



Enforcement Notice

PHMSA # 3-06
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Pipeline and Hazardous Materials Safety Administration July 2006 Notice of Hazardous Materials Regulations Enforcement

The Pipeline and Hazardous Materials Safety Administration (PHMSA) today gave notice to the regulated industry and its stakeholders of the 61 hazardous materials civil penalty cases it closed in the months of February and March 2006 for violations of the Hazardous Materials Regulations (HMR) (49 Code of Federal Regulations Parts 171 – 180). For calendar year 2006, PHMSA has closed a total of 82 hazardous materials civil penalty cases and collected \$487,023 in penalties.

It is the task of PHMSA's inspection and enforcement staff to improve compliance with the safety and training standards of the HMR by inspecting companies and individuals who offer hazardous materials for transportation or who manufacture, maintain, repair, recondition or test packages authorized for transporting hazardous materials.

Company	SUMMARY	Penalty
220 Laboratories, Inc. Riverside, CA (Shipper)	Offered flammable liquid, n.o.s. (ethyl alcohol), 3 in unauthorized non-UN standard plastic drums; offered flammable liquid, n.o.s. (ethyl alcohol), 3, accompanied by a shipping paper that (1) provided an incorrect packing group, (2) failed to use the proper packing group format, (3) interspersed unauthorized information within the basic shipping description, (4) provided unauthorized abbreviations, (5) contained a shipping description that was not in proper sequence, (6) failed to provide the technical name of the hazardous material in parentheses, and (7) failed to provide a total quantity of material; failed to label non-bulk packages of hazardous material. [172.203(c), 173.24(c), 172.203(k), 172.202(b), 173.22(a)(2), 172.301(a)(1) and (b), 172.202(a)(4) and (5), 172.400(a)(1) and (b), 172.201(a)(1) and (4)] Case No. 04-160-SD-WE	\$13,000

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<p>Action Manufacturing Company Philadelphia, PA (Shipper)</p>	<p>Offered fuzes, detonating, 1.4B, accompanied by a shipping paper that failed to include the net explosive mass; failed to provide function-specific, safety and security awareness training, or create and retain training records; failed to develop and adhere to a security plan. [172.202(a)(5)(i), 172.702(b), 172.704(a)(2)-(4), 172.802, 172.704(d), 172.800(b)(7)] Case No. 05-0271-SB-EA</p>	<p>\$7,650</p>
<p>Akemi North America, Inc. Holbrook, NY (Shipper)</p>	<p>Failed to register with PHMSA; offered resin solution, 3, accompanied by a shipping paper that failed to list additional information after the basic shipping description; and other infractions of the 49 CFR HMR. [107.601(a)(6), 172.800(b), 172.201(a)(4), 172.802, 107.608(a) and (b)] Case No. 05-0482-SP-EA</p>	<p>\$2,850</p>
<p>American Oxygen Company, Inc. Roswell, NM (Shipper)</p>	<p>Fined for infractions of the 49 CFR HMR. [172.800(b)] Case No. 05-0369-SC-SW</p>	<p>\$3,000</p>
<p>Berenfield Containers, Inc. Easton, PA (Foreign Drum Manufacturer)</p>	<p>Represented, marked, certified, and sold packagings as meeting the UN1G/Y120/S standard when the drums had not been subjected to design qualification testing; failed to provide recurrent general awareness and function-specific training. [178.601(d), 178.2(b), 172.704(a)(1) and (2), 172.702(a), 172.704(c)(2)] Case No. 05-0352-FDM-EA</p>	<p>\$9,200</p>
<p>Caldwell Chemical Coatings Corporation Fayetteville, TN (Shipper)</p>	<p>Filled and offered paint, 3, in intermediate bulk containers that had not been retested at the required intervals, and therefore unauthorized; failed to provide general awareness, function-specific, and safety training, or create and retain training records; failed to mark intermediate bulk containers with the proper shipping name and UN identification number of the material; offered paint accompanied by a shipping paper that did not include a shipper's certification; offered a non-hazardous material marked as a hazardous material. [180.352(a), 173.242(d), 173.240(d), 172.704(a)(1)-(3), 172.704(d), 172.301(a), 172.204(a), 173.22(a)(2), 172.702(b), 172.303(a)] Case No. 04-282-SIBC-SO</p>	<p>\$3,900</p>

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Chemlogic, Inc. Rayne, LA (Shipper)	Failed to close packaging in accordance with the manufacturer's closure notification. [173.22(a)(4), 173.24(f)(2)] Case No. 04-528-SD-SW	\$1,750
Chesapeake Bay Diving Center, Inc. Portsmouth, VA (Cylinder Retester)	Failed to calibrate test equipment at a pressure within 500 psig of actual test pressures; failed to maintain current copies of the applicable regulations and DOT exemptions; failed to increase test pressure by the lesser of 10% or 100 psi during a second retest attempt after equipment malfunction; failed to create and maintain employee training records; failed to maintain complete records of cylinder re-qualification. [180.205(g)(3)(i), 180.215(a)(4) and (5), 180.205(g)(5), 172.704(d), 172.702(a), 180.215(b)(1) and (2)] Case No. 05-0456-CR-EA	\$7,605
Colony Pool Service, Inc. Wilmington, DE (Shipper)	Offered hypochlorite solution, 8, in rigid plastic IBCs when periodic reinspection and retest were not performed; offered hazardous materials in IBCs that were not removed from the transport vehicle while their contents were being discharged; failed to retain copies of shipping papers for 375 days; and other infractions of the 49 CFR HMR. [172.800(b), 172.704(a)(1)-(4), 172.702(b), 173.241(d), 177.343(h), 172.201(e), 173.22(a)(2), 180.352(a) and (b), 172.704(a)(4) and (5)] Case No. 04-615-SIBC-EA	\$8,000
CylServ, Inc. W. Conshohocken, PA (Cylinder Retester)	Represented, marked, and certified a cylinder as authorized for requalification every 10 years by stamping it with a star, when it was not authorized for such a marking; failed to verify the accuracy of the test equipment to within one percent of the calibrated cylinder's pressure and corresponding expansion values, and failed to calibrate the test equipment at a pressure within 500 psi of the actual test pressure. [180.209(b)(1)(i) and (vi), 180.205(g)(4), 180.205(g)(3)(i)] Case No. 04-399-CR-EA	\$2,800
Ellis Flooring, Sales, Co. Charlotte, NC (Shipper)	Fined for infractions of the 49 CFR HMR. [172.800(b), 172.704(a)(4) and (5), 172.702(b), 172.704(a)(1)] Case No. 04-294-SB-SO	\$3,600

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Finger Lakes Chemicals, Inc. Rochester, NY (Shipper)	Offered hazardous materials in packaging that had not been subjected to design qualification testing and had not been certified to a UN performance standard; offered hazardous materials accompanied by a shipping paper that did not include a valid emergency response telephone number and a unit a measure for the material. [173.202(a) and (b), 173.22(a)(2), 172.202(a)(5), 172.201(d)] Case No. 03-615-SB-EA	\$7,300
Harris Battery Company, Inc. Bolivar, OH (Shipper)	Fined for infractions of the 49 CFR HMR. [172.704(a)(2) and (4), 172.702(a), 172.800(a), 172.802(a) and (b)] Case No. 04-142-SB-CE	\$5,200
Lubbock Welding Supply, Inc. Lubbock, TX (Cylinder Retester)	Fined for infractions of the 49 CFR HMR. [172.802, 172.704(a), 172.702(b), 172.704(c)(2), 172.800(b)] Case No. 05-0458-CR-SW	\$5,700
Massachusetts Container Corporation Marlborough, MA (Fiber Box Manufacturer)	Manufactured, marked, certified, and sold fiberboard boxes as meeting the UN4G/Y24.2/S standard, while failing to conduct design qualification testing. [178.503(a)(4)(ii), 178.601(d), 178.602(c)] Case No. 04-637-BM-EA	\$3,890
Mathers & Associates Arlington Heights, IL (Shipper)	Offered flammable liquid, n.o.s. (containing acetone and toluene) in unauthorized non-UN standard packaging; failed to provide employee training or create and retain training records. [173.202, 172.702(b), 172.704(a)(1)-(3), 173.22(a)(2), 172.704(d)] Case No. 01-124-SBD-CE	\$3,900
Mid-Ohio Oncology Columbus, OH (Shipper)	Offered regulated medical waste, 6.2, in containers that were not secure and leakproof. [173.197(b), 173.24(f)(1)(ii)] Case No. 05-0571-SIBC-CE	\$5,950
Park Chemical Company Fairburn, GA (Shipper)	Fined for infractions of the 49 CFR HMR. [172.800(b)] Case No. 04-284-SD-SO	\$1,000

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<p>S and F Sonics, Inc. d/b/a Omegasonics, Inc. Semi Valley, CA (Shipper)</p>	<p>Failed to provide general awareness, function-specific, and safety training; failed to apply the hazard warning label on the same surface of the package and near the proper shipping name marking; offered hazardous materials accompanied by shipping papers that included an unauthorized emergency response telephone number and failed to provide the technical name of the material in association with the shipping description; offered corrosive liquid, n.o.s. (potassium hydroxide), 8, and corrosive liquid, n.o.s. (glycolic acid), 8, in unauthorized non-UN standard non-bulk packagings. [172.704(d), 172.406(a)(1)(ii), 172.201(d), 172.203(k), 172.604(a)(1), 173.22(a)(2), 173.24(c)(1), 173.203(c), 172.704(a)(1)-(3), 172.702(a), (b) and (d)] Case No. 04-154-SP-WE</p>	<p>\$5,250</p>
<p>Sherwin-Williams Company d/b/a Flexbon Paints Company Fort Myers, FL (Shipper)</p>	<p>Failed to properly mark and label packages of paint, 3, PGII; offered hydrochloric acid solution, 8, and petroleum distillates, n.o.s., 3, accompanied by a shipping paper that failed to provide the (1) proper shipping name, (2) hazard class, (3) UN identification number, and (4) packing group; and other infractions of the 49 CFR HMR. [172.704(c)(2), 172.704(a)(1) and (2), 172.702(a), 172.802(b), 172.400(a) and (b), 172.300(a), 172.800(b)(7), 172.202(a)(1)-(4)] Case No. 05-0368-SP-SO</p>	<p>\$10,040</p>
<p>Sidney Lee Welding Supply, Inc. Hampton, GA (Shipper)</p>	<p>Failed to register with PHMSA; and other infractions of the 49 CFR HMR [172.802, 107.601(a)(6), 107.608(a)and(b), 172.800, 172.704(d), 172.702(b)] Case No. 05-0379-SC-SO</p>	<p>\$5,300</p>
<p>St. George Warehouse, Inc. Addison, IL (Shipper)</p>	<p>Failed to register with PHMSA; and other infractions of the 49 CFR HMR. [172.802, 172.800(b), 107.608(a), 107.601(a)(6), 172.702(a)(1)-(3) and (5), 172.702(a), 172.704(d)] Case No. 05-0513-SD-CE</p>	<p>\$3,900</p>

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<p>Thatcher Company Salt Lake City, UT (Shipper)</p>	<p>Offered hazardous materials in intermediate bulk containers (IBCs) that had not been subjected to testing and certification and therefore unauthorized; represented, marked, and certified single-unit tank car tanks as meeting a DOT specification when an internal visual inspection had not been conducted during the requalification process; marked single-unit specification DOT-106A500 tank car tanks with its retester's identification number without providing all of the required information on the test records; failed to close 55-gallon 1H1 plastic drums in accordance with the manufacturer's closure notification; offered corrosive liquid, basic, inorganic, n.o.s. (containing potassium hydroxide and sodium hypochlorite) and corrosive liquids, n.o.s. (containing phosphoric acid and dodecylbenzene-sulfonic acid), in packagings that were not marked with the proper shipping name and UN identification number; failed to condemn a cylinder in an authorized manner; failed to have a current copy of the regulations at its facility. [178.702(a), 173.241(c), 180.352.(b) and (f), CGA Pamphlet C-6 Provision 4.2, 180.519(d), 173.28(a), 173.22(a)(4), 172.301(a), 172.304(a), 173.24(f)(2), 173.28(b)(2)(ii), 180.519(c), 178.703(a)(1), 172.101 Special Provision IB3 and IP8, 180.205(i)(2), 180.215(a)(4)] Case No. 04-273-SPT-SO</p>	<p>\$9,000</p>
<p>The Dive Locker Hyannis, MA (Cylinder Retester)</p>	<p>Failed to calibrate the test equipment at a pressure within 500 psig of actual test pressures; after an equipment malfunction, repeated the hydrostatic test at the same pressure, rather than at 10 percent or 100 psi higher (whichever is lower). [180.205(g)(3), 180.205(g)(5)] Case No. 04-632-CR-EA</p>	<p>\$2,700</p>

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Venus Laboratories Huntington Beach, CA (Shipper)	Offered cleaning liquid, 8, (containing potassium hydroxide), in unauthorized, non-UN standard, non-bulk packaging; failed to close UN-certified 55-gallon closed-head plastic drums in accordance with the package manufacturer's closure notification; offered sulfuric acid accompanied by a shipping paper that failed to provide a proper UN identification number and included an emergency response telephone number that was not monitored at all times the material was in transportation or stored incident to transportation. [173.202(a), 173.24(c)(1), 173.22(a)(2), 173.24(f)(2), 173.22(a)(4), 173.22(a)(1), 172.604(a), 172.204(a), 172.202(a)(3)] Case No. 04-166-SDP-WE	\$12,830
Company	SUMMARY	Penalty
Abell Corporation d/b/a Poly Processing Company Winchester, VA (Packaging Manufacturer)	Manufactured, marked, certified, and sold an intermediate bulk container as meeting the UN31HA1/Y standard, when periodic requalification testing was not conducted; failed to provide security awareness training; manufactured, marked, certified, and sold an intermediate bulk container as meeting the UN31HA1/Y standard without maintaining a complete test record. [178.801(e), 178.2(b)(1), 172.704(a)(4), 178.801(l), and 172.702(b)] Case No. 05-0325-IBCM-EA	\$6,010
Air Weld, Inc. Knoxville, TN (Shipper)	Fined for infractions of the 49 CFR HMR. [172.800(b), 172.704(d), 172.702(b), 172.702(a)(1)-(3), 172.704(A)(4)] Case No. 05-0553-SC-SO	\$4,400
American East Explosives, Inc. Union, MO (Shipper)	Offered and transported Class 1.1 explosives and Class 1.4 detonators on a single transport vehicle, stored in containers or compartments that failed to meet the minimum construction requirements of the Institute of Makers of Explosives, Safety Library Publication No. 22; failed to provide in-depth security training or create and maintain training records; offered and transported Class 1 explosives, accompanied by shipping papers that listed incorrect or incomplete EX numbers for the materials. [177.835(g)(i) and (ii), 172.704(a)(5), 172.320(d), 172.704(d)] Case No. 05-0470-SE-CE	\$9,800

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Baker Atlas Pearland, TX (Shipper)	Offered waste, charges shaped, without detonator, in unauthorized UN standard packagings; failed to develop and adhere to a security plan. [173.62, 173.22(a)(2), 172.802, 172.800(b)] Case 05-0372-RMSE-SW	\$8,500
Carboline Co. Atlanta, GA (Shipper)	Fined for infractions of the 49 CFR HMR. [172.800(b), 172.802(a) and (b)] Case No. 05-0473-SD-SO	\$3,375
Children's Hospital Columbus, OH (Shipper)	Offered regulated medical waste, 6.2, in packagings with closures that were not secure and leakproof and therefore unauthorized; offered asbestos, 9, accompanied by a shipping paper that failed to include an emergency response telephone number; failed to provide general awareness training; failed to develop and adhere to a security plan. [173.197(b), 172.604(a), 172.202(a)(2)-(4), 172.702(a), 172.800(b)(7), 172.802, 172.704(d), 172.704(a)(1), 172.704(a)(5), 173.24(f)(1)(ii)] Case No. 05-0569-SIBC-CE	\$12,355
Clark & Company, Inc. Orange, TX (Shipper)	Failed to properly classify a material as hazardous which resulted in offering an undeclared shipment that was not properly marked, labeled, placarded, and documented on shipping papers; discharged hazardous material from an IBC while it remained on the transport vehicle; failed to register with PHMSA; offered and transported hazardous material in an unauthorized non-UN standard portable tank; failed to close UN standard 55-gallon closed-head plastic drums in accordance with package distributor's closure instruction; failed to provide general awareness, function-specific, safety, and security awareness training; and other infractions of the 49 CFR HMR. [173.22(a)(4), 173.24(f)(2), 172.704(a)(1)-(4), 172.702(b), 173.22(a)(2), 173.24(c), 173.242, 172.800(b), 172.802(a) and (b), 172.202(a), 172.302(a), 172.402(a), 172.502(a), 177.834(h), 107.601(a)(6), 107.608(b)] Case No. 05-0120-SDIBC-SW	\$550 (with \$7,950 held in abeyance because of financial hardship due to damage sustained in Hurricane Rita)
DeVere Chemical Company, Inc. Janesville, WI (Shipper)	Fined for infractions of the 49 CFR HMR. [172.704(a)(4) and (a)(5), 172.702(b), 172.704(d), 172.800(b)] Case No. 05-0417-SP-CE	\$2,880

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<p>Drum Service Company of Florida Zellwood, FL (Drum Manufacturer)</p>	<p>Represented, marked, certified, and sold reconditioned steel drums marked as meeting the UN 1A2 standard when they were not capable of passing the drop and hydrostatic tests required by the HMR; represented, marked, certified, and sold remanufactured steel drums marked as meeting the UN 1A2 standard when they were not capable of passing the drop and hydrostatic tests required by the HMR. [178.601(b), 178.603, 178.605, 173.28(c)(3), 173.28(d)] Case No. 99-259-DM-SO</p>	<p>\$5,000</p>
<p>Ennis Containers, Inc. Auburndale, FL (Drum Manufacturer)</p>	<p>Manufactured, marked, certified, and sold 55-gallon steel drums as meeting the UN1A1 and UN1A2 standards, when periodic re-tests were not conducted; manufactured, marked, certified, and sold 55-gallon steel drums as meeting the UN1A1 and UN1A2 standards, when design qualification stacking tests were conducted using incorrect stacking weights; failed to create and retain records of employee training; failed to maintain complete and accurate records of design qualification testing. [178.601(e), 178.2(b)(1) and (2), 172.704(d), 178.601(l), 178.601(d), 178.606] Case No. 05-0062-DM-SO</p>	<p>\$10,800</p>
<p>Epmar Corporation Santa Fe Springs, CA (Shipper)</p>	<p>Offered caustic alkali liquid, n.o.s. (alkyl ether amine), 8, in an unauthorized non-UN standard non-bulk packaging; failed to mark packagings containing liquid hazardous material with the required orientation markings. [173.203(c), 173.24(c)(1), 172.312(a)(2), 173.22(a)(2)] Case No. 05-0386-SP-WE</p>	<p>\$6,875</p>
<p>Estes Incorporated Muleshoe, TX (Shipper)</p>	<p>Fined for infractions of the 49 CFR HMR. [172.800(b), 172.802] Case No. 05-0457-SDIBC-SW</p>	<p>\$950</p>
<p>Fireworks of Alabama, Inc. Adamsville, AL (Shipper)</p>	<p>Offered fireworks, 1.4G, in unauthorized non-UN standard combination packagings. [173.62, 173.22] Case No. 05-0538-SE-SO</p>	<p>\$5,250</p>
<p>Josco Products Austin, TX (Shipper)</p>	<p>Failed to register with PHMSA; and other infractions of the 49 CFR HMR. [172.802(a) and (b), 172.702(a), (b) and (d), 172.704(a)(4), 107.608(b), 172.704(d), 107.601(a)(6), 172.800(b)] Case No. 05-0519-SD-SW</p>	<p>\$3,800</p>

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<p>King Lee Technologies San Diego, CA (Shipper)</p>	<p>Failed to close UN-certified 55-gallon closed-head plastic drums in accordance with the package manufacturer's closure notification; failed to provide general awareness, function-specific, safety, and security awareness training; failed to register with PHMSA; and other infractions of the 49 CFR HMR. [173.24(f)(2), 172.702(b), 107.608(b), 172.802(a) and (b), 172.800(b), 107.601(a), 173.22(a)(4), 172.704(a)(1)-(4)] Case No. 05-0636-SIBC-SW</p>	<p>\$6,600</p>
<p>Max Chemical, Inc. Rio Piedras, PR (Shipper)</p>	<p>Offered isopropanol, 3, and hydrochloric acid, 8, in unauthorized non-UN standard combination packaging; failed to provide general awareness and function-specific training; offered isopropanol, 3 and hydrochloric acid, 8, accompanied by a shipping paper that failed to provide the proper (1) shipping name, (2) hazard class, (3) UN identification number, and (4) packing group for the materials; failed to close UN-certified packagings in accordance with the manufacturer's closure notification; failed to mark packages of hazardous materials with a shipping name and UN identification number and the proper orientation markings. [173.202(a), 173.22(a)(2) and (4), 172.704(a)(1) and (2), 172.702(b), 172.202(a)(1)-(4), 173.24(f)(2), 172.312, 172.301(a)] Case No. 04-260-SB-SO</p>	<p>\$9,855</p>
<p>Midwest Metal Products Cedar Rapids, IA (Shipper)</p>	<p>Fined for infractions of the 49 CFR HMR. [172.802(a) and (b), 172.800(a), 107.601(a)(6), 172.702(a), (b) and (d), 172.704(a)(1)-(5), 107.608(a) and (b)] Case No. 05-0135-SD-CE</p>	<p>\$4,900</p>
<p>Newark Corporation d/b/a Newark Inone Gaffney, SC (Fiber Box Manufacturer)</p>	<p>Represented, marked, and certified combination packages as meeting the UN4GV/X4.5/S standard when the package design had not been subjected to design qualification testing; offered flammable liquid, n.o.s. (isohexane) 3, in unauthorized non-UN standard combination packagings. [178.601(a)and(b), 178.2(b), 173.22(a)(2), 173.202(b)] Case No. 05-0613-BM-SO</p>	<p>\$8,295</p>
<p>PALEX Container Systems Seattle, WA (Drum Manufacturer)</p>	<p>Represented, marked, certified and sold remanufactured drums marked as meeting the UN1A1 standard when the leakproofness test was not performed. [178.604(d), 178.604(b)(1)] Case No. 00-174-DM-WE</p>	<p>\$2,000</p>

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<p>PALEX Container Systems/Hansen Sterling Chicago, IL (Drum Reconditioner)</p>	<p>Represented, marked, certified and sold remanufactured drums marked as meeting the UN 1A1 standard when the drums were not capable of passing the drop test. [178.603, 178.601(b)] Case No. 00-116-DR-CE</p>	<p>\$3,000</p>
<p>Pipco, Inc. Dothan, AL (Shipper)</p>	<p>Offered corrosive liquid n.o.s. (phosphoric acid, sulfuric acid, muriatic acid), 8, in unauthorized non-UN standard 5-gallon open-head plastic pails; failed to register with PHMSA; failed to retain copies of shipping papers for the required 375 days; failed to provide recurrent employee training; failed to close UN-certified 55-gallon closed-head plastic drums in accordance with the package manufacturer's closure notification; and other infractions of the 49 CFR HMR. [173.202(a), 172.704(a)(4) and (5), 172.702(b), 172.704(d), 173.22(a), 172.802(a) and (b), 107.612, 172.201(e), 172.702(b), 172.704(a)(1)-(3), 172.704(c)(2), 173.22(a)(2) and (4), 173.24(f)(2), 107.608(b), 172.800(b)] Case No. 05-0591-SD-SO</p>	<p>\$7,975</p>
<p>R.S.A. Corporation Danbury, CT (Shipper)</p>	<p>Offered methyl iodide, 6.1, UN2644, PGI, PIH Zone B, in inner packagings that were not leakproofness tested and therefore unauthorized; and other infractions of the 49 CFR HMR. [172.704(c)(2), 172.704(a)(1)-(3), 172.800(b), 173.22(a)(2), 172.802(a)(3), 172.702(b), 173.227] Case No. 05-0618-SD-EA</p>	<p>\$8,575</p>
<p>Roche Bros. Barrel & Drum Company, Inc. Lowell, MA (Drum Reconditioner)</p>	<p>Represented, marked, certified, and sold a 55-gallon reconditioned open-head steel drum as meeting the UN1A2/Y1.2/100 standard when the drum was not originally manufactured and certified to a UN standard and had not been subjected to design qualification testing. [178.601(d), 173.28(d)] Case No. 05-0222-DR-EA</p>	<p>\$3,700</p>

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<p>Rocky Mountain Fire Denver, CO (Cylinder Retester)</p>	<p>Failed to maintain complete records of cylinder requalification; after equipment malfunction, repeated the test at the same pressure, rather than at 10 percent or 100 psi higher (whichever is lower); failed to provide general awareness, function-specific, safety, and security awareness training; failed to perform hydrostatic requalification on DOT cylinders at the minimum test pressure of 5/3 the service pressure; failed to verify the accuracy of the test equipment to within one percent of calibrated cylinder's pressure and corresponding expansion values; failed to maintain current copies of applicable DOT exemptions at its facility. [180.215(b)(2), 180.205(g)(5), 172.704(a)(1)-(4), 180.209(a)(1), 172.702(b), 172.704(d), 180.205(g)(4), 180.215(a)(5)] Case No. 04-530-CR-SW</p>	<p>\$12,000</p>
<p>RoofMart International, Inc. Chapman, KS (Shipper)</p>	<p>Failed to develop and adhere to a security plan; offered coating solution, 3, and corrosive liquid, acidic, organic, n.o.s., 8, accompanied by a shipping paper that failed to provide a proper shipping name and identification number, failed to show the basic description in the specified sequence with additional information shown before the basic shipping description; failed to provide security awareness training. [172.802, 172.800(b)(7), 172.201(a)(4), 172.702(b), 172.704(a)(4), 172.202(a) and (b)] Case No. 05-0358-SD-SW</p>	<p>\$3,600</p>
<p>Sayma Group, L.C. Laredo, TX (Freight Forwarder)</p>	<p>Failed to register with PHMSA; offered corrosive liquid, acidic, inorganic, n.o.s. (contains phosphoric acid, sulphuric acid), 8, accompanied by a shipping paper that failed to provide a hazardous material shipping description, a shipper's certification, and an emergency response telephone number; and other infractions of the 49 CFR HMR. [172.802, 172.704(a) and (d), 172.800, 172.702(b), 107.608(a) and (b), 172.204(a) and (d), 172.201(d), 172.202(a), 172.604(a) and (b), 172.601(a)(6)] Case No. 05-0190-FF-SW</p>	<p>\$7,350</p>
<p>Southline Metal Products Company Houston, TX (Drum Manufacturer)</p>	<p>Manufactured, marked, certified, and sold 55-gallon steel drums as meeting the UN1A1 standard, when they were not capable of passing the drop, leakproofness, and hydrostatic pressure tests. [178.605, 178.604, 178.601(b), 178.603] Case No. 05-0299-DM-SW</p>	<p>\$11,000</p>

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<p>Suncoast Chemicals, Inc. League City, TX (Shipper)</p>	<p>Failed to register with PHMSA; failed to close packagings in accordance with the manufacturer's closure notification; failed to mark packagings with the proper shipping name of the material; and other infractions of the 49 CFR HMR. [172.800(b), 172.702(b), 172.704(c)(2), 107.612, 107.601(a)(6), 173.22(a)(4), 173.23(f)(2), 172.301(a), 107.608(b), 172.704(d), 172.704(a)(4) and (5)] Case No. 05-0081-SD-SW</p>	<p>\$5,850</p>
<p>Superior Carriers, Inc. Springfield, MA (IBC Reconditioner)</p>	<p>Represented, marked, and certified intermediate bulk containers as properly tested without conducting the prescribed wall thickness inspection; failed to provide recurrent employee training, or create and retain training records; and other infractions of the 49 CFR HMR. [180.352(b)(3)(ii), 178.705(c)(1)(iv), 172.704(c)(2), 172.802, 172.800, 172.702(b), 172.704(d)] Case No. 05-0238-IBCR-EA</p>	<p>\$4,260</p>
<p>Sure Foot Corporation Grand Forks, ND (Shipper)</p>	<p>Failed to register with PHMSA; failed to provide recurrent employee training, or create and retain records of recurrent training; offered adhesives, 3, accompanied by a shipping paper that failed to provide the packing group of the material and included additional unauthorized information before the basic shipping description; and other infractions of the 49 CFR HMR. [107.612, 172.704(d), 172.702(b), 172.800(b), 172.201(a)(4), 172.202(a)(4), 172.802, 172.704(c)(2), 107.601(a)(6), 107.608] Case No. 04-150-SBP-CE</p>	<p>\$4,500</p>
<p>Tri-State Fire Protection, Inc. Gilford, NH (Cylinder Retester)</p>	<p>Failed to condemn cylinders with permanent expansion exceeding 10 percent of total expansion; failed to verify the accuracy of the test equipment (1) within one percent of the calibrated cylinder's pressure and corresponding expansion values and (2) at any point within 500 psi of the actual test pressure for test pressures at or above 3,000 psi; marked cylinders as successfully retested after the calibrated cylinder recorded permanent expansion during system calibration; failed to maintain complete and accurate records of cylinder re-qualification; failed to provide employee training or create and retain training records. [180.205(i)(1)(iv), 180.205(g)(4), 180.205(g)(3)(i), 180.215(b), 172.704(a) and (d), 172.702(b)] Case No. 04-369-CR-EA</p>	<p>\$7,000</p>

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Triangle Chemical Company Sycamore, GA (Shipper)	Fined for infractions of the 49 CFR HMR. [172.802, 172.800] Case No. 05-0557-SD-SO	\$3,710
Universal Fire Equipment Co. Van Buren, AR (Cylinder Retester)	Failed to condemn cylinders having excessive permanent expansion; failed to verify the accuracy of the test equipment (1) within one percent of the calibrated cylinder's test pressure and corresponding expansion values and (2) at any point within 500 psi of the actual test pressure for test pressures at or above 3000 psi; failed to maintain complete and accurate records of cylinder re-qualification; and other infractions of the 49 CFR HMR. [DOT-E 10147, 180.205(g)(3), 172.704(a)(1) and (4), 172.702(a) and (b), 180.215(b)(1) and (2), 180.205(c), DOT-E 9716, 180.205(i)(1)(iv) and (vii)] Case No. 05-0211-CR-SW	\$8,000
Vulcan Container Petrolia, Ontario, Canada (Drum Reconditioner)	Represented, marked, and certified steel drums as meeting the UN1A2/Y1.5/100 standard, when design qualification testing was not performed. [178.601(d), 173.24(d)(2), 178.2(a)(i), 173.28(d)] Case No. 04-088-FDR-EA	\$5,000
Wilko Paint, Inc. Wichita, KS (Shipper)	Failed to create and maintain records of IBC periodic retest and inspection; failed to provide general awareness, function-specific, and safety training; and other infractions of the 49 CFR HMR. [172.802, 172.800, 180.352(f), 172.704(a)(1)-(3), 172.702(b)] Case No. 04-535-SIBC-SW	\$5,640
Williamette Valley Company Conyers, GA (Shipper)	Fined for infractions of the 49 CFR HMR. [172.802(b), 172.800(b)] Case No. 05-0467-SD-SO	\$3,000

Total number of cases - 61
Total civil penalties - \$361,670

Hazardous Materials Initiatives and Training:

PHMSA uses a number of tools in meeting its goal to improve hazardous materials safety. Enforcement is but one useful safety tool and training is another. 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

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Assistance Team reached over 14,000 individuals in the hazmat community, provided over 300 hazmat awareness presentations, and distributed over 54,000 Info/DigiPacks information packets. The OHMIT training program includes Multimodal Hazardous Materials Transportation Training Seminars held throughout the country that drew more than 1,100 participants last year. For 2006, seminars were held in Seattle, WA, March 14-15; Newark, NJ, May 16-17; and another is planned for Chicago, IL, August 22-23. For more information on hazardous materials seminars and one day work shops, go to the PHMSA hazardous materials web site at <http://hazmat.dot.gov/training/training.htm>.

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