



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

Enforcement Notice

PHMSA # 7-05
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PHMSA Office of Hazardous Materials Safety June 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 26 hazardous materials civil penalty cases it closed in the month of June 2005 for violations of the Hazardous Materials Regulations (HMR) (49 Code of Federal Regulations Parts 171 – 180). For calendar year 2005, PHMSA has closed a total of 133 hazardous materials civil penalty cases and collected \$827,841 in penalties.

It is the task of PHMSA's inspection and enforcement staff to improve compliance with the safety and training standards of the HMR by inspecting companies and individuals who offer hazardous materials for transportation or who manufacture, maintain, repair, recondition or test packages authorized for transporting hazardous materials.

Company	SUMMARY	Penalty
ACROS ORGANICS B.V.B.A., Somerville, NJ (Fiberboard Box Manufacturer/Shipper)	Offered toxic solid, organic, n.o.s. (containing triphosgene), 6.1, under the provisions of the small quantity exception, when the performance of the package had not been demonstrated by prototype testing. [173.4(a)(6), 173.22(a)] Case No. 05-0021-BMS-EA	\$6,565
J. E. ADAMS INDUSTRIES, INC., Cedar Rapids, IA (Shipper)	Failed to provide general awareness, function-specific, and security awareness employee training, or create and retain records of training testing. [172.702(b), 172.704(a)(1), (2), and (4), 172.704(d)] Case No. 04-405-SD-CE	\$900
ALLTECH ASSOCIATES, INC. D/B/A APPLIED SCIENCES, State College, PA (Shipper)	Failed to develop and adhere to a security plan; failed to provide recurrent and security awareness employee training. [172.800, 172.802, 172.702(b), 172.704(c)(2), 172.704(a)(4)] Case No. 04-642-SD-EA	\$5,700
BLAINE INDUSTRIAL SUPPLY, INC., Hobbs, NM (Shipper)	Failed to develop and adhere to a security plan; failed to provide security awareness employee training. [172.800(b), 172.702(b), 172.704(a)(4)] Case No. 05-0115-SD-SW	\$4,175

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CORROSION LTD., Hobbs, NM (Shipper)	Offered corrosive liquids, n.o.s. (containing zinc chloride), in unauthorized, non-UN-standard, non-bulk packaging; failed to retain copies of shipping papers for at least 375 days after shipment. [173.22(a)(2) and (4), 173.203(a) and (c), 172.201(e)] Case No. 05-0086-SD-SW	\$3,360
CUMBERLAND SWAN HOLDINGS, INC., Murfreesboro, TN (Shipper)	Failed to develop and adhere to a security plan; failed to provide employee training, including security awareness training. [172.800(b), 172.702(b), 172.704(a)(1)-(4)] Case No. 05-0132-SB-SO	\$4,575
DIVERSIFIED PHARMACY SERVICES OF MIDDLE GEORGIA, Macon, GA (Shipper)	Offered radioactive materials, n.o.s., in a packaging marked as meeting the DOT 7A Type A specification, without maintaining complete documentation of tests, evaluations, or comparative data, showing that the construction method, packaging design, and materials of construction comply with that specification, thereby creating an unauthorized packaging; failed to provide general awareness and function-specific employee training, or create records of training testing; marked the packaging with an incorrect proper shipping name. [173.415(a), 172.702(b), 172.704(a)(1) and (2), 172.704(d), 172.301(a)] Case No. 03-016-RMS-HQ	\$7,650
ELECTRO COATINGS, INC. D/B/A ELECTRO COATINGS of IOWA, INC., Cedar Rapids, IA (Shipper)	Failed to develop and adhere to a security plan; failed to provide general awareness, function-specific, and security awareness employee training, or create and retain records of training testing. [172.800, 172.802, 172.702(b), 172.704(a)(1), (2), and (4), 172.704(d)] Case No. 04-406-SD-CE	\$3,390
FIRE FIGHTER SALES AND SERVICE, Pittsburgh, PA (Cylinder Retester)	Failed to verify the accuracy of the test equipment to within one percent of the calibrated cylinder's test pressure and corresponding expansion values; failed to maintain complete and accurate records of daily calibration and cylinder re-qualification; failed to register with RSPA. [173.34(e)(4)(iv), 173.34(e)(8)(ii)(B), 107.601(a)(6), 107.608] Case No. 02-075-CRS-EA	\$3,200
HILLS MATERIALS COMPANY, Rapid City, SD (Shipper)	Failed to (1) develop and adhere to a security plan, (2) provide security awareness employee training, and (3) create and retain records of training testing; offered Class 1 hazardous materials (ranging from 1.1D to 1.5D) accompanied by a shipping paper that listed an unauthorized emergency response telephone number. Offered these materials without retaining copies of shipping papers for the required 375 days that could have provided information as verification that shipping papers contained basic descriptions showing a proper shipping name, a proper hazard class or division, and a proper UN identification number, and provided an emergency response telephone number that was monitored at all times while the hazardous material was in transit. [172.800, 172.802, 172.702(b), 172.704(a)(4) and (d), 172.604(b), 172.201(e), 172.202(a) and (c), 172.604(a), 173.22(a)(1)] Case No. 05-0015-SE-CE	\$7,600

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J & M CYLINDER GASES, INC., Decatur, AL (Cylinder Retester)	Failed to mark DOT 3HT cylinders with low-stress steel stamp; failed to include all required information on its Hydrostatic Retest Data Sheet. [180.213(c)(2), 180.215(b)(1) and (2)] Case No. 04-281-CR-SO	\$2,991
ROBERT WOOD JOHNSON UNIVERSITY HOSPITAL, New Brunswick, NJ (Shipper)	Offered regulated medical waste, 6.2, in bulk outer packaging that was not leak-proof, therefore creating an unauthorized packaging; offered liquid regulated medical waste, 6.2, that was not packaged in rigid inner packaging, and when the liquid was free-flowing throughout the bulk outer packaging, resulting in a release; offered regulated medical waste, 6.2, in plastic film bags which were not securely closed, therefore in unauthorized packaging; failed to provide general awareness and function-specific employee training. [173.22(a)(2), 173.197(d)(3)(iv), 173.22(a)(2), 173.197(e)(2), 173.22(a)(2), 173.197(e)(1)(ii), 172.702(b), 172.704(a)(1) and (2)] Case No. 05-0102-SBG-EA	\$14,000
NAPCO CHEMICAL COMPANY, INC., Spring, TX (Shipper)	Discharged sodium hydroxide, 25 percent, from an intermediate bulk container, without first removing it from the transport vehicle; offered fluorosilicic acid, 8, in reused non-bulk packaging that had not been tested for leak-proofness tested prior to filling; failed to close packaging in accordance with the manufacturer's closure notification; failed to provide security awareness employee training, or create and retain records of training testing. [173.30, 177.834(h), 173.22(a)(2), 173.28(b)(2)(ii), 178.604, 173.22(a)(4), 173.24(f)(2), 172.702(b), 172.704(a)(4), 172.704(d)] Case No. 05-0128-SDIBC-SW	\$7,450
OXYGEN SERVICE COMPANY, INC., Orange, CA (Shipper)	Failed to develop and adhere to a security plan; failed to provide recurrent employee training, and failed to provide security awareness employee training. [172.800(b), 172.702(b), 172.704(c)(2), 172.704(a)(4)] Case No. 05-0223-SC-WE	\$4,925
PACKAGING DEVELOPMENT SERVICE, INC., Broomfield, CO (Third-Party Packaging Certifier)	Represented, marked, and certified combination packaging as meeting the UN4G standard, when the design qualification stacking test was not properly conducted and the packaging was tested with less weight than required; represented, marked, and certified combination packaging as meeting the UN4G standard, when the design qualification test report was incomplete or missing required information; failed to create and retain records of employee training testing. [178.2(b), 178.601(d), 178.606, 178.601(1)(6), (8), and (9), 172.704(d)] Case No. 03-214-PC-SW	\$750

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PETROLEUM EQUIPMENT, INC. D/B/A POORE'S PROPANE, Dover, DE (Cylinder Retester)	Marked cylinders that had undergone visual inspection with an incorrect retester identification number; failed to prepare and maintain records of visual inspections; failed to maintain a current copy of the applicable parts of the regulations and the information in CGA Pamphlet C-6 applicable to its cylinder re-qualification and marking activities, and failed to perform an external inspection of cylinders in accordance with CGA Pamphlet C-6; failed to develop a written risk assessment as part of its security plan, and failed to provide general awareness, function-specific, security awareness, and in-depth security employee training. [180.213(d), RSPA Approval V107827, 180.209(h), 180.209(h), 180.215(a)(4) and (6), 172.800(b), 172.802(a), 172.702(b), 172.704(a)(1)-(2) and (4)-(5)] Case No. 04-630-CRS-EA	\$6,600
THE PHILADELPHIA COCA-COLA BOTTLING CO., Moorestown, NJ (Shipper)	Offered carbon dioxide, 2.2, in a cylinder that had not been visually re-inspected and hydrostatically retested within the past five years; failed to develop and adhere to a security plan, and failed to provide security training; failed to register with RSPA/PHMSA. [173.22(a)(2), 173.301(a)(1) and (6), 172.800(b), 172.702(b), 172.704(a)(4) and (5), 107.601(a)(6), 106.608(b), 107.612] Case No. 05-0158-SC-EA	\$9,000
RAND-WHITNEY CONTAINERS, LLC, Worcester, MA (Fiberboard Box Manufacturer)	Manufactured, marked, certified, and sold combination packaging as meeting the UN4G standard, when the periodic retesting was not conducted; failed to provide security awareness employee training, or create and retain records of training testing. [178.2(b), 178.601(e), 172.702(b), 172.704(a)(4), 172.704(d)] Case No. 05-0068-BM-EA	\$5,325
ROBBIE MANUFACTURING, INC., Lenexa, KS (Shipper)	Failed to develop and adhere to a security plan; failed to register with RSPA/PHMSA; failed to provide security awareness employee training. [172.800(b), 172.802(a) and (b), 107.601(a)(6), 107.608(b), 172.702(b), 172.704(a)(4)] Case No. 05-0087-SD-SW	\$4,500
SENTARA HEALTHCARE D/B/A SENTARA VIRGINIA BEACH GENERAL HOSPITAL, Virginia Beach, VA (Shipper)	Offered regulated medical waste, 6.2, in a bulk outer packaging (BOP), when the material was packaged in unauthorized inner packages, when rigid inner packages were placed in the same BOP with plastic film bags without being separated by a rigid barrier or divider, and when the inner plastic film bags were not closed as required, resulting in release of material into the BOP. [173.22(a)(2), 173.197(d)(1)(i), 173.197(d)(3)(v), 173.197(e)(1)(i) and (ii)] Case No. 05-0124-SBG-EA	\$9,840
SENTARA HEALTHCARE D/B/A SENTARA NORFOLK GENERAL HOSPITAL, Norfolk, VA (Shipper)	Offered regulated medical waste, 6.2, in a bulk outer packaging (BOP), when the material was packaged in unauthorized inner packages, and when rigid inner packages were placed in the same BOP with plastic film bags without being separated by a rigid barrier or divider. [173.22(a)(2), 173.197(d)(1)(i), 173.197(d)(3)(v), 173.197(e)(1)(i)] Case No. 05-0180-SBG-EA	\$2,045

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SIMPLEX GRINNELL, LP, Charleston, SC (Cylinder Retester)	During system calibration, failed to achieve expansion readings that were within one percent of the calibrated cylinder's known expansion values at 3,000 psi, 4,000 psi, and 5,000 psi, and failed to calibrate the test equipment at a pressure within 500 psi of actual test pressures; failed to maintain complete and accurate records of cylinder re-qualification; failed to maintain current copies of applicable DOT exemptions at its facility; failed to properly mark low-pressure cylinders with the retester identification number, month and year of retest, and the "S" designation. [180.205(g)(3) and (4), 180.215(b), 180.215(a)(5), 180.213(d) and (f)] Case No. 05-0033-CR-SO	\$9,075
SPARTAN ADHESIVES & COATINGS CO., Crystal Lake, IL (Shipper)	Failed to register with RSPA/PHMSA; failed to develop and implement a security plan, and failed to provide in-depth security training; offered adhesives, 3, in packaging that had not been subjected to design qualification testing and therefore was not authorized. [107.601(a)(6), 107.608(a) and (b), 172.800(b), 172.802(a) and (b), 172.704(a)(5), 173.22(a)] Case No. 05-0185-SDP-CE	\$9,750
SPRINGFIELD CONTRACTORS, INC., Glen Rock, PA (Shipper)	Offered and transported explosives accompanied by a shipping that did not include the proper shipping name, the UN identification number, the packing group, and the net explosive mass; offered and transported explosive, ammonium nitrate - fuel oil mixture (containing only prilled ammonium nitrate + fuel oil), 1 .5D, under the terms of a DOT exemption, while failing to include the exemption number on the shipping papers; failed to maintain a current copy of the exemption at the facility where the package was offered and failed to carry a current copy of the exemption aboard a motor vehicle used to transport packages covered by this exemption; failed to carry its certificate of registration aboard the transport vehicle; failed to provide employee training; failed to develop and adhere to a security plan. [172.202(a)(1), (3)-(5)(i), 172.203(a), 173.1, 173.22a(b), DOT-E 11156—Paragraphs 8.(a) and (b), 10.(a), and 11, 107.620(b), 172.702(b), 172.704(a), 172.800(b)(2), 172.802(a)(1)-(3)] Case No. 04-009-SE-HQ	\$6,675
STATELINE FIREWORKS, L.L.C., South Pittsburg, TN (Shipper)	Offered fireworks, 1.4G, in an unauthorized, incomplete packaging marked as meeting a UN performance standard. [173.22(a)(2), 173.62—Packing Instruction 135] Case No. 04-278-SB-SO	\$4,200
UNISOURCE WORLDWIDE, INC., Columbia, SC (Shipper)	Failed to develop and adhere to a security plan. [172.800(b)(7), 172.802(a) and (b)] Case No. 05-0063-SD-SO	\$2,520

Total number of cases - 26
Total civil penalties - \$146,761

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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 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. For fiscal year 2006, seminars are planned for Dallas, TX, December 6-7; Seattle, WA, March 14-15; Newark, NJ, May 16-17; and Chicago, IL, August 22-23;. 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.

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