

Shipper Check 2001



F M C S A
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HM SHIPPER CHECK 2001

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 the month of March 2001. This special emphasis project was designated “HM SHIPPER CHECK 2001.” 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 additional field testing of the HM Packaging Inspection Program (HMPIP) software for 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 2001 consisted of packaging inspections conducted at dockside, less-than truckload facilities, intermodal facilities and roadside. Shipper Check 2001 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.



FMCSA Safety Specialists Dave Specker, Star Fuji and Tony Cicero performing dock inspections at a USF Reddaway terminal in Portland, Oregon

HM Shipper Check 2001 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 111 federal and 32 state personnel representing forty-two FMCSA Division Offices and five different state agencies completed HMPIP inspection forms.

The participants made Shipper Check 2001 a very successful operation resulting in 4822 inspections with 1112 violations found with 120 planned enforcement cases. The results indicate that 1 of every four packages checked was in violation of the Federal Hazardous Materials

Regulations (FHMR). A 23 percent violation rate indicates a significant compliance problem on the part of HM shippers.

In addition to the HMPIP inspections, 13 Division Offices completed 139 Compliance Reviews on HM Shippers and Private Carriers transporting hazardous materials. These compliance reviews discovered 178 violations and produced 11 potential enforcement cases.

ONE DOT

The Hawaii Division hosted a shipper week with five agencies participating. They included RSPA, FAA-Security-Dangerous Goods, USCG-Marine Safety Office, Hawaii DOT Motor Vehicle Safety Office and the Federal Motor Carrier Safety Administration. Each agency had an opportunity to work with other agency participants to receive awareness training of their activities and procedures for conducting hazardous material inspections.



FAA Special Agent Velma Fish and FMCSA Safety Investigator Sharon Cravalho inspecting HM trucks at Sand Island

The activities included: one day of roadside inspections at the weigh station located adjacent to CSX and Matson, one day at the pier of Young Brothers Ltd and less-than-truckload facilities in and around Honolulu, and one day of shipper compliance reviews. At these various locations we conducted packaging inspections using the HMPIP software in conjunction with the appropriate agency's routine inspection activities. As a result of the three days of activity, we conducted over 107 HMPIP inspections, 11 roadside level 3 inspections, 4 shipper reviews and one enforcement case.

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

FAA Western Pacific Region Gerald Moore, Hazardous Materials Program Coordinator, FAA Western Pacific Region reported that FAA investigators performed 26 shipper inspections in support of Shipper Check. In addition to Honolulu, shipper checks were performed in Las Vegas, Phoenix, and San Francisco.

USCG MSO Oakland/San Francisco CWO Larry DeDomenico reported that investigators from the USCG Marine Safety Office and the Federal Rail Administration conducted 39 intermodal containers 15 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.

New Hampshire Division office participated in a HazMat Shipper Strike Force. This ONEDOT activity was conducted in and around the Manchester Airport also involved the Federal Aviation Administration New England Regional Office. For three days these agencies work together to conduct HazMat Shipper Reviews on packages destined for transportation by highway and/or air. During this Strike Force the FAA placed special emphasis on shippers who transported fireworks and explosive shipments. FAA representatives gave shippers not in compliance educational and technical assistance when needed. During this Hazmat check the FMCSA was utilizing its HM Packaging Inspection Program (HMPIP) for the second consecutive year. As a result of the joint effort future joint initiatives are planned.

New Jersey Division In the ONE DOT spirit of cooperation Safety Investigator Trish Lees contacted the RSPA Eastern Region Enforcement Office in Trenton, New Jersey for technical assistance on the hazardous materials regulations dealing with the shipment of cylinders. The shipper was offering cylinders for transportation that were filled prior to required testing and were not properly labeled. A Notice of Claim was issued for \$10,160.

Missouri Division Safety Investigators conducted joint inspections of less-than-truckload facility with inspectors from the Federal Railroad Administration.

INTERNATIONAL

The California Division participated in a Multi Modal HAZSTRIKE sponsored by the Western Region RSPA Enforcement Office. Other agencies participating included the FAA, FRA, San Diego City Attorney, San Diego County Department of Environmental Health, San Diego Police Department, California Department of Toxic substance Control and the California Highway Patrol. The focus of this activity was hazardous materials shipments into and out of San Diego airport and Brokers and Freight Forwarders shipping hazardous materials into and out of Mexico. A total of 45 inspections were conducted resulting in the discovery of 70 violations and the initiation of 47 enforcement actions. A total of 195 Outreach packets were distributed to industry.

PARTNERSHIPS



FMCSA Safety Investigator LeeAnn Jangula and North Dakota Trooper Dan Cushing inspect packages



FMCSA Safety Investigator George Cowan inspects HM packages at a UPS terminal in N.J. as company officials look on.

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 FHMR to insure the safe transportation of hazardous materials.

Investigation Highlights:

Safety Investigator William Moravec of the South Dakota Division Office discovered a shipment of oxidizers and corrosive solid materials packaged in unauthorized fiberboard drums. The fiberboard drums were not manufactured or tested to UN standards. In addition the unauthorized containers were only rated for only 300 lbs. A number of these containers were filled with 500 lbs. of material. The company that shipped the material immediately dispatched a team to re-package the material in proper containers. An enforcement case was prepared against the shipper.

Safety Investigator Dave Specker of the Oregon Division Office spent an evening testing the validity of the emergency response telephone numbers provided on shipping papers examined during an inspection of a less-than-truckload facility. Dave discovered a number of problems with third party contractors providing emergency response information. One provider told him that he could only provide emergency response information based on the product code, not the DOT hazardous materials shipping description. In one instance he was told to call 911. This investigation is continuing and enforcement is likely.

Safety Investigator Ted Turner of the Ohio Division Office discovered a shipment of Novelty Cigarette Lighters and torches that had no approval number from the Associate Administrator for Hazardous Materials Safety on the box. The lighters were not packaged in a UN standard package as required. Ted also discovered a number of incompatible shipments of hazardous materials.

Division Program Specialist Mike Schlarmann of the Nevada Division Office discovered an improperly classified shipment of consumer commodities. Among the requirements to ship material as a consumer commodity is a net mass restriction of 200kg (550 lbs.) per palletized load. The pallets inspected at the shipper's facility contained over 1,200 lbs net mass of the material. Both the shipper and the manufacturer were advised of the violation and corrective action was initiated.

FINDINGS

The Table 1 below contains a listing of the number of violations discovered per Class/Division of hazardous materials. Of the 1112 total violations discovered 387 (34%) involved Class 3 (Flammable/Combustible), 365 (32%) involved Class 8 (Corrosives) and 159 (14%) involved Class 2 (Gases.) The highest violation rate based on the ratio between total number of inspections and the number of inspections with violations belongs to Class 7 (Radioactive Material) with 60%. Other Hazard Class/Divisions with high violation rates include 4.1 (Flammable Solid) and 6.2 (Infectious Substance.)

HAZARD CLASS/DIVISION	NUMBER OF INSPECTIONS	INSPECTIONS WITH VIOLATIONS	VIOLATION RATE
1 Explosives	57	17	30%
2.1 Flammable Gas	188	70	37%
2.2 Non Flammable Gas	367	80	22%
2.3 Toxic Gas	38	9	24%
3 Flammable Liquid	1657	380	23%
3 Combustible Liquid	124	7	6%
4.1 Flammable Solid	65	26	40%
4.2 Spontaneously Combustible	21	6	29%
4.3 Dangerous When Wet	21	5	24%
5.1 Oxidizer	163	40	25%
5.2 Organic Peroxide	42	10	24%
6.1 Toxic	236	61	26%
6.2 Infectious Substance	4	2	50%
7 Radioactive Material	10	6	60%
8 Corrosive Material	1503	365	24%
9 Miscellaneous hazardous material	131	20	15%
ORM-D	124	18	15%

Table 1

The following table contains a list of the top twenty citations discovered. The top twenty accounted for 738 (66%) out of the total violations discovered. Eight of the top twenty citations were for shipping paper violations. Eight of the top twenty were severe HM shipper violations as defined in Vol II, Chapter 12 of the FOTM. The severe violations accounted for 359 violations (32%) of the total violations discovered.

TOP 20 CITATIONS			
CITATION	VIOLATION	ACUTE/ CRITICAL	FREQ.
172.202(a)	Failing to enter proper description of HM	CRITICAL	137
172.400(a)	Failing to properly label HM container or package	CRITICAL	75
172.304(a)	Failing to properly mark HM pkg. Per requirements		46
172.201(a)(1)	Failing to properly identify HM on shipping paper containing non-hazardous materials		45
173.25(a)(2)	Failing to mark over-pack with ship name, etc. when required		45
172.301(a)	Failing to mark non-bulk pkg. of HM with shipping name and ID #	CRITICAL	44
172.202(b)	Failing to enter basic description of HM in proper sequence		41
172.202(a)(4)	Failing to enter proper packing group on HM shipping paper		32
172.203(k)	Failing to enter a technical name in association with description		32
172.200(a)	Offering a HM without preparing a shipping paper (none)	ACUTE	29
172.202(a)(5)	Failing to enter the total quantity of HM on the shipping paper		26
172.406(f)	Labels not clearly visible or obscured		25
173.25(a)(4)	Failing to mark overpack with statement that inner pkgs comply with the HM Regulations		25
172.204(a)	Failing to make or sign a certification on a HM shipping paper		23
173.22(a)	Failing to properly classify and describe HM offered for transportation	ACUTE	23
171.2(a)	Offering accepting HM for transport not properly prepared		22
172.604(a)	Failing to provide an emergency response telephone number	CRITICAL	19
172.604(a)(2)	Failing to provide the emergency response number of an individual who is knowledgeable of the hazardous material	CRITICAL	17
177.834(a)	Failing to secure HM containers against movement in transit		17
172.301(a)(1)	Failing to mark non-bulk pkg. Of HM with shipping name and ID #	CRITICAL	15

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 1017 packages identified; 255 were fiberboard boxes, 119 were plastic drums, 75 were cylinders, 47 were cargo tanks, and 19 were IBCs

13H2 IBC	2	4BA Cylinder	3
13H3 IBC	1	4BW Cylinder	2
1A1 Steel Drum	104	4E Cylinder	1
1A2 Steel Drum	43	4G Fiberboard Box	258
1G Fiberboard Drum	24	4L Cylinders	1
1H1 Plastic Drum	85	57 Portable Tank	8
1H2 Plastic Drum	34	5M2 Paper Bag	1
1N1 Metal Drum	4	6HA1 Composite pkg	1
2Q Liner	1	7A TYPE A	4
31A IBC	2	8 Cylinder	3
31H1 IBC	9	8AL Cylinder	1
31H2 IBC	2	MC 306	35
31HZ1 IBC	1	MC 307	1
39 Cylinder	1	MC 312	2
3A Cylinder	18	MC 330	1
3AA Cylinder	40	MC 331	3
3AL Cylinder	8	DOT 406	7
3B1 Jerrican	2	MISC DOT SPEC PKG	72
3BN Cylinder	1	MISC DOT SPEC Portable Tank	1
3H1 Jerrican	15	MISC IBC	2
3H2 Jerrican	1	NON SPEC PKG	180
3HT Cylinder	1	OTHER	32

Table 3

CONCLUSION

Shipper Check 2001 focused additional attention on HM shippers with the intention of reducing hazardous materials incidents. The 23 percent violation rate discovered during package inspections using the HMPIP software indicates that there is a significant problem with HM shippers. FMCSA found similar results during Shipper Check '99 and Shipper Check '00.

To address this problem, FMCSA has already implemented an additional compliance and enforcement process known as a HM Package Inspection Compliance Review. A HM Package Inspection Compliance Review consists of 30 package inspections, documented using the HMPIP software, which review shipper compliance with hazard communication and packaging requirements. FMCSA will also continue to develop and refine the HMPIP software and expand the use of this program.

One of Federal Motor Carrier Safety Administration's (FMCSA) responsibilities in implementing the Department of Transportation (DOT) strategic plan is to reduce the number of serious hazardous materials incidents in transportation. A key strategy for achieving this goal is to develop a performance and risk based prioritization system to identify unsafe shippers of hazardous materials. By implementing the HM Package Inspection Compliance Review, FMCSA is collecting the performance data needed to develop a performance/risk based prioritization process. This will ensure that our resources target high-risk shippers for industry outreach, compliance, and enforcement opportunities.