DOT Approved Certification Agency Meeting (May 2 and 3, 2012)

General Comments:

- PHMSA is increasing oversight on all of the Approved Certification Agencies; Package Certification Agencies are one of these receiving increased oversight.
- Package Certification Agencies are representatives of PHMSA; their main concerns are to be regulatory compliance and complying with the terms and conditions of the certification approval. Satisfying the package manufacturer is a lower level concern.
- PHMSA is open to all constructive comments and concerns that the Certification Agencies bring forward. We will listen with open minds to ensure that the concerns of the certification agencies are heard.
- PHMSA will be open to review, evaluate and potentially modify the terms and condition of the approval that do not compromise safety.
- PHMSA expect all laboratories to fully comply with the terms of the new approval when it is issued.
- Comments provided at this meeting should not be considered as interpretations of the regulations. If clarification is needed, a letter of interpretation should be submitted.
- If a previous letter of interpretation is more than 10 years old, a follow-up letter may be in order to ensure that the interpretation is still valid.

Comments to the show cause letter:

- Only comments to the show cause letter need to be provided by the indicated deadline.
- New applications will need to be submitted at a later date once the terms and conditions of the new approval are set.
- Laboratories will need to provide new applications that document compliance with the terms and conditions of the new Approval.
    - If PHMSA is holding information that demonstrates compliance with the new terms and conditions the requirement for a full application may be waived.

Specific Comments by Paragraph or Section

- Paragraph 5
    - Laboratories must test and certify a minimum of one UN Standard packaging per year.
    - Laboratories can make arrangements with other laboratories for contingencies due to equipment failure
    - If labs would like to contract test to other labs, plans should in in place to determine how other test facilities are qualified and managed. (Similar issue in paragraph 6)

- Paragraph 6
  - Paragraph 6 a
    - The test report number must not be reused;
    - Multiple packages may be certified on one report (i.e. different inner packagings in a combination package)
  - Paragraph 6 c
    - If laboratories report changes in certifying officials, PHMSA must take action in a timely manner to approve or deny the requested change.
  - Paragraph 6 e
    - If a package fails a test and the manufacturer withdraws from further test PHMSA should be notified. A full report documenting the failure is not needed.
    - If a package fails a test and modifications are made which lead to a successful test, notification is not needed.
    - Reporting period ends March 31th and September 30th. Reports must be submitted by April 15th and October 15th.
    - Report format in Appendix C is missing the address og the packaging manufacture
  - Paragraph 6 i
    - Laboratories could submit calibration plans for items that could be outside of the mentioned 12 month window based on timelines that are appropriate for the piece of equipment.
  - Paragraph 6 j
    - Failure of one test requires a new series of testing
    - Consideration may be given to not having to conduct redundant tests such as stack test on a UN4G design or others as appropriate.
    - If a package fails due to human error, equipment failure or other improper test method. This can be corrected with a new test series.
  - Paragraph 6 k
    - PHMSA will consider based on input from the laboratories the ability to conduct multiple tests or reuse inners packagings on request of the laboratories.
  - Paragraph 6 m
    - The approval will not contain a requirement for the laboratories to develop closure instructions
    - Package manufactures must provide closure instructions to the laboratories prior to testing
    - Closing in a laboratory as done in high speed production can be difficult if not impossible. PHMSA and the laboratories will need to investigate further to determine equivalency.

- Paragraph 7
    - Paragraph 7 h
        - For example, Lab A, Inc. transfers ownership but nothing else. It maintains the corporate entity and all other capability. Does this require a new approval?
        - This will need to be evaluated and a determination made.
        - Wording of the proposal may not be in line with what are our expectations.
- Appendix A
    - Section II
        - Issues to be addressed as for Appendix B – the issue are the same.
    - Section III
        - Test methods should be written in a more clear and concise manner. For example:
            - Stack test. If more than one package is tested at a time, the laboratory must ensure that each package sees the required load.
            - Leakproofness and hydrostatic pressure. If more than one package is tested at once time, the laboratory must ensure the pressure is equalized in all packagings.
            - If appropriate ASTM, ISO or other test standard exists it should be referenced.
            - Work is being undertaken to develop consensus standards for all packaging testing
        - Conditioning
            - The means of determining the temperature of the packaging must be made available.
            - Transducers are not required, other options can be used.
        - Pass/Fail Criteria
            - More information other than Pass or Fail needs to be provided when warranted by test results;
            - Damage beyond what would be “normal” to a package should be documented.
        - Section 4
            - Tolerances should be in line with industry standards.
            - Identify any potential changes.
- **Appendix B**
    - The requirements will be re-evaluated to determine the required level of detail required to characterize a package design.
        - Laboratories will contact package manufacturers and other sources as needed to gather data;
        - PHMSA will work with the Engineering and Field Operations to gather data it believes is required.
    - Requires a balanced solution which meets the needs without compromising safety.