



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

Enforcement Notice

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PHMSA Office of Hazardous Materials Safety December 2004 Notice of Hazardous Materials Regulations Enforcement

The Pipeline and Hazardous Materials Safety Administration (PHMSA) today gave notice of 26 hazardous materials civil penalty cases it closed in the month of December 2004 for violations of the Hazardous Materials Regulations (HMR) (49 Code of Federal Regulations Parts 100 – 185). 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
ACCURATE FIRE EQUIPMENT COMPANY, INC., Tulsa, OK (Cylinder Retester)	Failed to provide recurrent employee training, or create and retain records of training testing; failed to calculate the average or maximum wall stress for cylinders marked with a "plus" sign; failed to enter on its records (1) the serial number of the calibrated cylinder, (2) legible identification of the retest operator, and (3) for each cylinder, the manufacturer's name or symbol, the percentage of permanent expansion, and the method by which the average or maximum wall stress was calculated. [172.702(b), 172.704(c)(2), 172.704(d), 173.302a(b) and (b)(5), 180.215(b)(1) and (2)] Case No. 03-508-CR-SW	\$3,900
ALLOY PRODUCTS CORP., Waukesha, WI (Steel Drum Manufacturer)	Manufactured, marked, certified, and sold new stainless steel drums as meeting the UN1A1/X1.1/240, when the full number of drums had not been subjected to design qualification testing; manufactured, marked, certified, and sold new stainless steel drums as meeting the UN1A1/X1.1/240, when they had not been subjected to periodic retesting; manufactured, marked, certified, and sold steel jerricans as meeting the UN1A1/X1.5/103 standard, when they were not marked with the correct packaging code designating the packaging type. [178.601(d) and (k), 178.603(a), 178.604(a), 178.605(a), 178.603(b), 178.604(b)(2), 178.605(b), 178.606(b), 178.502(a)(1)(iii), 178.503(a)] Case No. 04-124-DM-CE	\$9,415

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AMERICAN SOLDER & FLUX COMPANY, INC., Paoli, PA (Fiberboard Box Manufacturer/Shipper)	Offered corrosive liquid, n.o.s. (containing zinc chloride and hydrochloric acid), in combination packaging marked as meeting a UN standard with a gross mass exceeding the amount for which the packaging was certified; represented, marked, and certified combination packaging as meeting the UN4G standard when periodic retesting was not performed; offered corrosive liquids, acidic, inorganic, n.o.s., in drums marked as meeting a UN standard that were not closed in accordance with the manufacturer's closure notification. [173.22(a)(2), 173.202, 178.601(c), 173.22(a)(4)] Case No. 04-356-BMS-EA	\$10,345
AMSAN EQUIPMENT MAINTENANCE COMPANY, LLC, Tucker, GA (Shipper)	Failed to develop and adhere to a security plan; failed to register with RSPA; failed to create and retain records of employee training testing. [172.800, 172.802, 107.601(a)(6), 107.608(a) and (b), 172.704(d)] Case No. 04-292-SD-SO	\$5,700
BAKER PETROLITE CORP., Houston, TX (Shipper)	Failed to develop and adhere to a security plan; represented and certified intermediate bulk containers as meeting a UN standard when retesting and inspection were not maintained. [172.800, 172.802, 180.352(f)] Case No. 04-515-SIBC-SW	\$5,200
BAYER CORPORATION, Pittsburgh, PA (Fiberboard Box Manufacturer/Shipper)	Represented, marked, and certified a package as meeting a UN standard that had been altered without performing design qualification testing; offered a PG II hazardous material in a non-UN-standard packaging; offered a package containing hazardous materials that was not closed in accordance with the manufacturer's closure notification. [178.2(b), 178.601(d), 173.22(a)(2), 173.202(a), 173.22(a)(4)] Case No. 04-392-BMS-EA	\$13,910
BRENNTAG SOUTHWEST, INC., Fort Worth, TX (Shipper)	Failed to develop and adhere to a security plan; failed to provide employee training, or create and retain records of training testing. [172.800, 172.802, 172.702(b), 172.704(a) and (d)] Case No. 04-534-SIBC-SW	\$6,475

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BUCKMAN'S, INC., Pottstown, PA (Fiberboard Box Manufacturer/Shipper)	Represented, marked, and certified fiberboard boxes as meeting the UN4G/Y19.2/S standard, when they were not subjected to design qualification testing; offered hydrochloric acid in these unauthorized, non-UN-standard packages; offered hypochlorite solution in packaging that was not retested or requalified; offered hypochlorite solutions and hydrochloric acid solutions in packages that were not closed in accordance with the manufacturer's closure notification; discharged hypochlorite solution from a vehicle-mounted intermediate bulk container (IBC) without removing it from the vehicle; offered hazardous materials in IBCs that were not marked with the required identification numbers; and were not affixed with hazard warning labels or placards; failed to develop and adhere to a security plan, or provide in-depth security training; failed to provide initial or recurrent employee training, or create and retain records of training testing. [178.2(b), 178.3(b), 178.601(d), 173.22(a)(2), 173.202(c), 173.22(a)(2), 173.28(b)(2), 173.203(b) and (c), 173.22(a)(2) and (4), 173.202(b), 173.203(c), 173.30, 177.834(h), 172.302(a)(2) and (b), 172.331(b), 172.400(a)(2), 172.514(a), 172.800(b)(7), 172.802(a), 172.704(a)(5), 172.702(b), 172.704(a) and (c)(2), 172.704(d)] Case No. 04-604-BMS-EA	\$25,535
CERTIFIED LOGISTICS & SUPPORT SERVICES, INC., Tucker, GA (Shipper)	Failed to develop and adhere to a security plan; failed to register with RSPA. [172.800, 172.802, 107.601(a)(5) and (6), 107.608(a) and (b)] Case No. 04-283-SD-SO	\$3,675
CHEMPAK INTERNATIONAL CORP., Gnadenhutten, OH (Shipper)	Offered toxic solid, organic, n.o.s., 6.1, in non-UN-standard packaging. [173.22(a)(2), 173.213] Case No. 02-245-SD-SW	\$2,400
DEL VAL INK & COLOR, INC., Riverton, NJ (Shipper)	Offered printing ink, 3, in portable tanks marked as meeting the DOT 57 specification that were not subjected to the required testing; offered printing ink in drums not tested for specific gravity and that were not properly closed; failed to mark with the proper shipping name on the packaging; failed to provide employee training, or create and retain records of training testing. [173.32(a)(2), 180.605(a), 173.24a(b)(1), 173.173(b)(1), 172.300(a), 172.326(a), 172.702(b), 172.704(a) and (d)] Case No. 03-073-SIBC-EA	\$9,000
DUNBAR SALES COMPANY D/B/A CAROLAN PACKAGING, Rockaway, NJ (Shipper)	Offered corrosive liquid, n.o.s. (containing sulfamic acid), without preparing a proper hazardous materials shipping paper; offered the same material in IBCs that were not marked with the required identification numbers; and were not affixed with hazard warning labels or placards; failed to provide employee training, or create and retain records of training testing. [172.200(a), 172.202(a)(1)-(5), 172.202(d), 172.302(a)(2), 172.331(b), 172.514(a), 172.702(b), 172.704(a) and (d)] Case No. 04-385-SIBC-EA	\$6,850

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Company	SUMMARY	Penalty
ECOLAB, INC., Eagan, MN (Shipper)	Offered organic peroxide, type F, liquid (peroxyacetic acid type F, stabilized), 5.2, and potassium hydroxide solution, in combination packaging that was unauthorized because the closures of the inner packages were not facing up; offered sodium hydroxide solution in combination packaging that was unauthorized because the gross mass in the packaging exceeded the gross mass marked on it as part of the UN certification. [173.212(a)(1), 173.22(a)(2), 173.24a(a)(1), 173.22(a)(2), 173.24a(b)(2), 173.212(a) and (b)] Case No. 04-117-SB-CE	\$12,865
KEITH FAULKNER, LTD., Stoke-on-Trent, England, UK (Shipper)	Offered bromotrifloromethane accompanied by a shipping paper that contained a shipping description in an incorrect sequence and did not include an emergency response telephone number; offered this material in bulk and non-bulk packaging that was not marked as required. [171.12(b), 172.202(b), 172.604, 172.301(a)(1) and (3), 172.301(d), 172.302(a)(2), 172.331(c)] Case No. 01-386-FSC-EA	\$3,280
IMPERIAL TESTING & ENGINEERING, INC., Lakeland, FL (Shipper)	Offered radioactive material in a Type A package that was in an impaired condition and was not marked and labeled as required (the existing markings and labels had substantially deteriorated); offered radioactive materials without preparing shipping papers. [172.301, 172.310, 172.403, 173.475, 172.200(a)] Case No. 03-010-RMS-HQ	\$5,000
JUPITER ALUMINUM CORP., Hammond, IN (Shipper)	Offered aluminum re-melting byproducts, 4.3, accompanied by a shipping paper that contained unauthorized extra words in the proper shipping name; failure to develop and adhere to a security plan. [172.200(a), 172.202(a), 172.800, 172.802] Case No. 04-147-SOTT-CE	\$5,610
MARK VII EQUIPMENT, LLC, Arvada, CO (Shipper)	Failed to develop and adhere to a security plan; offered hazardous materials accompanied by a shipping paper with an unsigned shipper's certification. [172.800, 172.802, 172.204(a) and (d)] Case No. 04-514-SD-SW	\$4,500
METTIME GROUP, INC., New York, NY (Shipper)	Offered lighters, cigarette (containing flammable gas), 2.1, in non-UN standard packaging that was not authorized for shipment; failed to declare materials as hazardous on the shipping documentation, and failed to mark and label packaging to demonstrate the presence of hazardous materials, thereby creating an undeclared shipment; failure to provide employee training, or create and retain records of training testing. [172.102—Special Provision N10, 173.308(a), 173.21(i), 172.102—Special Provision N10, 172.200(a), 172.300, 172.400, 172.702(b), 172.704(a) and (d)] Case No. 03-355-SB-EA	\$11,800
MONTGOMERY INDUSTRIAL GASES, INC., Montgomery, AL (Shipper)	Failed to develop and adhere to a security plan; failed to register with RSPA; failed to provide employee training, or create and retain records of training testing. [172.800, 172.802, 107.601(a)(6), 107.608(a) and (b), 172.702(b), 172.704(a) and (d)] Case No. 04-285-SD-SO	\$4,100

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NORCO, INC., Missoula, MT (Cylinder Retester)	Failed to verify the accuracy of the pressure-indicating device on the retest equipment to within one percent of the calibrated cylinder's pressure and corresponding expansion values; failed to maintain the minimum test pressure for at least 30 seconds; failed to maintain records of reinspection and retest; failed to provide function-specific recurrent employee training. [180.205(g)(3)(i) and (4), 180.205(g)(5), 180.215(b)(2), 172.702(b), 172.704(a)(2) and (c)(2)] Case No. 03-183-CR-WE	\$7,100
NORTHWESTERN MEMORIAL HOSPITAL, Chicago, IL (Shipper)	Offered toxic liquids, organic, n.o.s., when it failed to (1) declare them as hazardous materials on a shipping paper, (2) mark or label packagings to indicate the presence of hazardous materials, thus creating an undeclared shipment; offered this material in packaging in which inner bags were not closed and the lid on the outer package was not secured; failed to close 55-gallon drums in accordance with the manufacturer's closure notification; offered various hazardous materials accompanied by shipper papers that did not include a proper basic shipping description, a signed shipper's certification, or a valid emergency response telephone number; failed to provide general awareness and function-specific employee training, or create and retain records of training testing. [172.200, 172.201, 172.301, 172.400, 172.600, 172.604, 173.24(f)(1)(ii), 173.134(c)(1)(ii), 173.197(e)(1), 173.22(a)(4), 173.24(b) and (f)(1), 178.2(b)(2), 172.200(a), 172.202(a)(4), 172.204(a), 172.604(a)(1), 172.702(b), 172.704(a)(1) and (2), 172.704(d)] Case No. 04-107-SIBC-CE	\$15,500
PREFERRED FIRE PROTECTION, INC., Louisville, KY (Cylinder Retester)	Failed to conduct hydrostatic retesting on DOT specification cylinders; failed to mark cylinders with the month and year of reinspection or the retester's identification number; failed to maintain copies of the applicable sections of the regulations at its retest facility. [173.34(e)(1)(i), 173.34(e)(7)(i), 173.34(e)(2)(v)(A)] Case No. 03-104-CR-CE	\$7,455
THE STEPHAN COMPANY, Fort Lauderdale, FL (Shipper)	Offered ethanol in unauthorized, non-UN-standard, non-bulk packaging; offered this material without preparing a proper shipping paper; failed to mark packages with the proper shipping name, UN identification number, or orientation arrows; failed to affix hazard warning labels on packages containing ethanol; failed to provide employee training, or create and retain records of training testing. [173.22(a)(2), 173.202, 172.202(a)(1)-(4), 172.204(a) and (d), 172.604(a) and (b), 172.301(a), 172.312(a)(2), 172.400(a) and (b), 172.702(b), 172.704(a) and (d)] Case No. 02-262-SB-SO	\$13,000
STERICYCLE, INC., Clinton, IL (Shipper)	Offered regulated medical waste, 6.2, in non-UN-standard packaging, when the closures were not secure and leak-proof; failed to mark on the proper shipping name and UN identification number on the packaging. [173.24(f)(1)(ii), 173.197(b), 172.301(a)] Case No. 04-123-SB-CE	\$7,970
TEK PRODUCTS & SERVICES, INC., Reading, PA (Shipper)	Offered a hazardous material by aircraft in packaging not authorized for air transportation. [173.22(a)(2), 173.27(c)(3)(ii)] Case No. 04-622-SP-EA	\$3,750

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TNEMEC COMPANY, INC., Wheat Ridge, CO (Shipper)	Failed to develop and adhere to a security plan. [172.800(b), 172.802] Case No. 04-523-SBD-SW	\$6,000

Total number of cases – 26
Total civil penalties – \$209,535

Hazardous Materials Initiatives and Training:

Enforcement is not the only tool PHMSA uses to improve hazardous materials safety. 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 Miami, Fla., March 8-9; 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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