

Third Party Lab Quarterly Conference Call (September 19, 2013; revised April 15,
2014 to clarify foreign design reciprocity)

Attendees:

Benjamin Moore – PHMSA

Don Burger – PHMSA

Michael Nicks – PHMSA

Anthony Lima – PHMSA

Shawn Wolsey – PHMSA

Ed Chernosky – PHMSA (phone)

Mike Burkhardt – PHMSA (phone)

Ted Turner – PHMSA (phone)

Katelin Maits – PHMSA (phone)

Manny Rosa – Pro-Pack Testing Laboratory, Inc.

Sharon Smith – LOGSA

Yury Beyderman – Gaynes Labs, Incorporated

Susan Hauge – Ten-E Packaging Services, Inc.

Pat Gerin – Ten-E Packaging Services, Inc.

Larry Anderson – Ten-E Packaging Services, Inc.

Matt Anderson – Ten-E Packaging Services, Inc.

Aaron Lorrence – Pro-Pack Testing Laboratory, Inc.

Jason Sherrier - SGS North America, Inc.

Nikolaus Irkliewskij - SGS North America, Inc.

Dan John – Professional Services Industries

Denis Columbare – Professional Services Industries

Scott Bischoff – High Q LLC

Chris Lind – Mauser USA, LLC

Brian Berg – Package Research Laboratory, LLC

Anton Cotaj – ANAMA Package & Container Testing Services, Inc.

Perry Hock – gh Package & Product Testing and Consulting, Inc.

Chris Weigert – Packaging Design & Testing, LLC

Anthony White – Advanced Packaging Technology Laboratories Inc.

Dzintars Peterson – Advanced Packaging Technology Laboratories Inc.

Notes

- Don Burger opens meeting. Attendance taken.
- Opening remarks. PHMSA appreciates the work of the labs. First of quarterly third-party packaging test lab meetings.
- PHMSA discussed one item that was not on the agenda. The issue developed after the agenda was presented. The Office of Chief Counsel recently issued a formal interpretation to a manufacturer symbol or M number holder. The position taken was that M numbers may only to be used to certify packaging manufactured at the location where the number is registered, or when packaging are marked at that location of the holder. Operations that seek to conduct testing and certification of UN packaging on behalf of another company should apply for third party packaging laboratory status. The interpretation letter was read for the meeting participants. PHMSA indicated that the interpretation will be posted on its website. The HMR does not prohibit one company from testing for another, or certification of the testing in accordance with HMR requirements, but the tester's M number may not be issued as a certification to be applied to the packaging. The manufacturer's name and address or M number should be applied to the packaging.

Agenda Item 1 – Bulletin board system

- Ed Chernosky discussed the PHMSA forum being developed as an online bulletin board for third party labs to have internal communications as a group with PHMSA. The forum will be searchable. Usernames and temporary passwords have been sent out. Individual users at each lab will have their own account. Contact Ed Chernosky at Ed.Chernosky.CTR@dot.gov to have accounts created for each individual user.

Agenda Item 2 – Common issues noted test reports provided from April 2013 activity reports

- PHMSA reviewed reports issued after the new approval became effective in December 2012. The most common issue noted relates to packaging assembly and closure detail.

This issue is one of PHMSA's most common probable violations. All components need to be identified and clear instructions for packaging preparation detailed in the report.

- Paragraph 6.g. Activity report submissions must be provided to PHMSA as required including subject line heading for emails.
- Paragraph 6.e. Some labs are not submitting representative design types reports for each different design type they certify. Open and closed head drum reports must be provided as an example of two different design-types. Class 6.2 reports are another example of a design-type report sometimes not provided when 4G testing was certified. Each are different design-types and require sample reports to be provided.
- Paragraph 6.i. Some labs are not including any packaging closure instructions. This is a continuing issue. The packaging manufacturer's instructions must be included in the report. When the laboratory prepares the test samples differently, the lab's assembly and closure must also be included.
- Paragraph 6.n. Test samples must be sequentially numbered. Each test sample gets its own unique sample number that does not change if the test sample is reused to conduct attest in a different series. Example – sample 1 is drop tested then used for a stack or vice versa. The sample is not renumbered for the stack test.
- Appendix A, Section I, Item 5. Each test report must now include a statement that the laboratory is an authorized third party holder. Sample test reports must include that they are an Approved lab.
- Appendix A, Section II, item 5. Equipment used for closure must be indicated in reports for inner and outer packagings/single packagings, including part number and manufacturer name.
- Appendix A, Section III, Item 3. Test results are not detailed. A simple "PASS" or "FAIL" is not adequate. A notation needed to document damage, if any.
- Appendix A, Section V. Drawings and/or photographs are missing. Drawings are not a new requirement; photographs may be used in lieu of drawings. A combination of drawings and photographs may be used.
- Appendix B, Section I. Packaging component manufacturer names and addresses (e.g., for tape, partitions, etc.) are commonly not included in the report. For component parts, PHMSA is seeing the use of the phrase or equivalent used to identify that alternative closure tape or fittings may be used - 3M 375 or equivalent. PHMSA requests that the specifications for the tape be provided so that the customer will be able to make the determination of specification equivalency if a laboratory uses the term or equivalent.

Miscellaneous Issues –

- Variation 2 stack tests must be performed on empty containers per HMR requirements. PHMSA expects labs to retest designs if testing was conducted improperly.
- Foreign designs may not be certified with a third party symbol unless the foreign competent authority grants reciprocity to U.S. DOT third-party labs. Test reports may not be issued to foreign entities unless the foreign competent authority grants reciprocity to U.S. DOT third-party labs per Del Billings, PHMSA.

Questions from the Labs -

- Larry Anderson asked for the status of the request made after the last meeting for changes in the approval terms. PHMSA responded that no decision has been reached yet. Until modifications have been made, if any, the approval terms must be followed.
- Yury Beyderman reiterated his position from the last meeting that obtaining closure instructions is a financial and time burden. PHMSA is considering the joint request for changes to the approval. Until modifications have been made, if any, the approval terms must be followed.
- Manny Rosa asked if approval must be sought from a foreign competent authority to test and certify designs for foreign entities. Same question if a design is produced outside the U.S. but assembled domestically or vice versa. PHMSA maintained its position from last meeting that labs need approval from foreign competent authority to perform testing for the competent authority. The certification marking is applied where the packaging is finally assembled.
- Chris Weigert asked if a lab can test and certify a design including an outer box produced and printed with the Mexican state symbol MEX. PHMSA indicated that this might not be allowed. Where a component is manufactured is irrelevant. The certification marking is applied where the packaging is assembled.
- Dan John asked about reuse and whether a single test sample may be subjected to multiple drop tests, as an example. PHMSA responded that a single non-bulk packaging may only be reused for other test series such as the stack or vibration series.
- Anton Cotaj asked if tape guns, for example, must be identified by manufacturer, part number, etc. PHMSA indicated that the approval requires identification of tools used to close packaging. All closure equipment must be specified.
- Anton Cotaj also asked if a foreign manufacturer with a third party symbol issued for a design-type have to mark the packaging in the U.S. PHMSA responded that packaging fabricated outside the USA may be assembled and marked with a US state symbol.
- Anthony Lima suggested that if more questions would like to be asked that the labs document the questions in writing due to time constraints.

Agenda Item 3 – Questions and issues for discussion presented in advance

Issue – How to simulate articles for testing

PHMSA's response was that the article and contents must be simulated as closely as possible for shape and mass of the item to be shipped. If this is not possible, an approval or a special permit request would be the proper avenue to seek relief by the laboratory or the manufacturer. Example: simulating lithium batteries without lithium content by substituting sand for the lithium within the battery shell is permissible.

Issues - Documentation of packaging components, closure and descriptions of test results

PHMSA's response was that these issues were previously discussed in agenda item 2. However, PHMSA mentioned that hand-tight closure is not repeatable. If hand-tight is indicated, a torque reading must be provided and the tool used to verify torque identified.

Issue – Bag filling

PHMSA responded that the approval requirement relates to identification of how the bags were filled. Identify how the top of the bag was opened and how the fill was fed into the bag for example.

Issue – Closure instructions to be provided by the manufacturer

PHMSA responded that labs may work with manufacturers to develop consistent and repeatable instructions to be included in the reports and followed by the lab and manufacturer to prepare the packaging for testing and use.

Other issues

- PHMSA indicated the HMR requires the test report to be maintained by the packaging manufacturer. Not having the test report in-hand for production puts the manufacturer in possible non-compliance.
- PHMSA will have quarterly meetings from now on. The electronic bulletin board will be up and running in the near future. Any further questions may be sent to michael.nicks@dot.gov.
- PHMSA wants suggestions on how to improve these meetings. Please provide input.