

1st Annual TPL Meeting Minutes

05/09/2013

Meeting: First Annual Third Party Lab Meeting
Date: Thursday, May 9, 2013, 9:30 a.m. to 3:00 p.m.
Location: Oklahoma A-B-C room, West Building, DOT Headquarters
Facilitator: Michael Burkhardt – PHMSA, Approvals & Permits, HQ

In Attendance:

Third Party Labs; Larry Anderson – TEN-E Packaging Services, Inc. (Ontario, CA location); Bryan Berg – Package Research Laboratory; Yury Beyderman – Gaynes Labs, Inc.; Scott Bischoff – HighQ Testing LLC; Michael Darr – Southeast Testing & Engineering; David Dixon – Package Research Laboratory; Patricia Garin – TEN-E Packaging Services, Inc. (Newport, MN location); Andrew Gesford – LOGSA; Susan Hauge – TEN-E Packaging Services, Inc. (Ontario, CA location); Perry Hock – gh Package & Product Testing and Consulting, Inc.; Ken Isaacson – Techni-Corr, a Division of Arvco Container Corporation; Barry Johnston – HighQ Testing LLC; Kevin Kellogg – Techni-Corr, a division of Arvco Container Corporation; Aaron Lorence – Pro-Pack Testing Laboratory, Inc.; Dzintars Petersons – Advanced Packaging Technology Laboratories, Inc.; Charles Radev – Southeast Testing & Engineering; Kameron Walch – PHMSA Field Operations, Western; Michael Nicks – PHMSA, PHH-31; Manuel Rosa, Jr. – Pro-Pack Testing Laboratory, Inc.; Jason Sherrier – SGS North America, Inc.; Ron Sorrell – GH Package & Product Testing and Consulting, Inc.; James A. Stevens – Horizon Package Testing Service, Inc.; Robert G. Stevens - Horizon Package Testing Service, Inc.; Robert Ten Eyck – TEN-E Packaging Services, Inc. (Newport, MN location); Richard Thomas – RockTenn Company; George M. Thorpe – DelValCo Consultants; Joseph Veneziano – LOGSA; Chris Weigert – Packaging Design and Testing LLC; Anthony White – Advanced Packaging Technology Laboratories, Inc.; Darren Wickes – Mauser USA, LLC;

PHMSA; Carole LeBlanc – PHMSA, Eng & Res Director; Colleen Abbenhaus – PHMSA, Field Operations, Eastern Director; Katelin Maitis – PHMSA, Field Operations, Eastern; Anthony Lima – PHMSA, Field Operations; Mitchell Brown – PHMSA, Field Operations, Eastern; Benjamin Moore – PHMSA, Eng & Res, HQ; Ted Turner – PHMSA, Field Operations, Central Region; Shawn Wolsey – PHMSA, Chief Counsels Office, HQ; Michael Nicks – PHMSA, Approvals & Permits, HQ

Intro & Welcomes by Michael Burkhardt (Meeting Moderator)

A. Mission statement: To protect people and the environment

B. Goals, today and in the future

i. Open communication

ii. Transparency

- iii. More collaboration going forward
- iv. Support the mission of safety
- v. Emphasize the importance of establishing and building trust

Moderator reviews the agenda for the day

Michael Nicks is the point of contact (POC) for questions by 3rd party labs. If the question is regarding an investigation, contact the investigator of record.

- Reasonable response time depends on the question. The more technical, the more time required. Typical time frame for acknowledgement of email receipt and/or answer is a couple days
- Requests that questions be written (email) versus verbal
- There is a standard process for letters which has been improved. The process is not instant, but it is usually completed in less than 60 days

Moderator reminds participants that Quarterly meetings are:

- Not mandatory
- Meant to cover 2-3 items
- Are intended to improve communications and provide an opportunity for dialogue on common issues/concerns

Magdy El-Sibaie is introduced

- Dr. El-Sibaie briefly reviewed major goals and stressed collaboration and communication between both 3rd Party labs and Michael Nicks and other technical experts
- Ultimate goal – Packages that don't fail

Ryan Paquet is introduced

- Suggests a central location for communication of pressing needs/answers to compliment quarterly meetings so that information is more up-to-date and any issues/solutions can be taken care of as they arise.
 - Added note: Online bulletin board for this purpose will be introduced soon.

Comments from the Field Operations team.

- Many labs are not taking advantage of using photographs in lieu of design drawings in reports.
 - Photographs must clearly show the item in a fashion similar to drawings and can be limited to a comparable number
 - However, there is no limit to the number of photos

- Photos must be included if drawings are not, however, only the minimum necessary to show the packaging and components are necessary. Additional photos may be maintained elsewhere.
- There has been a marked improvement in reports.
 - Most issues seen are minor/administrative
- Requested that the Labs remind their clients to not ship empty packagings with hazard communication markings and labelings showing. It could cause confusion if there were an accident
- Suggest using a hard-copy of the approval as a checklist

Anthony introduced the Packaging Team members (see attendees above)

Meeting moves into PowerPoint: Questions provided by Labs prior to meeting

The Labs asked the agency to present one or two case studies wherein it has been demonstrated that all of the documentation being provided by third party testing agencies has solved major safety problems in transportation of dangerous goods.

- The information provided by the Labs provides the basis for inspections of packaging manufacturers. The result is the level of compliance and oversight in the community

Are all Approvals reviewed by OMB?

- No, only regulations are reviewed by OMB. However, this is the reason that PHMSA holds these meetings with industry to gain the Labs' practical input

What is the internal process for implementing new laboratory documentation requirements for laboratories? There is concern regarding the requirement to include tare weight of tape and other closure methods.

- The additional information such as tape tare weight is needed for assurance that whatever is being packaged is done repeatedly in the same manner that it passed testing initially (Protects good name)

Going forward, if a major change is made, the Labs would appreciate being given an adequate phase in period rather than being told that is effective immediately with no consideration of the time it takes to revise working documents, update databases, and train employees as a result of such action.

- There are no major changes planned for the CAA but that is a good suggestion and PHMSA agrees that a mandatory compliance date with voluntary compliance allowed prior to that date for future significant changes may be appropriate. Note, it will be evaluated on a case by case basis. The mandatory compliance date should be determined by the complexity of the change

Why is so much time spent by field inspectors auditing test report documentation when the third party labs are sending reports to the agency every 6 months for this review and why is it necessary to provide the name and address of every packaging component?

- To determine whether a packaging found in the “field” is a “different packaging,” a “different IBC design type,” or a “different Large Packaging design type” from the one tested.

Based on the reports the laboratories submit every six months, does the agency intend to provide formal feedback to the third party labs regarding potential test report deficiencies to allow us to respond to any issues the agency might have with our documentation?

- We are developing a new process. Rather than immediately move to enforcement action, PHMSA plans to request information/clarification for minor issues found in reports. The specifics will be communicated at the next quarterly meeting

The suggestion regarding the Labs using their M number is no longer applicable.

Would the agency consider having these (quarterly and annual) meetings via teleconference?

- Quarterly meetings will be conducted via phone or video conference
- We will determine the best method for the annual meeting as it approaches

TEN-E would like the agency to reconsider the requirement contained in Section 6, paragraph h, regarding reporting of failures when testing continues using the original submitted samples.

- PHMSA does not need to know if failures are due to prototype testing, only if you can't figure out why it failed and the customer doesn't work through the issue. PHMSA does want to know about periodic retests that the customer doesn't want to work out, i.e. if the customer seems to be 'shopping' for a pass

Attendee suggests more collaboration prior to making anything a written rule.

- That has been the recent practice and the intent of our regular meetings and other communications.

Internal Pressure Test afforded by new Approval - could/should DOT consider an alternative test method?

- Vacuum is acceptable except in some instances (certain flexible inners, example)

Multiple level Inner Packagings Scenario - What if one of the inners leaks and the others do not?

- It is still a failure even if the leak is only on the innermost material package as that is defined as the 'inner package'

Chilling a package with Plastic Inners - can we chill for 48 hours at -2 F without checking the temperature after chilling?

- If you can justify it with prior experience but procedures need to be documented and followed

If 3rd Party Lab Inspector is Technical Advisor to 3rd Party Labs, is there a conflict of interest?

- Not at all; Labs are encouraged to discuss questions with PHMSA prior to inspections so we can all accomplish the safety mission

Concern was expressed about the time it takes to acquire the manufacturer address as well as difficulty getting the address for foreign manufacturers.

- City and State is acceptable
- If it is a distributor or the exact location of manufacture is not available then the HQ address is acceptable

What if Manufacturer/Customer does not have a CAD software and can only provide a handmade sketch? Are we in violation for a handmade sketch of a bottle/cap/corrugated part?

- No, if it is to scale and drawn accurately, that is fine. However ask if you're not sure

Cable Ties, Poly Bags, Staples - beyond a photograph, weight and dimensions how much specifics are reasonable and where is the limit?

- Photos must be included if drawings are not, however, only the minimum necessary to show the packaging and components are necessary. Additional photos may be maintained elsewhere.

Do photos of drop testing, vibration testing, and compression testing have to be in report?

- No

If inspector cannot understand a component drawing or does not have the technical knowledge, can they cite us?

- The inspector will contact an engineer for technical support
- The drawings do need to be legible to ensure consistency and accuracy

If inspector cannot locate a required piece of information which is in the report, can they cite us?

- The inspector will ask to be shown the item if they cannot find it

Cat. D – General Topics

3rd Party Labs know what the DOT expects of us, does DOT know what we expect of DOT?

- That is the reason for the increased communication

What is the future of 3rd Party Certification?

- The goal is safety, consistency and fairness

Question regarding foreign manufacturing of packaging for domestic use.

- Generally foreign countries require that packagings be certified by a “lab” of their approval. In some cases, these labs are government organizations. There is no direct reciprocity for 3rd party labs in the US to certify packagings for foreign countries, thereby authorizing their country mark on the packaging. Manuel should contact the applicable authority in the country in question.

Additional concerns/questions

- PHMSA requests that the labs consolidate questions/concerns whenever possible

Anthony reminds attendees to contact him or Michael Nicks with any other issues, concerns, and/or questions that they may need to further discuss or didn't get to ask.

Action Items:

PHMSA; Create a FAQ for oversight, etc.–

- Status: This will be worked on but with the introduction of an online bulletin board for communication between PHMSA and the Labs as well as among the Labs this will be addressed

PHMSA: Communicate by the end of May clarification around the requirements for packaging closures (i.e. tape, twist ties, etc.)

- This is in discussion at PHMSA. The deadline will need to be extended. More information will follow

Labs: Communicate their ideas as a group of what should be listed instead of the vague “.etc./i.e.” with regard to melting index densities.