



Enforcement Notice

RSPA # 1-05
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Contact: Joe Delcambre
Tel.: (202) 366-4831
publicaffairs@rspa.dot.gov

RSPA Office of Hazardous Materials Safety November 2004 Notice of Hazardous Materials Regulations Enforcement

The Research and Special Programs Administration (RSPA) today gave notice of 20 hazardous materials civil penalty cases it closed in the month of November 2004 for violations of the Hazardous Materials Regulations (HMR) (49 Code of Federal Regulations Parts 100 – 185). RSPA files all of its final orders weekly onto the Department's Docket Management System (DMS). Access to the DMS system is available on the DOT website at <http://dms.dot.gov>.

Company	SUMMARY	Penalty
CLEVELAND STEEL CONTAINER CORPORATION Niles, OH (Steel Drum Manufacturer)	Manufactured, marked, certified, and sold five-gallon closed-head steel drums as meeting the UN1A1/Y1.7/100 standard, when they were not capable of passing the drop and hydrostatic pressure tests. [178.601(b) 178.603, 178.605] Case No. 04-105-DM-CE	\$3,024
CLEVELAND STEEL CONTAINER CORPORATION Quakerstown, PA (Steel Pail Manufacturer)	Manufactured, marked, certified, and sold six-gallons closed-head steel pails marked as meeting the UN1A1/Y1.7/100 standard, when they were not capable of passing the drop, leakproofness, and hydrostatic pressure tests. [178.601(b), 178.603, 178.604, 178.605] Case No. 04-058-PM-EA	\$10,800
BWAY CORPORATION Loveland, OH (Plastic Drum Manufacturer)	Manufactured, marked, certified, and sold 30-gallon closed-head plastic drums as meeting the UN1H1/Y1.8/150 standard, when they were not capable of passing the drop, leakproofness, hydrostatic pressure, and vibration tests. [178.601(b), 178.603, 178.604, 178.605, 178.608] Case No. 04-097-DM-EA	\$2,350
BWAY CORPORATION Loveland, OH (Plastic Drum Manufacturer)	Manufactured, marked, certified, and sold 30-gallon closed-head plastic drums as meeting the UN1H1/Y1.9/100 standard, when they were not capable of passing the leakproofness and hydrostatic pressure tests. [178.601(b), 178.604] Case No. 04-077-PDM-EA	\$9,410

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BWAY CORPORATION Loveland, OH (Plastic Jerrican Manufacturer)	Manufactured, marked, certified, and sold two-gallon plastic jerricans as meeting the UN3H1/Y1.8/150 standard, when they were not capable of passing the drop test. [178.601(b), 178.603] Case No. 04-098-JM-EA	\$2,350
TAVENS CONTAINER, INC. Cleveland, OH (Fiberboard Box Manufacturer)	Manufactured, marked, certified, and sold fiberboard boxes as meeting the UN4G Y/10 and Y/20 standards, when their required retesting was never conducted and the boxes were marked with the symbol of a registered approval agency without its knowledge; failed to provide employee training, or create and retain records of training testing. [178.2(b)(1) and (2), 178.3(a)(2), 172.702(b), 172.704(a) and (d)] Case No. 02-116-BM-CE	\$3,800
NORTH AMERICAN FIRE EQUIPMENT COMPANY, INC. Decatur, AL (Cylinder Retester)	Failed to condemn cylinders with permanent expansion exceeding 10 percent of total expansion; after equipment failure, conducted a second retest at the same pressure instead of increasing it by 10 percent or 100 psi (whichever is lower). [180.205(i)(1)(iv), 180.205(g)(5)] Case No. 04-279-CR-SO	\$7,500
SCHLUMBERGER TECHNOLOGY CORPORATION Rosharon, TX (Shipper)	Offered explosive substances, n.o.s., 1.1D, in reused packages not authorized because (1) some of them showed evidence of reduction of structural integrity, (2) the packages were marked "NRC" to indicate they were not allowed to be reused, (3) they were marked as meeting a former DOT specification, were not certified as meeting a UN performance standard, and/or were not closed in accordance with the manufacturer's closure notification; offered these materials accompanied by a shipping paper the listed them in an incorrect sequence and with additional information within the basic shipping description. [173.22(a)(2), 173.24(a)(4), 173.24(f)(2), 172.201(a)(4), 172.202(b)] Case No. 04-519-SE-SW	\$8,700
HILL BROTHERS CHEMICAL COMPANY Phoenix, AZ (Shipper)	Offered corrosive liquid, acidic, inorganic, n.o.s., in rigid plastic intermediate bulk containers that were out of test and had not been tested for leakproofness and externally inspected within the previous 2.5 years. [180.352(a)] Case No. 04-169-SIBC-WE	\$7,280
S & S SUPPLIES, INC. Baton Rouge, LA (Shipper)	Offered hazardous materials in portable tanks that were not removed from the transport vehicle while their contents were being discharged. [177.834(h)] Case No. 04-536-SIBC-SW	\$2,860
CHEMCENTRAL CORPORATION Santa Fe Springs, CA (Shipper)	Filled, offered, and transported acetone in a portable tank marked as meeting the DOT 57 specification, when a periodic inspection and test was not performed; offered and transported acetone in a portable tank marked as meeting the DOT 57 specification that was not marked with the date of the last pressure test. [173.32(a)(2), 180.605(a), 180.605(c)(3), 180.605(k)] Case No. 03-172-SPT-WE	\$8,237

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US VANADIUM CORPORATION Niagara Falls, NY (Shipper)	Offered and transported a hazardous material, residue, last contained titanium tetrachloride, 8, 6.1, in portable tanks marked as meeting the DOT 51 specification that were not insulated and were manufactured with steel that was not of the appropriate thickness; offered and transported titanium tetrachloride mixture, 8, 6.1, in bulk packaging that was not marked with the correct shipping name and UN identification number; offered this material accompanied by shipping papers (1) with the wrong shipping description and (2) that did not identify the material as a PIH material. [172.102—Special Provisions B14, B32, TP38, and TP45, 173.29(a), 173.244, 173.302(a), 172.202(a), 172.203(k) and (m)] Case No. 03-616-SPT-EA	\$11,600
NEW YORK HOSPITAL MEDICAL CENTER OF QUEENS, INC. Flushing, NY (Shipper)	Offered regulated medical waste, 6.2, when (1) the packagings were not securely closed, (2) liquids were not contained in rigid inner packages, (3) sharps were not separated in puncture-resistant inner packages, and (4) other hazardous materials were commingled in the packages, thereby creating unauthorized packaging. [173.22(a)(2), 173.24(b) and (f), 173.197(e)(1)] Case No. 04-080-SBG-EA	\$4,900
PRESBYTERIAN MEDICAL CENTER OF THE UNIVERSITY OF PENNSYLVANIA HEALTH SYSTEM Philadelphia, PA (Shipper)	Offered regulated medical waste, 6.2, in packages that were not securely closed, with the sharps not separated as required, thereby creating unauthorized packaging. [173.22(a)(2), 173.24(f), 173.197(d)(3)(v)] Case No. 04-066-SBG-EA	\$4,400
J & J CHEMICAL COMPANY Athens, GA (Shipper)	Failed to develop and adhere to a security plan. [172.800(b), 172.802(b)] Case No. 04-289-SD-SO	\$4,800
SASHCO, INC. Brighton, CO (Shipper)	Failed to develop a security plan; failed to create and retain records of employee training testing. [172.800(b), 172.802(b), 172.704(d)] Case No. 04-520-SD-SW	\$5,100
UNIVAR USA, INC. Odessa, TX (Shipper)	Filled intermediate bulk containers with two different hazardous materials, acetic acid, glacial, 8, and petroleum distillates, n.o.s., 3, and offered the filled intermediate bulk containers, when they were not marked with the date of the most recent visual inspection and leakproofness test; filled used drums marked as meeting the UN1H1 standard with hydrochloric acid, more than five years after the date of manufacture marked on them, without conducting a leakproofness test. [178.703(b), 180.352(e), 173.28(b)(2) and (7)] Case No. 04-223-SD-SW	\$8,000
UNIVAR USA, INC. Bedford Park, IL (Shipper)	Offered corrosive liquid, acidic, inorganic, n.o.s., (containing fluoboric acid and copper fluoborate) in a leaking container not packaged as required for repackaging or disposal. [173.3(c), 173.22(a)(2), 173.24(c)(2)] Case No. 04-376-SD-EA	\$7,200

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CREATIVE CHEMICALS, INC. Palmer, MA (Shipper)	Offered sulphuric acid in unauthorized, non-UN-standard, non-bulk packagings. [173.22(a)(2), 173.202(a)] Case No. 02-608-SB-EA	\$4,200
UNIVERSITY HOSPITALS OF CLEVELAND Cleveland, OH (Shipper)	Offered various hazardous materials accompanied by shipping papers that did not list the correct shipping name and/or did not contain an emergency response telephone number or did not provide a valid emergency response telephone number; offered waste zinc powder or zinc dust, 4.3, under the authority of an exemption that does not allow the shipment of this material; offered regulated medical waste, when the packages were not closed to assure that they were secure and leakproof during transportation; failed to provide general awareness and function-specific employee training, or create and retain records of training testing; offered batteries, wet, nonspillable, accompanied by a shipping paper that did not declare the materials to be hazardous and also did not contain (1) the proper shipping name, (2) the UN identification number, (3) the hazard class or division, and (4) the packaging group. [172.201(a)(1) and (4), 172.604(a), DOT-E 11294, 173.24(f)(1)(ii), 172.702(b), 172.704(a)(1) and (2), 172.704(d), 172.201, 172.202(a)(1)-(4)] Case No. 03-122-SB-CE	\$15,280

Total number of cases – 20

Total civil penalties - \$131,791

Hazardous Materials Initiatives and Training:

Enforcement is not the only tool RSPA uses to improve hazardous materials safety. The RSPA 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 RSPA Hazmat Safety Assistance Team reached over 10,000 individuals in the hazmat community, provided over 270 hazmat awareness presentations, and distributed nearly 30,000 standard information packets. The OHMIT training program includes Multimodal HazMat Transportation Training Seminars held throughout the country that drew more than 1,100 participants last year. The 2005 seminar schedule includes Ontario, Calif., January 25-26; Miami, Fla., March 8-9; Richmond, Va., April 26-27; and Louisville, Ky., June 7-8. For more information, go to the USDOT Hazmat website at <http://hazmat.dot.gov/training.htm>.

RSPA is responsible for the safe and secure movement of hazardous materials to industry and consumers by all modes of transportation, including pipelines; support of rapid response to transportation emergencies; and advancement of science and technology and professional skills for national transportation needs.

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