



U.S. Department of Transportation  
**Pipeline and Hazardous Materials Safety Administration**  
Office of Governmental, International and Public Affairs  
Washington, D.C.

## Enforcement Notice

PHMSA # 4-06  
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### **Pipeline and Hazardous Materials Safety Administration August 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 16 hazardous materials civil penalty cases it closed in the month of April 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 98 hazardous materials civil penalty cases and collected \$578,472 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
American Niagara Company Norcross, GA (Shipper)	Failed to register with PHMSA; failed to provide hazmat employees with general awareness, function specific, safety training, or security awareness training; offered hexanes, 3 accompanied by a shipping paper that failed to provide the shipping description in proper sequence; and other infractions of the HMR. [172.802(b), 172.800(b)(7), 107.608(a) and (b), 172.702(a), 172.202(b), 172.202(a)(1-4), 172.704(a)(1), (2) and (4), 107.601(a)(6)] Case No. 05-0541-SD-SO	\$5,100
Anachemia Science Sparks, NV (Shipper)	Failed to register with PHMSA; and other infractions of the HMR. [172.704(a)(4) and (5), 107.601(a)(6), 172.802, 107.608(b), 172.800(b)] Case No. 05-0646-SB-SW	\$4,350

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Bix Enterprises, Inc. Ashland City, TN (Shipper)	Failed to register with PHMSA; failed to provide general awareness, function-specific, and security awareness training; and other infractions of the HMR. [172.802(a) and (b), 107.601(a)(6), 172.704(a)(1), (2) and (4), 172.702(a), 107.608(a) and (b), 172.800(b)] Case No. 05-0471-SD-SO	\$4,275
Burbank Barrel & Drum, Inc. Galena Park, TX (Drum Reconditioner)	Represented, marked, certified, and sold UN standard 1A2 steel drums as meeting the requirements of the HMR when they were not capable of passing the drop, leakproofness and hydrostatic pressure tests. [178.603, 178.604, 178.605, 173.28(c)] Case No. 05-0401-DR-SW	\$16,500
Equistar Chemicals Corpus Christi, TX (Shipper)	Failed to provide recurrent employee training and failed to create and maintain complete training records; and other infractions of the HMR. [182.802(b), 172.704(d), 172.702(b), 172.704(c)(2), 172.800] Case No. 05-0497-SD-SW	\$2,867
Federated Paint Manufacturing Melrose Park, IL (Shipper)	Offered paint, 3 in an out-of-test DOT 57 portable tank; failed to provide employee training, or create and retain training records. [180.605(a) and (c)(3), 172.704(d), 172.704(a)(1)-(5), 172.702(a), 173.32(a) and (d)] Case No. 05-0443-SIBC-CE	\$5,217
Firmenich, Inc. d/b/a Noville, Inc. South Plainfield, NJ (Shipper)	Failed to provide recurrent general awareness and function-specific training and initial security awareness training; and other infractions of the HMR. [172.802(a), 172.704(a)(4), 172.704(c)(2), 172.800(b), 172.702(a)] Case No. 05-0576-SD-EA	\$6,075
Gem Gravure Company, Inc. West Hanover, MA (Shipper)	Offered printing ink, 3, accompanied by a shipping paper that failed to include a unit of measure; and other infractions of the HMR. [172.802(a)(3), 172.202(a)(5), 172.800(a)] Case No. 05-0574-SB-EA	\$2,000
General Steel Drum Corporation Charlotte, NC (Drum Manufacturer)	Failed to maintain test records at each location where UN packagings are manufactured and at each location where design qualification and periodic design requalification testing is performed; failed to register with PHMSA; and other infractions of the HMR. [172.802(a)(1), 178.601(l), 107.608(a) and (b), 107.601(a)(6), 172.202(a)(5)] Case No. 05-0423-DM-SO	\$7,125

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Kay Chemical Company Winston-Salem, NC (Shipper)	Offered sodium hydroxide solution, 8, in unauthorized non-UN standard packaging. [173.202(b), 173.22(a)(2)] Case No. 05-0501-SB-SO	\$3,935
Lubbock Fire Extinguisher Service Lubbock, TX (Cylinder Retester)	Failed to demonstrate accuracy of the pressure indicating device at a point within 500 psig of the actual test pressure for test pressures at or above 3000 psig. [180.205(g)(3)(i)] Case No. 05-0459-CR-SW	\$2,375
Nyack Hospital, Inc. Nyack, NY (Shipper)	Offered regulated medical waste, 6.2, in an open rigid plastic container and in plastic film bags that were not closed as required. [173.197(d) and (e), 173.22(a)(2)] Case No. 05-0445-SBG-EA	\$5,600
Omni Fluids Company Corpus Christi, TX (Shipper)	Offered hazardous material accompanied by a shipping paper that failed to properly identify the emergency response telephone number; failed to provide security awareness training and recurrent general awareness, function-specific, and safety training; offered sodium hydroxide solid, 8, accompanied by a shipping paper that failed to include a shipper's certification; offered hazardous material accompanied by a shipping paper that failed to provide the correct shipping name, hazard class, and packing group for the material; and other infractions of the HMR. [172.802(a)and(b), 172.604(a)(3)(ii), 172.201(d), 172.800(b), 172.204(a), 172.704(c)(2), 172.704(a)(4), 172.202(a)(1), (2), and (4)] Case No. 05-0461-SD-SW	\$8,135
Schryver Medical Sales and Marketing, Inc. Denver, CO (Shipper)	Failed to conduct and maintain records of security awareness training; and other infractions of the HMR. [172.800(b), 172.702(b), 172.704(d), 172.704(a)(4)] Case No. 05-0588-SC-SW	\$4,145

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<p>Security Fire Equipment Company, Inc. Valdosta, GA (Cylinder Retester)</p>	<p>Failed to verify the accuracy of the test equipment prior to testing; failed to calibrate the test equipment at a pressure within 500 psi of actual test pressures; failed to provide general awareness, function-specific, and security awareness training or create and retain employee training records; after equipment malfunction, conducted a second test at the same pressure, rather than at 10 percent or 100 psi higher (whichever is lower); failed to condemn cylinders having excessive permanent expansion. (It was subsequently determined that the "excessive permanent expansion" readings were the result of test equipment failure, not defective cylinders). [180.205(g)(3), 180.205(g)(3)(i), 172.702(b), 172.704(a)(1), (2), and (4), 172.704(d), 180.205(g), 180.205(i)(1)(iv)] Case No. 05-0565-CR-SO</p>	<p>\$7,520</p>
<p>Specialty Foundry Products, Inc. Birmingham, AL (Shipper)</p>	<p>Failed to register with PHMSA; failed to provide general awareness, function-specific, safety, and security awareness training; offered combustible liquid, n.o.s. (petroleum or petroleum naphthal) 3, accompanied by a shipping paper that included an unauthorized emergency response telephone number; and other infractions of the HMR. [172.802(b), 172.800(b)(7), 107.608(a) and (b), 107.601(a), 172.704(c), 172.704(a)(1-4), 172.702(b), 172.604, 172.600] Case No. 05-0543-SIBC-SO</p>	<p>\$6,230</p>

**Total number of cases - 16**  
**Total civil penalties - \$91,449**

### 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 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; Newark, NJ; and Chicago, IL. 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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