



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

Enforcement Notice

PHMSA # 6-05
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PHMSA Office of Hazardous Materials Safety May 2005 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 33 hazardous materials civil penalty cases it closed in the month of May 2005 for violations of the Hazardous Materials Regulations (HMR) (49 Code of Federal Regulations Parts 171 – 180). For calendar year 2005, PHMSA has closed a total of 110 hazardous materials civil penalty cases and collected \$681,080 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
A-D DISTRIBUTING COMPANY, INC., Des Moines, IA (Shipper)	Offered corrosive liquid, poisonous, n.o.s. (containing hydrofluoric acid and phosphoric acid) without (1) describing it on a shipping paper, (2) marking the proper shipping name and UN identification number on the outer packaging, (3) affixing a hazard warning label to the outer packaging, and (4) providing emergency response information or an emergency response telephone number, thereby creating an undeclared shipment; failed to provide employee training, or create and retain records of training testing. [172.200(a), 172.201(a) and (d), 172.301(a), 172.400(a), 172.600 and 604, 172.702(b), 172.704(a) and (d)] Case No. 03-111-SB-CE	\$10,500
AEROJET-GENERAL CORPORATION, Camden, AR (Shipper)	Offered (1) explosives, 1.3C, UN0499, (2) ammonium perchlorate, 1.1D, UN0402, and (3) warheads, rocket, 1.1D, that had not been examined by a laboratory authorized by the Associate Administrator for Hazardous Materials Safety to conduct explosive testing after it had acquired the assets of the original manufacturer of those explosives, thereby rendering them unapproved explosives. [173.51(a), 173.54(a), 173.56] Case No. 04-007-SE-HQ	\$4,000

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Company	SUMMARY	Penalty
<p>ALENCO WINDOW HOLDINGS, LLC, Bryan, TX (Shipper)</p>	<p>Failed to develop and adhere to a security plan; offered hazardous materials accompanied by a shipping paper that listed an emergency response telephone number of an agency that had not agreed to provide emergency response information; failed to provide employee training, including security awareness training; failed to register with RSPA; offered hazardous materials accompanied by a shipping paper that included an unsigned shipper's certification; failed to close 55-gallon drums in accordance with the manufacturer's closure notification. [172.800(b), 172.802(a) and (b), 172.201(d), 172.604(a)(2) and (b), 172.702(b), 172.704(a)(1)-(4), 107.601(a)(6), 107.608(b), 172.204(d), 173.22(a)(4), 173.24(f)(2)] Case No. 05-0127-SD-SW</p>	<p>\$10,125</p>
<p>ARCOT MANUFACTURING CORPORATION, Houston, TX (Shipper)</p>	<p>Offered sodium fluorosilicate in unauthorized, non-UN-standard packaging; failed to close packaging containing corrosive liquids, n.o.s., in accordance with the manufacturer's closure notification; offered sodium fluorosilicate accompanied by a shipping paper that (1) was not in an approved format, (2) listed an emergency response telephone number that was not answered as required, and (3) did not contain a shipper's certification; failed to provide general awareness and function-specific employee training, or create and retain records of training testing; failed to register with RSPA. [173.22(a)(2), 173.24(c), 173.153(b)(2), 173.213, 172.22(a)(4), 173.24(f)(2), 172.200(a), 172.201(a), 172.604(b), 172.204(a), 172.702(b), 172.704(a)(1) and (2), 172.704(d), 107.601(a)(6), 107.608] Case No. 03-233-SD-SW</p>	<p>\$7,000</p>
<p>ARETT SALES CORPORATION, Cherry Hill, NJ (Shipper)</p>	<p>Offered lighters, 2.1, when they and the packaging had not been examined by an agency authorized to examine them and when they had not been specifically approved by the Associate Administrator for Hazardous Materials Safety; failed to notify the shipper and the forwarding agent at the place of entry into the United States with timely and complete information as to the requirements for shipping lighters within the United States; failed to mark the packaging with the UN identification number; failed to create and retain records of employee training testing. [172.102(c)(5)—Special Provision N10, 173.21(i), 172.12(a) and (b)(4), 172.301(a), 172.704(d)] Case No. 03-064-SB-EA</p>	<p>\$9,300</p>
<p>ASHBURN INDUSTRIES, INC., Houston, TX (Shipper)</p>	<p>Failed to develop and adhere to a security plan; failed to register with RSPA. [172.800, 172.802, 107.601(a)(6), 107.608(a) and (b)] Case No. 04-546-SD-SW</p>	<p>\$2,625</p>
<p>BREATHE SAFE AIR SYSTEMS, INC., Warrington, PA (Cylinder Retester)</p>	<p>Failed to verify the accuracy of the test equipment and failed to properly conduct a system check prior to testing; failed to provide recurrent employee training and initial security awareness training, or create and retain records of training testing. [180.205(g)(3), (4), and (5), 172.702(b), 172.704(a)(4), 172.704(c)(2), 172.704(d)] Case No. 05-0020-CR-EA</p>	<p>\$2,465</p>

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Company	SUMMARY	Penalty
CAPWELD, INC., Jackson, MS (Cylinder Retester)	Failed to marked DOT-3HT cylinders with low-stress steel stamps; failed to provide recurrent employee training and initial security awareness employee training, or create and retain records of training testing; failed to maintain a current copy of the applicable regulations at its facility. [180.213(c)(2), 172.702(b), 172.704(a) and (c)(2), 172.704(a)(4), 172.704(d), 180.215(a)(4)] Case No. 05-0037-CR-SO	\$5,830
CENTRAL KENTUCKY PROCESSING, INC., Lexington, KY (Shipper)	Failed to develop and adhere to a security plan, and failed to provide security awareness and in-depth security employee training. [172.800, 172.802, 172.704(a)(4) and (5)] Case No. 05-0173-SOTT-CE	\$2,250
CHELSEA DRUM COMPANY, INC., Franklin, MA (Drum Reconditioner)	Represented, marked, and certified reconditioned steel drums as meeting the UN1A1 standards, when testing for leak-proofness was not conducted; failed to provide recurrent general awareness and function-specific employee training. [173.28(b)(2)(i), 178.2(b)(1) and (2), 178.3(b), 178.604, 172.702(b), 172.704(a)(1) and (2), 172.704(c)(2)] Case No. 04-386-DR-EA	\$2,360
CLEAN VENTURE, INC., Elizabeth, NJ (Shipper)	Accepted and transported bromine, 8, toxic by inhalation, Zone A, when it failed to secure the packaging to prevent it from shifting during transportation and in the proper orientation to prevent leaks or releases; failed to properly close the packaging as required by a DOT exemption, thereby creating an unauthorized packaging; accepted and transported bromine accompanied by a shipping paper that failed to include (1) the words "Toxic-inhalation hazard" and (2) the exemption number; failed to mark the packaging with the words "Inhalation Hazard;" failed to placard the transport vehicle; failed to provide recurrent employee training, or create and retain records of training testing. [177.834(a) and (b), 173.22(a)(2), 173.24(f), 173.226(c), DOT-E 10672—Paragraph 7.a.13, 172.200(a), 172.203(a) and (m), DOT-E 10672—Paragraph 7.c.2., 172.300(a), 172.313(a), DOT-E 10672—Paragraph 7.c.1, 172.500(a), 172.505(a), 172.702(b), 172.704(c)(2), 172.704(d)] Case No. 05-0073-SBD-EA	\$5,830
COX INDUSTRIAL SERVICES, INC., Signal Hill, CA (Cylinder Retester)	Represented, marked, and certified DOT specification 106A-500X ton tanks as having been successfully retested, when hydrostatic testing and the visual inspection of frangible discs and fusible plugs were not performed and records of the pressure test(s) were not prepared; failed to provide employee training, or create and retain records of training testing. [180.519(b) and (d), 172.702(b), 172.704(a) and (d)] Case No. 02-167-CR-WE	\$7,800
DRUMCO OF ARKANSAS, Bauxite, AR (Drum Reconditioner)	Represented, marked, and certified reconditioned drums as meeting the requirements of the regulations, when the drums were not capable of passing the drop, leak-proofness, and hydrostatic pressure tests. [173.24(b)(1), 173.28(c)(3), 178.601(b), 178.603-605] Case No. 04-203-DR-SW	\$2,800

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EXYGEN RESEARCH, INC., State College, PA (Shipper)	Failed to develop and adhere to a security plan; failed to provide recurrent employee training and initial security awareness employee training; offered hazardous materials accompanied by a shipping paper that listed an emergency response telephone number that was not monitored at all times. [172.800, 172.802, 172.702(b), 172.704(c)(2), 172.704(a)(4), 172.600(b), 172.604(a)] Case No. 04-638-SD-EA	\$3,900
HAGEMEYER NORTH AMERICA, INC., Memphis, TN (Shipper)	Offered acetone in packaging that had not been subjected to UN testing and certification and was therefore not authorized for the transportation of hazardous materials; failed to provide general awareness and function-specific employee training. [173.22(a)(2), 173.202(a) and (b), 172.702(b), 172.704(a)(1) and (2)] Case No. 04-215-SB-SW	\$7,050
HAGEMEYER NORTH AMERICA, INC., Greenville, NC (Shipper)	Offered acetone in packaging that had not been subjected to UN testing and certification and thus was not authorized for the transportation of hazardous materials; offered this material accompanied by a shipping paper that did not contain a correct basic shipping description or list the hazardous materials in one of the approved formats; failed to mark the packaging with the proper shipping name and UN identification number. [173.22(a)(2), 173.202(a) and (b), 172.200(a), 172.201(a), 172.202(a), 173.22(a)(1), 172.301(a)(1)] Case No. 04-216-SB-SW	\$6,000
HARTMAN FIRE EQUIPMENT, INC., York, PA (Cylinder Retester)	Failed to perform system calibrations prior to testing; failed to maintain complete and accurate records of cylinder re-qualification. [180.215(b), 180.205(g)(3) and (4)] Case No. 05-0047-CR-EA	\$5,085
HEMPEL COATINGS (USA), INC., Conroe, TX (Shipper)	Filled and offered hazardous materials in an intermediate bulk container that had not been tested in the previous 2.5 years; failed to close 55-gallon drums in accordance with the manufacturer's closure notification; affixed to packaging hazard warning labels that were smaller than the required size. [173.35(a), 180.352(b), 173.22(a)(4), 173.24(f)(2), 172.407(c)(1)] Case No. 05-0149-SIBC-SW	\$5,200
INCO CHEMICAL SUPPLY CO. D/B/A INCRETE SYSTEMS, Odessa, FL (Shipper)	Failed to develop and adhere to a security plan. [172.800(b)(7), 172.802(a)] Case No. 05-0034-SB-SO	\$3,375
KASKAM CHEMICALS, INC. D/B/A UNITED SPECIALTIES OF AMERICA, Palm Coast, FL (Shipper)	Failed to develop and adhere to a security plan. [172.800, 172.802] Case No. 04-565-SB-SO	\$1,950

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LAYNE-WESTERN COMPANY, DIVISION OF LAYNE CHRISTENSEN COMPANY, Fenton, MO (Shipper)	Offered detonators, electric, for blasting, 1.4S, in unauthorized, non-UN-standard, non-bulk packaging; offered this material without preparing a proper shipping paper. [173.22(a)(2), 173.60(a), 173.62(a), 172.200(a), 172.202(a)(1)-(4), 172.320(a) and (b), 172.604(a) and (b), 173.22(a)(1)] Case No. 05-0076-SE-CE	\$8,625
MATSCHER OF FLAGLER, INC. D/B/A SUNBELT CHEMICALS, Palm Coast, FL (Shipper)	Failed to develop and adhere to a security plan. [172.800, 172.802] Case No. 04-567-SD-SO	\$1,950
MERIDIAN HOSPITALS CORPORATION D/B/A BRICK HOSPITAL, Brick, NJ (Shipper)	Offered regulated medical waste, 6.2, in a bulk outer packaging when it was not packaged in inner packages, resulting in release of the material from the inner packages. [173.22(a)(2), 173.197(d)(1)(i), 173.197(e)(1) and (2)] Case No. 05-0044-SBG-EA	\$6,300
MICEL, INC. D/B/A CHEMATHON-MICEL, Anaheim, CA (Shipper)	Offered chromium trioxide, anhydrous, 5.1, 8, in unauthorized non-UN standard, non-bulk packaging; failed to mark the packaging with the proper shipping name and UN identification number; failed to provide employee training, or create and retain records of training testing. [173.22(a)(2), 173.212, 172.301(a), 172.702(b), 172.704(a)(1)-(3) and (d)] Case No. 03-163-SP-WE	\$5,800
PACIFIC ADHESIVES COMPANY, INC., Sacramento, CA (Shipper)	Offered aluminum chloride, solution, 8, in packaging that had not subjected to UN testing and certification and therefore was not authorized; failed to provide recurrent employee training, or create and retain records of training testing. [173.22(a)(2), 173.24(c)(1), 173.203(c), 172.702(b), 172.704(c)(2), 172.704(d)] Case No. 04-174-SP-WE	\$4,000
SEMI-BULK SYSTEMS, INC., Fenton, MO (Intermediate Bulk Container Manufacturer)	Manufactured, marked, certified, and sold intermediate bulk containers, when the required retesting of the packaging was not conducted; offered hazardous materials accompanied by various shipping papers that (1) contained a basic shipping description that failed to show a proper shipping name, a proper UN identification number, and a proper packing group, (2) did not contain a signed shipper's certification, and (3) listed an unauthorized emergency response telephone number; failed to provide general awareness and function-specific employee training, or create and retain records of training testing. [178.2(a)(2), (b), and (d), 178.801(e), DOT-E 10501, 172.200(a), 172.202(a), 172.204(d), 172.604(b), 173.22(a)(1), 172.702(b), 172.704(a)(1) and (2), 172.704(d)] Case No. 03-404-IBCM-CE	\$5,400

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THE SKYBRYTE COMPANY, INC., Cleveland, OH (Shipper)	Failed to develop and adhere to a security plan. [172.800(b)] Case No. 05-0104-SB-CE	\$3,000
STARMET FIRE EQUIPMENT, INC. D/B/A Tri-County Fire Equipment, Cedarhurst, NY (Cylinder Retester)	Failed to confirm the accuracy of the test equipment; failed to maintain complete records of cylinder re-qualification. [180.205(g)(3)(i) and (4), 180.215(b)(2)] Case No. 04-090-CR-EA	\$3,984
SWIM ATLANTA POOL MANAGEMENT, INC., Roswell, GA (Shipper)	Failed to develop and adhere to a security plan; offered hypochlorite solutions accompanied by a shipping paper that did not include the hazard class and packing group. [172.800(b), 172.802(b), 172.704(a)(4) and (5), 172.200(a), 172.202(a)(2) and (4)] Case No. 04-295-SIBC-SO	\$3,500
THERMO ELECTRON CORPORATION, Pittsburgh, PA (Fiberboard Box Manufacturer/Shipper)	Represented, marked, and certified combination packaging as meeting the UN4G/Y standard, when the required periodic testing was not performed; failed to close packaging containing ethyl alcohol in accordance with the manufacturer's closure notification; failed to notify in writing each person to whom the packaging was transferred about the requirements for assembling and closing the packaging. [178.2(b), 178.601(e), 173.22(a)(4), 173.202(a), 178.2(c)(1)] Case No. 04-390-BMS-EA	\$8,601
TIME AVIATION SERVICES, INC., Valencia, CA (Shipper)	Offered cartridge, power device, in an unauthorized packaging. [173.60, 173.62, DOT Approval EX2002070105] Case No. 03-128-SE-CE	\$5,040
UNITED PARCEL SERVICE, INC., Louisville, KY (Motor Carrier)	Accepted and transported air bag modules that were not accompanied by shipping papers containing the proper basic shipping description (including the EX approval number), an emergency response telephone number, or a shipper's certification; accepted and transported them in packaging that was not authorized for it and that was not marked or labeled as required. [172.201(d), 172.202(a), 173.166(c), 175.30(a)(3), 177.817(a) and (b), 172.301(a), 172.400(a), 173.166(e) and (f), 177.801] Case No. 05-0118-CB-SW	\$8,100
VANI CHEMICALS & INTERMEDIATES LIMITED, Hyderabad, India (Shipper)	Offered toxic solid, organic, n.o.s. (containing 1-phenyl-3-pyrazolidone), 6.1, in unauthorized, non-UN-standard packaging; offered this material while affixing hazard warning labels that failed to meet the size specifications; failed to mark the packaging with the proper shipping name. [171.12(b), 173.22(a)(2), 173.213(a) and (b), 178.503, IMDG Code—Section 4.1.4.1, Packaging Instruction P002, 172.12(b), 172.407(c)(1), IMDG Code—Section 5.2.2.2.1.1, 171.12(b), 172.301(a)(1), IMDG Code—Section 5.2.1.1] Case No. 04-078-FSFD-EA	\$3,300

Total number of cases - 33
Total civil penalties - \$173,045

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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 11,200 individuals in the hazmat community, provided over 250 hazmat awareness presentations, and distributed over 39,000 standard information packets. The OHMIT training program includes Multimodal Hazardous Materials Transportation Training Seminars held throughout the country that drew nearly 1,000 participants last year. For fiscal year 2006, seminars are planned for Dallas, TX, December 6-7; Seattle, WA, March 14-15; Newark, NJ, May 16-17; and Chicago, IL, August 22-23;. For more information, go to the USDOT hazardous materials website at <http://hazmat.dot.gov/training.htm>.

PHMSA has public responsibilities for the safe and secure movement of hazardous materials to industry and consumers by all transportation modes, including the nation's pipelines.

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