



Quarterly Newsletter Update

Hopefully all of you are enjoying your summer. This newsletter is a summary of meetings from the 2nd Quarter of 2003. The Chapter did not meet during the 3rd Quarter. In this edition, you'll find articles on current regulatory changes required for 2003/2004, other miscellaneous regulatory articles and the Chapter minutes for the 2nd Quarter meetings.

I would like to advise those of you who receive this Newsletter by mail, that we will be discontinuing the mailing of paper copies. Being that we are representatives of the environmental community, we would like to do our part in saving the trees by sending an electronic version to your e-mail address. Please forward your e-mail address to: Donna.Switzer@erm.com. If you do not have an e-mail address you can access the Newsletter via the Chapter's website at www.achmm.org/ch/philly/home. Thank you for your continued support.

Meeting Dates for 2003:

January 15 February 20 April 28 September 18 November 12

September 18th Chapter Meeting – Life Coaching

The September Philadelphia Chapter ACHMM meeting will be held on Thursday, September 18th at 6:00pm. The meeting will be held at ERM's Exton office located at 350 Eagleview Blvd, Suite 200, Exton, PA 19341. Directions are attached. The cost is \$15. This is a personal development opportunity with speaker Mr. Joe White from Get Life Coaching. **Please respond to me before September 12th** (I will be at the National Meeting until the 17th, so reach me by cell phone during that time). Mr. White has requested that attendees complete the attached questionnaire **prior to the meeting** so that he can tailor his presentation to our specific needs. **Please email your completed questionnaire directly to Joe** (doitnow@getlifecoaching.com). If there are any questions regarding this meeting, please Donna Switzer.

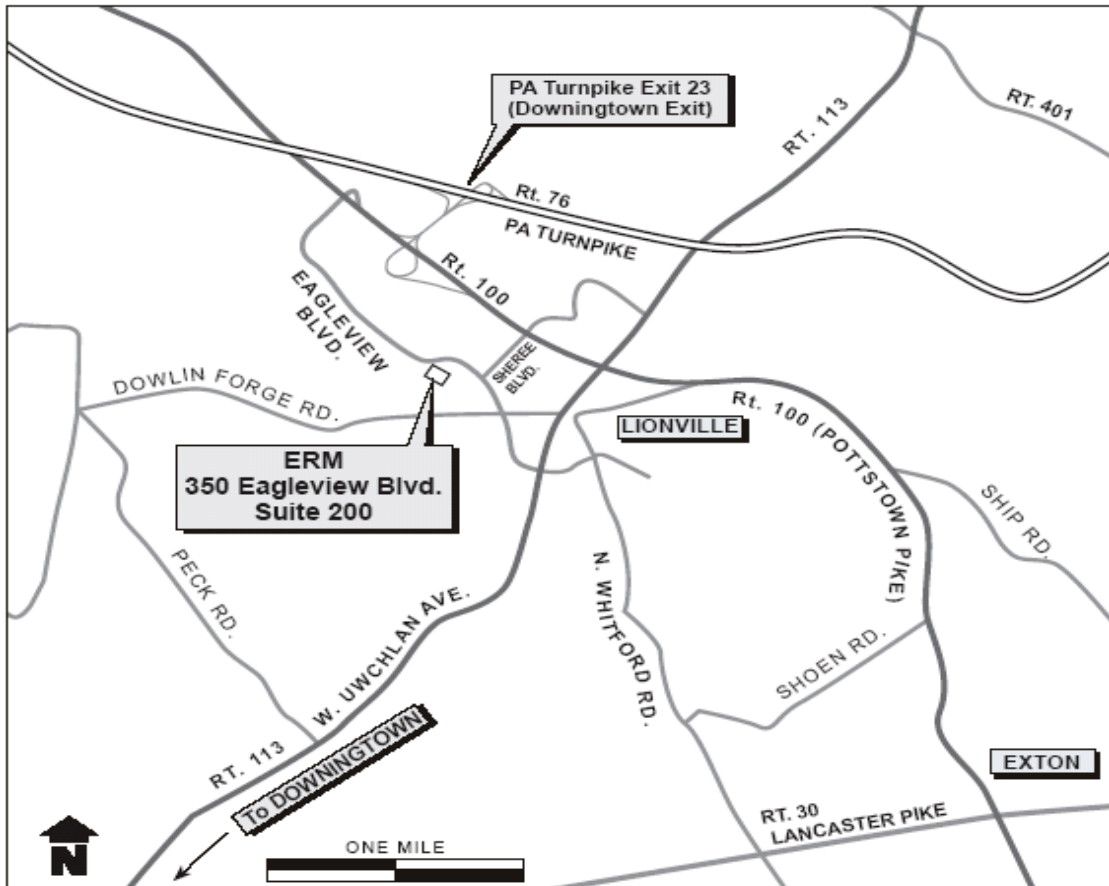
Directions to the meeting are continued on the next page.

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Treasurer – Bob May

Vice President – Joann Cortese
Secretary – Tanya Warsheski
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ERM'S NEW EXTON LOCATION

350 Eagleview Blvd., Suite 200
Exton, PA 19341-1155
Telephone: (610) 524-3500
Fax: (610) 524-7335



From Exton:*
Take Rt. 100 North to Rt. 113.
Left on Rt. 113.
Right on Eagleview Blvd.
Bldg. is on the left.

From PA Turnpike:
Take Rt. 100 South to Sheree Blvd.
Right onto Sheree Blvd.
Right onto Eagleview Blvd.
Bldg. is on the left.

From Chester Springs (Rt. 113):
Take Rt. 113 South to Eagleview Blvd.
Right on Eagleview Blvd.
Bldg. is on the left.

From Downingtown:
Take Rt. 113 North to Eagleview Blvd.
Left on Eagleview Blvd.
Bldg. is on the left.

* Note: Coming North on Rt. 100, you cannot turn left onto Sheree Blvd. If you miss Route 113, you can take the "jug handle" (right hand turn to cross Rt. 100) at Eagleview Blvd. past the Turnpike Exit.



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CHMM Chapter Minutes from January 18, 2003 Meeting¹

Dave Matthews announced the nominee's for officer's and a vote was taken to keep the existing officer's. A total of 25 members attended.

Committee Reports

-Membership (Donna Switzer at dswitzer@utrsmail.com)

- There was a call for volunteers to help with a phone effort to reach CHMMs in the Philly area. Anyone interested in making 5-10 calls, please contact Donna.
- After contacting the CHMMs in the area, we will be making an effort to reach college students. Please contact Donna with contacts you may have from your alma mater.

-Regulatory (Don Bowman at donald.bowman@pseg.com)

- The SPCC rules have been modified and below find several highlights:
 - Oil "in service" is now specifically regulated (this includes oils found in transformers).
 - Your site plan must be updated by February 2003 and implemented by August 2003.
 - Other changes include: the power of the PE and training requirements
- DOT is considering new requirements for the security of hazardous materials in a post-911 world.

-Meetings (Craig Durand at craigd@ttienv.com)

- In Craig's absence, Dave Matthews announced the **meeting dates for 2003: January 15, February 20, April 28, September 18, and November 12.**
- Dave also discussed upcoming meeting topics: The February meeting features a joint meeting with the ASSE and the AIHA. Other meeting topics to watch for include: personal development, tour of Boeing, ASTM speaker, and a Safety Management presentation.

New Business:

- Nominations for 2003 officers include:
 - Dave Matthews – President
 - Joann Cortese – Vice President
 - Secretary – Tanya Warsheski
 - Treasurer – Bob May
- Elections were held during the January 15, 2003 meeting.
- New Mailbox for Philadelphia Chapter of CHMM: PO Box 39802 – Philadelphia, PA 19106
- It was suggested that the recertification process be the topic of a meeting discussion. This will be considered, and in the mean time, a tip sheet will be posted on the chapter website (<http://www.achmm.org/ch/philly>) in the near future. Send any recertification tips that you may have to Donna Switzer at dswitzer@utrsmail.com.

¹ T. Warsheski, CHMM Philadelphia Chapter, Logistics Specialist

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CHMM Chapter Minutes from February 20, 2003 Meeting²

Sartomer tour:

Joann Cortese discussed the Sartomer history and product lines while Mike Bailey conducted a tour of an R&D laboratory. The company develops and manufactures coatings and adhesives. One process that the tour focused on was Sartomer's coating that cures using ultraviolet light.

CHMM Chapter Minutes from April 28, 2003 Meeting³

This meeting was held at Fort Dix Air Force Base in New Jersey. There were 18 members that attended. The meeting was a presentation put on by the National Strike Force of the U.S. Coast Guard. It was an interesting presentation that talked about response tactics, equipment and interactions with other Federal agencies. The National Strike Force (NSF) assists and supports the Lead Agency Incident Commanders and Federal On-Scene Coordinators with their response and preparedness activities for both crisis and consequence management. Some of the incidents that they have responded to are one's like the Oklahoma City bombing, the Anthrax release in the Capital Building, the World Trade Center terrorist attack and the recent Space Shuttle mishap. There are 3 teams logistically set up in the Atlantic, Gulf and Pacific regions, but they do have global response capabilities. This division has 3 key objectives during an environmental response situation. The first is enforcement. They work with local, state and Federal agencies to secure the area. The second is emergency response. They are equipped to handle environmental releases anywhere from chemical to oil to biological. The third is to help in the gathering of evidence, documentation of the evidence (i.e. chain of custody) and to document the details of the incident for Federal prosecution. Most of us are familiar with the National Response Center (800-424-8802). Well, these are the people who man that operation. If you want to find out more about this Team, please visit their website at www.UXCG.MIL/HQ/NSFCC/NSFWEB

DOT Amends Hazmat Regulations – Mandatory Compliance Oct 1, 2004⁴

The U.S. Department of Transportation's Research and Special Programs Administration has amended U.S. hazardous materials transportation regulations (49 CFR Parts 171, et al.) to conform with international standards. The revisions include changes to proper shipping names, hazard classes, packing groups, packaging authorizations, air transport quantity limitations and vessel stowage requirements.

The RSPA has authorized immediate voluntary compliance with the amended regulations, effective Oct 1. Mandatory compliance, with some exceptions, will commence Oct. 1, 2004. There are certain amendments that RSPA has granted additional time to an effective date of Oct. 1, 2007. Additionally, RSPA is adopting an Oct. 1, 2005, compliance date for use of proper shipping names that did not identify specific isomers by numbers or letters preceding the chemical name.

² T. Warsheski, CHMM Philadelphia Chapter, Logistics Specialist

³ D. Switzer, CHMM Philadelphia Chapter

⁴ T. Warsheski, CHMM Philadelphia Chapter, Logistics Specialist via RSPA's website

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IATA, IMDG and UN Recommendations Have Been Approved for Use⁵

RSPA has incorporated by reference in a final rule that authorizes the use of the updated editions of international standards (ICAO = IATA regulations, IMO = IMDG regulations and UN recommendations) which will facilitate the international transportation of hazardous materials by aircraft and vessel by ensuring a basic consistency between the HMR and the international regulations.

For more information, contact Joan McIntyre in the Office of Hazardous Materials Standards, (202) 366-8553 or www.rspa.dot.gov.

Security Requirements for Offerors and Transporters of HazMats⁶

On March 25, 2003, the Research and Special Programs Administration (RSPA) published its final rule "Security Requirements for Offerors and Transporters of Hazardous Materials" (HM-232). **Effective immediately, RSPA's requirements include:**

- By September 25, 2003, shippers and carriers subject to the registration requirements in 49 CFR part 107 or who offer for transport select agents and toxins regulated by the Center for Disease Control and Prevention under 42 CFR part 73 must develop and adhere to a security plan. Components of the plan include assessment of the risks related to the transportation of hazmat in commerce, methods for confirming information provided by job applicants, measures to address the possibility of unauthorized persons that may attempt to gain access to hazmat or hazmat vehicles being prepared for transportation, and enroute security. Plans should be in writing, retained, available to employees, and updated as needed. RSPA states in the preamble that "regulations, protocols, guidelines, or standards developed by other Federal Agencies, international organizations, or industry are acceptable, provided such regulations or guidelines address the specific security vulnerabilities of the company." (68 Fed Reg 14517).
- By December 22, 2003, each hazmat employee of a person required to have a security plan must be trained on the plan and its implementation including company security objectives, specific procedures, responsibilities, actions in the event of a security breach, and organizational security structure (6 months to develop a plan and 3 months to train employees).

After March 25, 2003, security awareness training should be provided to all other hazmat employees on the date of the first scheduled recurrent safety training and no later than March 24, 2006. This training should include awareness of security risk associated with hazmat transport, methods designed to enhance transportation security, and how to recognize and respond to possible security threats. RSPA has stated that the use of the Training Module or similar training program will be sufficient to meet the general security awareness training requirement of HM-232. (68 Fed Reg 14518). However, please note that in HM-232, RSPA placed the general security awareness training requirement in 49 CFR Section 172.704, which has a recordkeeping provision. Section 172.704(d)(5) "Certification that the hazmat employee has been trained and tested, as required by this subpart" as required by

⁵ Federal Register: January 8, 2003 (Volume 68, Number 5)

⁶ T. Warsheski, CHMM Philadelphia Chapter, Logistics Specialist; Chul Kim McGuire, CHMM, Director of Environmental Programs for the City of Corpus Christi, TX

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Section 172.702(d). Although not mentioned in the preamble, this provision requires that companies test hazmat employees regarding general security awareness.

RSPA removed the proposed provisions for the carriage of shipper registration numbers on shipping documents and the identification of consignors and consignees. However, in the preamble RSPA states that it is considering modified procedures for making consignor and consignee information available to law enforcement personnel. This may be proposed in a future rulemaking. (68 Fed Reg 41513).

The "Hazmat Transportation Security Awareness Training Module" (Module) can be downloaded from the following link: http://hazmat.dot.gov/hmt_security.htm. In addition, the quantity restriction of 1 per order on the Hazardous Materials Security CD-ROM has been lifted. The CD-ROM can be ordered in quantities using the following link: <http://diy.dot.gov/hazmat>. A Security Placard has been added to the Hazardous Materials Safety Homepage: <http://hazmat.dot.gov/>. The Security Placard, shown on the lower left of the homepage, provides links to other hazardous materials security related tools.

If you ship any of the following hazardous materials, you must develop a comprehensive security plan:

- Highway route-controlled quantities of Class 7 (radioactive materials)
- More than 25 kg (55 lb) of Division 1.1, 1.2, or 1.3 (explosive) materials
- More than 1 L (1.06 qt) per package of any material that is extremely toxic by inhalation
- Hazardous materials in bulk packaging having a capacity of 13,248 L (3,500 gal) or more for liquids or gases, or 13.24 cubic meters (468 cubic feet) or more for solids
- Hazardous materials, not in a bulk package, of 2,268 kg (5,000 lb) gross weight or more of a class of hazardous materials for which placarding of the vehicle, rail car, or freight container is required
- Any quantity of hazardous material that requires placarding
- Select agents or toxins regulated by the Centers for Disease Control and Prevention under 42 CFR 73

There are some companies like Environmental Resource Center that can provide a customized hazmat security plan before September 22, 2003 and train your employees before the December 22, 2003 deadline. They also have a webcast two-hour training session for those who want to do it themselves. You can contact Amy Knight at 919-469-1585 x224, send an e-mail to aknight@ercweb.com or visit www.ercweb.com/train/index/htm#spweb

Motor Carrier Security Guidance Document to the Responsible Care Security Code⁷

According to a recent notification from the American Chemistry Council (ACC), two documents to assist ACC members and Responsible Care Partners in implementing the Security Code throughout their value chain are now available. The Motor Carrier Security Guidance to the Responsible Care Security Code provides member and Partners with guidance in implementing the Security Code as it relates to motor carrier transportation. Motor carrier security issues are identified, and activities that shippers and carriers could implement to address the issue are provided. The Motor Carrier Assessment Protocol, which can be used to assess the safety, security and quality performance of a motor carrier, has been updated to include security related questions. To download these documents, visit: http://www.responsiblecaretoolkit.com/security_guidance_value.asp.

⁷ T. Warsheski, CHMM Philadelphia Chapter, Logistics Specialist

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HAZMAT Drivers Need Background Checks Under New TSA, RSPA, FMCSA Rules⁸

The Transportation Security Administration (TSA) and two agencies of the DOT (the Research and Special Programs Administration (RSPA) and Federal Motor Carrier Safety Administration (FMCSA)) have published companion interim final rules requiring background checks on commercial drivers certified to transport hazardous items. Visit <http://clickthru.jjkellermail.com> to view or download the final rules.

IATA has posted an Addendum to the 44th Edition⁹

In a recent news bulletin from COSTHA, they provided a copy of an Addendum posted in April 2003 for the IATA Dangerous Goods Regulations 44th Edition. The most important change noted was that of a United States requirement (USG-13(b)), "A copy of the Shipper's Declaration must be retained by the operator for not less than 375 days". The major IATA regulatory changes are listed below.

Effective January 1, 2004: Packages shipping by air, including those used for limited quantities of dangerous goods, must be marked with the "air eligibility" marking as prescribed in 7.1.5.8 only when the shipper has determined that the packaging meets the applicable requirements, particularly those packaging requirements that are only applicable for air transport (e.g. the relevant packing instruction requirements, pressure differential test, requirements to provide absorbent material and closure requirements.).

Pursuant to 7.1.5.8: The air eligibility marking must be applied as prescribed in 7.1.3.1 (General) and 7.1.3.2 (Quality) and must be placed adjacent to the Proper Shipping Name and UN number marking QR adjacent to the "LIMITED QUANTITY" markings prescribed in 7.1.5.3 (Limited Quantities).

The marking must include the symbol consisting of an aircraft within a circle as show in Figure 7.1.A and may include the words "Air Eligible". Figure shown below.



Effective January 1, 2004: Packagings containing dangerous goods shipping by air must be marked on the outside of the package with the NET or GROSS QUANTITY of the dangerous goods. The quantity should be marked adjacent to the UN # and the Proper Shipping Name.

⁸ SafetyClicks(TM) For Transportation: May 2003

⁹ T. Warsheski, CHMM Philadelphia Chapter, Logistics Specialist

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Applicability of DOT for Air Regulations¹⁰

When do the DOT air regulations in [49 CFR 175](#) apply? Shipments of hazardous materials aboard aircraft within the United States must be prepared in accordance with 49 CFR 175. However, when either the carrier or the receiving country is a member of the International Air Transport Association (IATA), the shipment must be prepared in accordance with the IATA Dangerous Goods Regulations (DGR). Some of the DGR are more restrictive than both the DOT air regulations for domestic transport of hazardous materials and the International Civil Aviation Organization's Technical Instructions (ICAO) governing international transport of dangerous goods by air. Examples of IATA member airlines include FedEx, UPS, Delta, Continental, Northwest, and United. Examples of member countries include the United States, Canada, most countries in the European Union, New Zealand, and India.

OSHA Revised Exit Routes Standard¹¹

OSHA has rewritten the requirements for exiting buildings quickly during an emergency. The revised Exit Routes, Emergency Action Plans, and Fire Prevention Plans standard was written in a user-friendly format that is easier to understand. The revised standard, which offers more compliance options for employers, does not change the regulatory obligations of the employer or the safety and health protections provided to the employees of the original standard.

The requirements for exit routes have been rewritten in simple, straightforward, and easy to understand terms. For example, "Means of Egress" will now be referred to as "Exit Routes." The text has been reorganized and inconsistencies and duplicative requirements have been removed. The revised rule has fewer subparagraphs and a smaller number of cross-references to other OSHA standards than the previous version.

Employers now have the option of adopting the National Fire Protection Associations' *Life Safety Code*, instead of the OSHA standard for exit routes. OSHA evaluated the NFPA standard and concluded that it provides comparable safety. The Exit Routes, Emergency Action Plans, and Fire Prevention Plans standard became effective on Dec. 7, 2002.

Proposed Amendment to Final Rule for Respiratory Protection¹²

In January 1998, OSHA published the final Respiratory Protection standard (29 CFR 1910.134), except for reserved provisions on assigned protection factors (APFs) and maximum use concentrations (MUCs). APFs are numbers that describe the effectiveness of the various classes of respirators in reducing employee exposure to airborne contaminants (including particulates, gases, vapors, biological agents, etc.). Employers, employees, and safety and health professionals use APFs to determine the type of respirator to protect the health of employees in various

¹⁰ OSHA News Release 12/16/2002

¹¹ J.J. Keller & Associates, Inc., [SafetyClicks™](#) November 2002 - Volume 3 Number 7 [Federal Register - November 7, 2002 (Volume 67, Number 216)]

¹² Federal Register: December 9, 2002 (Volume 67, Number 236)

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hazardous environments. Maximum use concentrations establish the maximum airborne concentration of a contaminant in which a respirator with a given APF may be used.

Currently, OSHA relies on the APFs developed by NIOSH in the 1980s unless OSHA has assigned a different APF in a substance-specific health standard. However, many employers follow the more recent APFs published in the industry consensus standard, ANSI Z88.2-1992. For some classes of respirators, the NIOSH and ANSI APFs vary greatly.

When OSHA published the final Respiratory Protection standard in 1998, it reserved for later rulemaking those provisions of the standard dealing with APFs and MUCs. This rulemaking action will complete the 1998 standard, reduce compliance confusion among employers, and provide employees with consistent and appropriate respiratory protection.

Statement of Need: About 5 million employees wear respirators as part of their regular job duties. Due to inconsistencies between the APFs found in the current industry consensus standard (ANSI Z88.2-1992) and in the NIOSH Respirator Decision Logic, employers, employees, and safety and health professionals are often uncertain about what respirator to select to provide protection against hazardous air contaminants. Several industry and professional groups have asked OSHA to proceed with this rulemaking to resolve these inconsistencies and provide reliable protection of employees' health in cases where respirators must be worn.

Alternatives: OSHA has considered allowing the current situation to continue, in which OSHA generally enforces NIOSH APFs but many employers follow the more recent consensus standard APFs. However, allowing the continuation of this situation results in inconsistent enforcement, lack of guidance for employers, and the potential for inadequate employee protection.

For more information or to submit your comments on this proposed amendment, please contact Steven F. Witt, Director, Directorate of Standards and Guidance - Department of Labor - Occupational Safety and Health Administration, Room N3605, 200 Constitution Avenue NW, Washington, DC 20210. Phone: 202 693-2222, Fax: 202 693-1663, RIN: 1218-AA05.

Do Safety Glasses Have to Meet Certain Standards?¹³

Yes. When employees are exposed to eye or face hazards from flying particles, molten metal, liquid chemicals, acids or caustics, chemical gases or vapors, or potentially injurious light radiation, employers must ensure that the affected employees use eye protection. Protective eye and face devices worn by employees must comply with the regulations at [29 CFR 1910.133 \(b\)\(1\)](#), which incorporates ANSI standards in Z87.1-1989.

The safety glasses must bear markings identifying the manufacturer ([29 CFR 1910.133\(a\)\(4\)](#)). The ANSI standards can be purchased from ANSI's website at <http://www.ansi.org/>

¹³ <http://www.ercweb.com/news/regs.asp>; June 12, 2003

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Questions & Answers on Poisonous by Inhalation and Combustible liquids¹⁴

The following questions and answers offer clarification on the requirements for classification and packaging of materials poisonous (toxic) by inhalation and combustible liquids under the Hazardous Materials Regulations (HMR; 49CFR Parts 171-180).

Q1. What are the requirements or criteria for classification and packaging of materials "poisonous by inhalation (PIH)," in accordance with the HMR?

A1. A poisonous material (liquid) is defined in § [173.132](#) as a material, other than a gas, which is presumed to be toxic to humans because it falls within one of the following categories when tested on laboratory animals: oral toxicity, dermal toxicity and inhalation toxicity. If your material meets the LC50 or LD50 criteria for any of these categories, it meets the definition of a Division 6.1 material. As specified in § [173.132\(b\)\(3\)](#), albino rats are to be used to test for inhalation toxicity. Animal test data that has been reported in chemical literature should be used whenever possible. The packing group and hazard zones (A or B) for a Division 6.1 material must be determined in accordance with the criteria in § [173.133](#).

A gas "poisonous by inhalation" is defined in § [173.115\(c\)](#) as a material which is a gas at 20°C (68°F) or less and a pressure of 101.3 kPa (14.7 psi) (a material which has a boiling point of 20°C (68°F) or less at 101.3 kPa (14.7 psi)) and which is known to be so toxic to humans as to pose a hazard to health during transportation, or in the absence of adequate data on human toxicity, is presumed to be toxic to humans because when tested on laboratory animals it has an LC50 value of not more than 5000 ml/m³ (See § [173.116\(a\)](#) for assignment of Hazard Zones A, B, C, or D). The shipper must select an appropriate proper shipping name for the material from the § [172.101](#) Hazardous Materials Table; the sections cited under Column 8 for that entry contain the packagings authorized for that material.

Q2. Can a Division 6.1 (POISON) label or placard specified in §§ [172.430](#) and [172.554](#), respectively, be modified to contain the words "INHALATION HAZARD."

A2. No. The label or placard shown in §§ [172.429](#) and [172.555](#), respectively, must be used to communicate the "INHALATION HAZARD" for a Division 6.1 PIH material. However, if the package is already marked "INHALATION HAZARD" as specified in § [172.313](#), the words "INHALATION HAZARD" are not required to be shown on the PIH label or placard.

Q3. Is it acceptable to include the word "POISON" with the words "INHALATION HAZARD" on a PIH label or placard for Division 6.1 material, or on a shipping document?

A3. It is not acceptable to include the word "POISON" with the words "INHALATION HAZARD" on a PIH label or placard. The PIH label and placard must be as shown in the examples specified-in §§ [172.429](#) and [172.555](#), respectively. However, the shipping description of the material must include the words "Toxic Inhalation Hazard," or "Poison Inhalation Hazard," on the shipping paper or document (see § [172.203\(m\)](#)).

¹⁴ Edward T. Mazzullo, RSPA Director for the Office of Hazardous Materials Standards

Q4. How would a material having a flammable liquid (flashpoint of <23°C (73°F)) hazard, a poison hazard, and high vapor pressure be classed and labeled?

A4. In accordance with § [173.2a](#), if the material meets the criteria for a Division 6.1 (poisonous liquid), Packing Group 1, poisonous by inhalation and a flammable liquid, it must be classed according to the highest applicable hazard class and therefore would be classed as a material poisonous by inhalation (see 2.0.3.1 of the UN Recommendations), having a flammable liquid subsidiary hazard. The vapor pressure of a liquid is taken into account in the definition of a PIH material in § [173.132\(a\)\(1\)\(iii\)\(B\)](#) and in the packing group assignments in § [173.133\(a\)\(2\)\(i\)](#) (see 2.6.2.2.4.7 of the UN Recommendations). Accordingly, the POISON INHALATION HAZARD and FLAMMABLE LIQUID labels must be applied (see § [172.402](#)).

Q5. What are Hazard Zones and where are they defined in the HMR?

A5. Hazard zone is defined in § [171.8](#) and means one of four levels of hazard (Hazard Zones A, B, C, and D) assigned to PIH gases, as specified in § [173.116\(a\)](#), and one of two levels of hazards (Hazard Zones A and B) assigned to liquids that are poisonous by inhalation, as specified in § [173.133\(a\)](#). A hazard zone is based on the LC50 value for acute inhalation toxicity of gases and vapors, as specified in § [173.133\(a\)](#). Hazard zones must be entered on the shipping paper immediately following the shipping description.

Q6. Where in the HMR is the definition and requirements for packaging, marking, labeling, and placarding "Combustible liquids."

A6. Under the HMR, a combustible liquid is any liquid that does not meet the definition of any other hazard class and has a flash point above 60.5 degrees celsius (141 degrees fahrenheit) and below 93 T (200T), and a flammable liquid with a flash point at or above 38°C (100°F) that does not meet the definition of any other hazard class may be re-classed as a combustible liquid (see § [171.120\(b\)](#)). Packaging requirements for a combustible liquid are provided in § [171.150\(f\)](#). A combustible liquid in a non-bulk packaging that is not a hazardous substance, hazardous waste, or marine pollutant is not subject to the HMR. A combustible liquid in a bulk packaging is subject to the HMR and the shipping paper, marking of packages, including the identification number, and placarding.

Q7. For import shipments of hazardous materials into the United States by vessel, when does placarding apply? Is it when the ship enters U.S. waters, in the port, or may the forwarding agent bring the consignment from the port area to the first warehouse or customer?

A7. If all or a portion of the transportation is by vessel, a material which is packaged, marked, classed, labeled, placarded, described, stowed and segregated and certified in accordance with the IMDG Code, may be offered and accepted for transportation and transported within the United States, subject to the conditions and limitations of requirements in § [171.12](#).

In accordance with § [171.12\(c\)](#), a hazardous material (other than Division 1.1, 1.2 or Class 7) imported into or exported from the United States or passing through the United States in the course of being shipped between places outside the United States may be offered and accepted for transportation and transported by motor vehicle within a single port area (including contiguous harbors) when packaged, marked, classed, labeled, stowed and segregated in accordance with the IMDG Code, provided shipping papers and placards are prepared in accordance with the requirements of the HMR.

As specified in the final rule published in the Federal Register [HM-206D; 66 FR 44252; 8/22/01], when a

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hazardous material, which is subject to the requirements of the IMDG Code, is a material poisonous by inhalation, a package, freight container, or transport vehicle may be placarded in conformance with IN4DG Code placards for Class 2.3 or Class 6. 1, in place of the POISON GAS or POISON INHALATION HAZARD placard when moving within a single port area, including contiguous harbor.

Federal Motor Carrier Safety Administration Revises Hours of Service Rules¹⁵

An increase in driving hours and a decrease in on-duty hours for drivers of property-carrying vehicles headlines the revised hours-of-service regulations released today by the Federal Motor Carrier Safety Administration (FMCSA).

The regulation includes the following provisions:

- 11 hours of driving time following 10 consecutive hours off duty.
- No driving after 14 hours of on-duty time (a combination of driving and all other on-duty time) following 10 consecutive hours off duty.

The 60 hour/7 day and 70 hour/8 day limit remains unchanged, but now includes a provision that allows a driver to restart the 60 or 70 hour clock after having at least 34 consecutive hours off duty.

The regulation also includes a new exception for drivers who regularly return to their normal work reporting location. Under this exception, a driver is allowed to accumulate 11 hours of driving time within 16 consecutive hours on duty once every seven days, provided:

- The driver returns to the work reporting location on that day, and is released from duty at that work reporting location for the previous five on-duty days;
- The driver is released from duty within 16 hours after coming on duty (no additional on-duty time after 16 hours); and
- The driver only uses this exception/exemption once every seven consecutive days (unless the driver has complied with the 34-hour voluntary restart provision).

The split sleeper berth portion of the regulations remains the same, but instead of accumulating eight hours in the sleeper berth in two periods, the driver would have to accumulate 10 hours in the sleeper berth in two periods.

The requirements for passenger-carrying vehicles remain the same as the current requirements:

- 10 hours of driving time following 8 consecutive hours off duty.
- No driving after 15 hours of on-duty time following 8 consecutive hours off duty.

The 60 hour/7 day and 70 hour/8 day limits remain unchanged. A reset provision for drivers of passenger-carrying vehicles is not included in the new regulation.

The new requirements were published in the Monday, April 28, 2003, Federal Register. **Compliance with the new requirements is mandated on Jan. 4, 2004.** FMCSA is not allowing early compliance with the new requirements. Until Jan. 4, 2004, drivers and motor carriers must comply with the standards currently in place.

¹⁵ **J.J. Keller & Associates, Inc 4/24/03 News e-mail**