 5,618 inspections with 1089 violations found with 91 planned enforcement cases. The results indicate that 1 of every five packages checked was in violation of the Federal Hazardous Materials Regulations (FHMR). A 16 percent violation rate indicates a significant compliance problem on the part of HM shippers.

In addition to the HMPIP inspections, 14 Division Offices completed 157 Compliance Reviews on HM Shippers and Private Carriers transporting hazardous materials. These compliance reviews discovered 131 violations and produced 33 potential enforcement cases.

ONE DOT

The Hawaii Division hosted shipper week activities for five days, Monday, April 1 to Friday, April 5, 2002. We had three agencies represented during the week, they included the USCG-Marine Safety Office, Hawaii State DOT Motor Vehicle Safety Office and FMCSA. Each agency had an opportunity to work with one or more of other agency's participants to share their procedures and policies for conducting hazardous material inspections. A total of 11 people participated throughout the week.

The activities started with two days of dock inspections at the two piers of Young Brothers, Ltd. The Hawaii State Motor Carrier Safety Officers brought their laptops, and were given hands on training during the week on performing HMPIP inspections. Inter-island inbound and outbound hazardous materials package shipments were inspected for compliance with shipping paper requirements, proper marking, labeling, placarding and packaging requirements. Violations found on the HMPIP inspections were followed up in the next two days with shipper reviews at the companies where the shipments originated. The Hawaii State Motor Carrier Safety Officers were also given training in using the CAPRI software for the shipper reviews. Sixteen letters were sent to the shippers who had violations discovered during the HMPIPs conducted.

As a result of the week's activity 60 package inspections were conducted with a total of 70 HMPIP entries made. Eight shipper reviews were also completed. Full compliance reviews are scheduled for some of the more serious violations found.

Region 9 "ONE DOT HM Committee. For the second year in a row members of the Region 9 ONE DOT committee representing FMCSA, FRA, RSPA, and USCG scheduled shipper activities in support of Shipper Check. RSPA also sponsored an activity in the Port of LA/Long Beach described later in this report.

USCG MSO Oakland/San Francisco CWO Larry DeDomenico reported that investigators from the USCG Marine Safety Office and the Federal Rail Administration conducted 57 intermodal containers 12 of which had violations of the hazardous materials regulations. In addition, two of his inspectors accompanied FMCSA HMS Bob Brown on a complaint investigation and compliance review.

INTERNATIONAL

The California Division participated in a Multi Modal HAZESTRIKE- “Operation El Portal” sponsored by the Western Region RSPA Enforcement Office. Other agencies participating included the, Long Beach Police Department, Los Angeles Police Department HAZMAT Team, Los Angeles County Sheriff’s Department, Internal Revenue Service, U.S. Consumer Product Safety Commission, United States Coast Guard Marine Safety Office, California Air Resource Board, California Environmental Protection Agency and the California Highway Patrol. The focus of this activity was hazardous materials shipments into and out of the port of LA/ Long Beach. The LA/Long beach Harbor is the third busiest port in the world after Hong Kong and Singapore. Twenty-five percent of all United States trade depends on this Port, which represents \$116 Billion in trade each year. There were 684 HM containers inspected, 708 roadside vehicle inspections, 11 Shipper compliance reviews and 114 HMPIP inspections. A combined total of 484 enforcement actions were initiated. In addition 250 Outreach packets and 255 Security Alert Bulletins were distributed.

The Montana Division co-sponsored with FRA a multi agency HM Strike Force at the Sweetgrass MT border crossing. Agencies participating included US Customs, Research and Special Programs Administration, Montana Department of Transportation, Toole County Sheriff’s Department, Montana Highway Patrol, Montana Department of Environmental Quality, Transport Canada, and Alberta Transportation - Dangerous Goods Branch. Inspections were conducted on both rail and highway vehicles to check for compliance with the Hazardous Material/Dangerous Goods regulations, mechanical condition of the vehicle, documentation, load securement, illegal contraband, etc plus driver compliance. A total of 75 vehicles were inspected with 24 vehicles containing HM. Eight vehicles were discovered in violation of 49 CFR Parts 177/397. Additionally, one vehicle was placed out of service for HM violations by the state, one vehicle was placed out of service for mechanical problems, and one driver was placed out of service

In addition, a four hour training session was conducted by Terry Wallace, Chief Inspector of Alberta Transportation’s Dangerous Goods Branch. The training encompassed roadside enforcement of Canada’s Transportation of Dangerous Goods regulations (TDG), the upcoming changes to the TDG (clear language amendments), and US/Canadian reciprocity. The sessions were also open to any local law enforcement personnel who would like to attend.

PARTNERSHIPS:

One of the additional benefits of Shipper Check, is the partnerships that are forged with other enforcement agencies and industry. In addition to working with the other DOT Modal and Federal Enforcement agencies, Shipper Check gives us an additional opportunity to work with our State Partners. These opportunities to work with other enforcement agencies help foster better cooperation. Shipper Check provides an excellent forum to exchange information, investigative techniques as well as providing a training opportunity for all participants. Industry

benefits from this activity as well. The HMPIP inspections identify hazardous materials shipments that are not in compliance with the regulations. Corrections of the deficiencies discovered reduce the likelihood of a serious hazardous materials incident during transportation. These inspections also help industry identify areas in which they need to improve their compliance with the FHMRs to insure the safe transportation of hazardous materials.

INVESTIGATIVE HIGHLIGHTS:

Tony Cicero of the Salem, Oregon Division Office discovered a shipment of Arsenical Pesticides that required a Packing Group I package. The shipper however, used an IBC to ship this material. IBC's are not authorized packages for PGI liquids or solids that may become liquid during transportation.

FINDINGS

The Table 1 below contains a listing of the number of violations discovered per Class/Division of hazardous materials. Of the 1089 total violations discovered, 479 (44%) involved Class 3 (Flammable/Combustible), 291 (27%) involved Class 8 (Corrosives) and 137 (13%) involved Class 2 (Gases.)

HAZARD CLASS/DIVISION	NUMBER OF INSPECTIONS	INSPECTIONS WITH VIOLATIONS	VIOLATION RATE
1.1 Explosives/1.2 Explosives	4	0	0
1.3 Explosives	2	0	0
1.4 Explosives	64	25	39%
1.5 Explosives	1	0	0
2.1 Flammable Gas	308	72	23%
2.2 Non Flammable Gas	379	62	16%
2.3 Toxic Gas	32	3	9%
3 Flammable Liquid	2103	430	20%
3 Combustible Liquid	255	49	19%
4.1 Flammable Solid	69	9	13%
4.2 Spontaneously Combustible	24	5	21%
4.3 Dangerous When Wet	11	1	9%
5.1 Oxidizer	193	55	28%
5.2 Organic Peroxide	41	5	12%
6.1 Toxic	216	36	17%
6.2 Infectious Substance	5	2	40%
7 Radioactive Material	5	0	0%
8 Corrosive Material	1509	291	19%
9 Elevated Temperature	13	3	23%
9 Hazardous Substance	40	11	28%
9 Hazardous Waste	11	1	9%
9 Marine Pollutant	5	1	20%
9 Miscellaneous	54	19	35%
ORM-D	271	10	4%

Table 1

The following table contains a list of the top twenty citations discovered. The top twenty accounted for 669 (61%) out of the total violations discovered. Nine of the top twenty citations were for shipping paper violations. Five of the top twenty were severe HM shipper violations as defined in Vol II, Chapter 12 of the FOTM. The severe violations accounted for 288 violations (26%) of the total violations discovered.

TOP 20 CITATIONS			
CITATION	VIOLATION	ACUTE/ CRITICAL/ SEVERE	FREQ.
172.202(a)	Failing to enter proper description of HM	CRITICAL	161
172.204(a)	Failing to make or sign a certification on a shipping paper		71
172.400(a)	Failing to properly label HM container or package	CRTICAL	43
173.22(a)(2)	Offering a HM in an unauthorized package	SEVERE	38
173.25(a)(2)	Failing to mark over-pack with shipping name, etc when required		35
172.201(a)(1)	Failing to properly identify HM on shipping paper containing non-hazardous materials		33
172.202(b)	Failing to enter basic description of HM in proper sequence		31
172.301(a)	Failing to mark non-bulk pkg. Of HM with shipping name and/or ID#	SEVERE	29
172.604(b)	Failing to list the emergency response number for an individual who assumes responsibility for said function		28
172.304(a)	Failing to properly mark HM per requirements		27
172.406(f)	Labels not clearly visible or obscured		21
172.203(k)	Failing to enter technical name in association with proper shipping description		19
172.312(a)(2)	Failing to mark pkg. with orientation arrows as required		19
177.834(a)	Failing to secure pkg. of HM against movement		18
172.202(a)(5)	Failing to enter the total quantity of HM on the shipping paper		18
173.25(a)(4)	Failing to mark over-pack with statement that inner pkgs. comply with the HM regulations		17
172.200(a)	Offering a HM without preparing a shipping paper (none)	ACUTE	17
172.203(b)	Failing to include the words Limited Quantity or (LTD QTY) as required		15
172.301	Improper pkg. marking		15
172.202(a)(4)	Failing to enter the packing group on the shipping paper		14

Table 2

Table 3 below contains a list of package types identified in the shipments found in violation. The packages themselves may not have been in violation. Of the 1089 packages identified;

247 were non-spec packages, 247 were fiberboard boxes, 119 were metal drums, 93 were plastic drums, 48 were cylinders, 35 were cargo tanks and 17 were IBCs.

11G IBC	2	4G Fiberboard Box	247
1A1 Steel Drum	71	4L Cylinders	1
1A2 Steel Drum	48	51 Portable Tank	2
1G Fiberboard Drum	7	56 Portable Tank	1
1H1 Plastic Drum	64	57 Portable Tank	7
1H2 Plastic Drum	29	5H3 Plastic Bag	1
1N1 Metal Drum	4	5L1 Textile Bag	1
2P Liner	1	5M1 Paper Bag	2
31A IBC	1	6HH1 Composite pkg	1
31H1 IBC	6	Box	11
31H2 IBC	2	IBC	1
31HZ1 IBC	5	IM 101 Portable Tank	1
39 Cylinder	12	MC 306	17
3A Cylinder	9	MC 307	4
3AA Cylinder	15	MC 331	6
3AL Cylinder	2	MC 338	1
3AX Cylinder	1	DOT 406	6
3H1 Jerrican	25	DOT 407	1
4B Cylinder	2	Metal	1
4BA Cylinder	3	MISC DOT SPEC PKG	49
4BW Cylinder	3	NON SPEC PKG	247
		OTHER	91

Table 3

CONCLUSION

Shipper Check 2002 focused additional attention on HM shippers with the intention of reducing hazardous materials incidents. There is no quantifiable data to indicate that we reduced incidents. However, the violation data generated by inspections using the HMPIP software indicate that there is a significant problem with HM shippers. The fact that problem shipments were identified and removed from transportation does improve safety.

FMCSA will continue to develop and refine the HMPIP software and expand the use of this program. The data collected from these activities will eventually be used to identify problem shippers. FMCSA will increase its compliance and enforcement activities with the goal of increasing the compliance posture of HM shippers and reducing the likelihood of hazardous materials incidents.