



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

Enforcement Notice

PHMSA # 4-05
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Contact: Joe Delcambre
Tel.: (202) 366-4831

PHMSA Office of Hazardous Materials Safety March 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 17 hazardous materials civil penalty cases it closed in the month of March 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
ALDEN & OTT PRINTING INKS, L.P., Arlington Heights, IL (Shipper)	Failed to provide general awareness and function-specific employee training, or create and retain records of training testing; failed to develop and adhere to a security plan, and failed to provide security training; offered waste flammable liquid, n.o.s. (containing dichloromethane), accompanied by a manifest (shipping paper) that did not list the technical name of the component(s) predominantly contributing to the hazard of the material. [172.702(b), 172.704(a)(1) and (2), 172.704(d), 172.800(b), 172.802(a), 172.704(a)(4) and (5), 172.203(k)(1)] Case No. 04-404-SIBC-CE	\$6,720
ANDERSON CHEMICAL COMPANY, INC., Dallas, TX (Shipper)	Failed to develop and adhere to a security plan; failed to provide recurrent employee training and security awareness training, or create and retain records of training testing. [172.800(b), 172.802(a), 172.702(b), 172.704(a)(4), 172.704(c)(2), 172.704(d)] Case No. 04-545-SD-SW	\$4,040
AXEL PLASTICS RESEARCH LABORATORIES, INC., Woodside, NY (Fiberboard Box Manufacturer)	Manufactured, marked, certified and sold fiberboard boxes as meeting the UN4G/X55/S standard, when design qualification testing was not conducted, records were not maintained, and the registration marking M4361 was not unauthorized; offered resin solution in non-bulk packaging that was not properly labeled; marked the proper shipping name and UN identification number on the packaging in the wrong place. [178.2(b)(1) and (2), 178.503(a)(8), 178.601(d) and (l), 172.406(a), 172.419, 172.304(a)] Case No. 04-286-BM-SO	\$7,000

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BLENTech CORPORATION, Houston, TX (Shipper)	Offered isopropanol in unauthorized, non-UN standard, non-bulk packaging; failed to provide employee training, or create and retain records of training testing. [173.22(a)(2), 173.35(a), 173.242(d), 172.702(b), 172.704(a) and (d)] Case No. 04-229-SIBC-SW	\$6,000
BWAY CORPORATION, Loveland, OH (Plastic Drum Manufacturer)	Manufactured, marked, certified, and sold 30-gallon, closed-head plastic drums as meeting the UN1H1/Y1.9/100 standard, when they were not capable of passing the drop test, the leak-proofness test, the hydrostatic pressure test, and the vibration test. [178.2(b), 178.601(b), 178.603, 178.604, 178.605, 178.608] Case No. 05-0025-PDM-EA	\$10,750
CHEM-STATION, INC. D/B/A CHEM-STATION OF DENVER, Denver, CO (Shipper/Motor Carrier)	Offered hazardous material in an intermediate bulk container that was not removed from the motor vehicle before discharging the material; failed to close packaging in accordance with the manufacturer's closure notification. [177.834(h), 173.22(a)(4), 173.24(f)(2)] Case No. 04-527-SIBC-SW	\$3,600
COLORADO PAINT COMPANY II, Denver, CO (Shipper)	Offered paint-related material in portable tanks marked as meeting the DOT 57 specification that were not periodically inspected and tested; offered this material accompanied by a shipping paper that did not list the hazard, UN identification number, packing group, technical name, and included a shipper's certification that was not legibly signed; failed to close packaging in accordance with the manufacturer's closure notification; failed to mark the packaging with the proper shipping name and UN identification number. [173.32(a)(2), 180.605(c)(3), (g), (h)(1), and (k), 172.202(a)(2)-(4), 172.203(k), 172.204(d), 173.22(a)(4), 173.24(f)(2), 172.301(a)] Case No. 03-520-SIBC-SW	\$7,700
FERRELLGAS, INC., Houston, TX (Motor Carrier)	Offered liquefied petroleum gas in storage containers designed for permanent installation when the containers were charged to more than five percent of their water capacity [173.315(j)(5)] Case No. 04-542-CC-SW	\$7,560
FIRE PROTECTION EQUIPMENT COMPANY, INC., Richmond, VA (Cylinder Retester)	Failed to conduct a complete visual inspection; failed to maintain complete records of cylinder re-qualification. [180.205(f), 180.215(b)(2)] Case No. 04-091-CR-EA	\$2,000
GH PACKAGE & PRODUCT TESTING AND CONSULTING, INC., Fairfield, OH (Third-Party Package Certifier)	Represented and certified a combination package design as meeting the UN4G/Y25 standard when design qualification drop testing was not properly conducted insofar as the drop tests were not performed at a level necessary to support that certification. [178.601(d)] Case No. 04-609-PC-EA	\$6,335
PHOENIX FIRE PROTECTION SERVICE COMPANY, Houston, TX (Cylinder Retester)	After an equipment malfunction, repeated the hydrostatic pressure test at the same pressure, rather than at 10 percent or 100 psi higher (whichever is lower); failed to notify the owner in writing about cylinders that had been condemned. [180.205(g)(5), 180.205(i)(2)] Case No. 04-248-CR-SW	\$1,925

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SAFETY SYSTEMS, INC., Modoc, IN (Shipper)	Offered fire extinguishers in non-DOT-specification cylinders exceeding 900 ml in capacity and containing a quantity of liquefied compressed gas; offered them accompanied by a shipping paper that listed an invalid emergency response telephone number. [173.304, 173.309(a)(3)(i), 172.201(d), 172.604] Case No. 03-021-SC-HQ	\$4,600
SAFETY SYSTEMS, INC., Modoc, IN (Shipper)	Offered fire extinguishers in non-DOT-specification cylinders exceeding 900 ml in capacity and containing a quantity of liquefied compressed gas. [173.304, 173.309(a)(3)(i)] Case No. 03-023-SE-HQ	\$4,400
SPECTRA GASES, INC., Los Alamos, NM (Shipper)	Offered carbon monoxide, 2.3, in eight of 12 manifold cylinders without tightly closing each cylinder's shut-off valve and without protecting the valves and pressure-relief devices on manifolded cylinders from damage; offered this material accompanied by a shipping paper that did not list the total quantity of the material and that included additional information within the basic shipping description; failed to provide function-specific employee training; offered compressed gas, toxic, oxidizing, corrosive, n.o.s., 2.3, without properly classifying the material. [173.24(b)(2), 173.24(f)(1), 173.301(g)(1), 172.202(a)(5), 172.203(m)(2), 172.702(b), 172.704(a)(2), 172.203(m)(2), 173.22(a)(1), 173.116(a)] Case No. 04-355-SC-EA	\$8,000
THERMO ELECTRON CORPORATION (FORMERLY THERMO ORION, INC.), Beverly, MA (Fiberboard Box Manufacturer/Shipper)	Represented, marked, and certified several packaging designs as meeting the UN4G standard when they had not been tested as required and test records were not maintained, and offered acetic acid, glacial in these unauthorized packagings; failed to mark packaging with the name and address or symbol of the manufacturer or the agency certifying compliance. [173.24(d)(1), 173.202(a) and (b), 178.601(d) and (l), 178.603(a), 178.503(a)(8)] Case No. 01-060-BMS-EA	\$11,000
UNITED TECHNOLOGIES CORPORATION D/B/A PRATT & WHITNEY, North Berwick, ME (Cylinder Retester)	Failed to confirm the accuracy of the pressure-indicating device on the test equipment to within 500 psi of actual test pressure or to verify that the device was accurate to within one percent of the calibrated cylinder's pressure and corresponding expansion values; after an equipment malfunction, repeated the hydrostatic pressure test at the same pressure, rather than at 10 percent or 100 psi higher (whichever is lower); failed to create and maintain complete records of cylinder re-qualification. [180.205(g)(3)(i), 180.205(g)(4), 180.205(g)(2), 180.215(b)(1) and (2)] Case No. 03-389-CR-EA	\$4,190
YUASA BATTERY, INC., Laureldale, PA (Shipper)	Failed to develop and adhere to a security plan and provide security training; failed to register with RSPA; failure to provide recurrent employee training. [172.800(b), 172.802(b), 172.704(a)(4) and (5), 107.608(b), 107.612(c), 172.702(b), 172.704(c)(2)] Case No. 04-625-SB-EA	\$6,880

Total number of cases – 17

Total civil penalties – \$102,700

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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 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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