



4th Quarter 2003 Newsletter Update

Hopefully all of you enjoyed your winter holiday season and are refreshed for the new year. As the President of the Chapter mentioned, we are holding elections for the Philadelphia Chapter February 19, 2004 at the 1st Chapter Meeting of the year. We are asking that all of you attend as your votes and feedback for the future leadership of the Chapter are invaluable. In this edition, you'll find articles on current regulatory changes required for 2004, other miscellaneous regulatory articles and the Chapter Meeting minutes for the 4th Quarter

If you know of any Members who are not receiving this Newsletter by e-mail and would like to, please have them forward their e-mail address to: Donna.Switzer@erm.com. As a reminder, you can access the Newsletter via the Chapter's website at www.achmm.org/ch/philly/home.

Please WITHHOLD all mailings to the Chapter mailing address until February 23rd

Thank you for your continued support and participation.

Meeting Dates for 2004:

February 19 April 15 May 16 Summer Break September 16 November 16

February 19th Chapter Meeting – 2004 Chapter Elections to be Held

The First General ACHMM Philadelphia Chapter Meeting of 2004 will be held on February 19, 2004. The meeting will be held at Baxter Healthcare's Cherry Hill, New Jersey Facility. The meeting shall begin at 6:00 P.M. Chapter business shall include officer elections, appointment of committee chairs and budget review/approval (by separate attachment). The meeting will include a description of Baxter's production and environmental programs. Baxter directions are below and Baxter map is attached.

If you still want to attend, please contact Brandt at brandt_widdoes@baxter.com. There will be a buffet dinner prepared by Baxter's chef. The cost for the dinner is \$15/person.

Officers:
President – Dave Matthews
Treasurer – Bob May

Vice President – Joann Cortese
Secretary – Tanya Warsheski
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CHMM Chapter Minutes from October 9, 2003 Meeting ¹

New Business:

- Peer reviewers needed for desk reference.
- Obtain points to maintain CHMM certification by attending Chapter meetings

Committee reports:

-Membership (Donna Switzer at Donna.Switzer@erm.com)

- National Meeting summary of events (Donna Switzer attended)
- Donna Switzer was elected National Chair for Chapter Development Committee
- Discussion around attending a leadership training program to help people become leaders in ACHMM and moving to have Chapter delegates attend
- Movement to get by-laws up to speed, grandfathered CHMM by-laws to reflect National template by-laws.

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

- Review of regulatory changes with regards to IMDG EmS numbering system effective January 1, 2004, status of IATA's "air eligibility" marking and ADR Special Provision format change effective July 1, 2003
- Effective September 1, 2004, the NJDEP is re-adopting the Toxic Catastrophe Prevention Act (TCPA) Regulation (N.J.A.C. 7:31). For more information contact Todd Tereska at tereska@qualexphoto.com

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

- Coordinate a joint meeting with the ASSE and the AIHA
- Nov 21st at Rohm & Haas. Guest speaker to discuss Export/Import changes and security
- Holiday party and 10-year Anniversary

Summary of Meeting with Guest Speaker was Joe White from Get Life Coaching

Mr. White is a professional trainer who does seminars on "Empowerment training". He gave us an abbreviated class. It taught you how to get better results with your career and personal life by knowing your options in the "cycle" or stage you are at. Below is an outline of the "cycle" for which a person goes through over and over again whether it be your job or your marriage.

Mr. White had an interesting statement. He said, "A bend in the road is not the end of the road, unless you don't go with the bend". How true a statement and that's the way we need to handle life in general. He said, "For every problem, we come up with a solution. As soon as solution is obtained, the situation changes and then you're back to square one at having a problem and needing a solution."

Beliefs are critical in this process. What we think to be true, is true. Therefore, you need a strategy to diminish frustration, disappointment or anger and raise your standards for success. There is what's called a "Cycle of Performance". This "cycle of performance" is a set of 4 stages that have varying degrees of confidence, commitment and consistency. You are always in one of these stages.

¹ T. Warsheski, CHMM Philadelphia Chapter, Logistics Specialist

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Cycle of Performance:

Inception – confidence is high; commitment is high; consistency is high

Deception – the rules have changed – confidence, commitment and consistency decreases but needs are met. You realize incompetence of surroundings

Transformation – consciously competent – think everything thru and take responsibility. Action plan to achieve goal and regain confidence, commitment & consistency.

Identity – go thru pain to achieve pleasure willingly because of the reward where confidence, commitment, and consistency is high

Deception is the leading cause of life's frustrations and lack of self confidence.

CHMM Chapter Minutes from November 21, 2003 Meeting ²

New Business:

- The holiday gathering will be held at Dave & Busters on December 15th at 6pm. Spouses are invited and the event is subsidized by Chapter funds.
- Nominations for Officers and Membership Chairpersons candidates were received and the following are the result. The vote will be held at the 1st Chapter meeting in 2004.

Chapter Officers:

President – Craig Durand or Tanya Warsheski

Vice President – Joann Cortese

Secretary – Tanya Warsheski

Treasurer – Bob May

Nominations for Chairs appointed by President:

Membership: Brandt and Bob Gomez

Meetings: Jennifer Trippetti and Dave Matthews

Regulatory: Don Lucy, John Magee and Tanya Warsheski

Newsletter: Tanya Warsheski and Colleen Dwyer

Webmaster: Todd Tereska

Committee Reports

-Membership (Donna Switzer at Donna.Switzer@erm.com)

- No new information to report.

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

- DEP training program to certify CHMM members "STARR" outsourcing DEP sign-off capabilities with limitations around certain type of cases. Audits will follow and those who do not pass the DEP audit will lose their STARR certification. More details are in the National Chapter Newsletter/website.
- IATA air eligibility marking has been postponed and will not be enforced but can be used.

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

- Meeting ideas for 2004 are still open and to be finalized at February 18, 2003 meeting. There are 5 meeting dates open for guest speakers.

Summary of Meeting with Guest Speaker Ron Reynolds from the Rohm and Haas Company regarding import/export security and C-TPAT certifications

Mr. Reynolds reviewed the measures that are now being taken to heighten security with regards to import/export sea containers. The most burdensome issue that results from the heightened security is the time it takes for an inspector to review the contents of a container. There is a certification that any Shipper can obtain, provided they meet the criteria outlined, that will minimize this inspection burden. The agency who offers this certification is Customs-Trade Partnership Against Terrorism (C-TPAT). C-TPAT exists to develop, enhance and maintain effective security processes through the global supply chain of all categories including importers, exporters, seal carriers, freight consolidators, and more. For more information, access the "imports" or "exports" tab on their website at http://www.customs.ustreas.gov/xp/cgov/import/commercial_enforcement/ctpat.

Interpretation Letter Issued on Shipment of Samples with Preservatives³

EPA and US DOT have recently released two letters concerning the shipping of EPA Environmental Samples that are preserved according to EPA requirements and also samples for volatile analysis without the required headspace.

DOT (Mazzullo to Longest, Feb 13 2003) said that environmental samples preserved with the prescribed guidance concentrations of nitric acid, sulfuric acid, hydrochloric acid or sodium hydroxide are not DOT corrosive according to 49 CFR §173.137. Unless the samples themselves are corrosive, properly preserved environmental samples are not DOT corrosive and are not subject to HMR.

Second, DOT regulations state that §173.24a(d) there must be sufficient headspace in a container at 55C or less. Environmental samples to be analyzed for volatile organic compounds (VOC) do not contain any headspace and samples shipped by air must have headspace. DOT (Allan to Friedman, Dec 4 2002) answered that if the sample container is placed inside a "ziplock" type plastic bag that is capable of holding the contents of the container, and the other packaging requirements of 49 CFR Parts 171-180 are met, then HMR does not prohibit the shipment of headspace samples.

Environmental samples may be subject to other DOT requirements than discussed above.

³ ENVIRONMENTAL PROTECTION E-NEWS; Environmental Protection magazine; March 10, 2003

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IATA/ICAO Air Eligibility and Certification Statement Update ⁴

The ICAO Dangerous Goods Panel recently issued an addendum making the air eligibility marking optional (the marking had been scheduled for implementation as a mandatory IATA/ICAO requirement on January 1, 2004). If used, the marking must conform to the applicable requirements of the ICAO Technical Instructions concerning use of the marking and IATA 7.1.5.8. **The addendum also includes advance notice of changes effective next year in the 2005-2006 ICAO Technical Instructions, including requiring the following additional certification statement on the transport document (shipping paper): "I declare that all of the applicable air transport requirements have been met."** The addendum is available on the internet for public viewing at <http://hazmat.dot.gov/ICAO%20Addendum%202.pdf>.

The air eligibility marking was adopted in the DOT Hazardous Materials Regulations (HMR) in docket HM-215E, with an effective date of October 1, 2004. In light of the decision made by the ICAO Dangerous Goods Panel, the Office of Hazardous Materials Safety (OHMS) is evaluating the marking requirement to determine whether the HMR should also be amended to make the marking optional. OHMS is committed to harmonizing with the ICAO Technical Instructions, and other international regulations, to the greatest extent practicable. Therefore, this issue will be addressed through the public review process in a future rulemaking.

EPA 40 CFR 370.2 Hazard Categories for SARA Title III MSDS Report's ⁵

Section 311 of SARA Title III requires facility owners or operators to submit copies of material safety data sheets (MSDSs) for reportable substances to their state emergency response commission (SERC) and their local emergency planning committee (LEPC).

In lieu of submitting MSDSs, you may opt to submit a list of the reportable chemicals that includes the identification of the appropriate hazard category for each chemical being reported.

"Hazard category" as is defined at [40 CFR 370.2](#) means any of the following:

- Immediate (acute) health hazard, including highly toxic, toxic, irritant, sensitizer, corrosive, (as defined under [29 CFR 1910.1200](#)) and other hazardous chemicals that cause an adverse effect to a target organ and which effect usually occurs rapidly as a result of short term exposure and is of short duration

Hazard Categories for SARA Title III MSDS Report's (cont'd)

⁴ T. Silverstone, Environmental Resource Center, RegoftheDayList@ercweb.com, January, 2004

⁵ T. Silverstone, Environmental Resource Center, RegoftheDayList@ercweb.com, January, 2004

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- Delayed (chronic) health hazard, including carcinogens (as defined under 29 CFR 1910.1200) and other hazardous chemicals that cause an adverse effect to a target organ and which effect generally occurs as a result of long term exposure and is of long duration
- Fire hazard, including flammable, combustible liquid, pyrophoric, and oxidizer (as defined under 29 CFR 1910.1200)
- Sudden release of pressure, including explosive and compressed gas (as defined under 29 CFR 1910.1200)
- Reactive, including unstable reactive, organic peroxide, and water reactive (as defined under 29 CFR 1910.1200)

Emergency Response Guidebook ⁶

The Emergency Response Guidebook (ERG) is a guide designed to assist responders with identification of the hazards of a material during incidents so that they can protect themselves and the public during response activities. Transportation authorities from the US, Canada and Mexico developed the ERG and update it regularly. It is revised and reissued every three or four years. The ERG is available in book form or can be accessed on-line at <http://hazmat.dot.gov/guidebook.htm>. The current version of the ERG was released in 2000, but a new 2004 version is currently being prepared.

Under OSHA ([29 CFR 1910.120](#)), EPA ([40 CFR 311](#)) and DOT ([49 CFR 172 Subpart G](#)), the ERG is used as a tool to provide critical information to emergency responders. Many shippers of hazardous materials use the ERG to provide the required written emergency response information on hazardous materials bills of lading in accordance with [49 CFR 172.604 \(b\)\(3\)](#).

IATA Net Weight or Gross Quantity Reminder ⁷

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. If liquid, the quantity should be in Liters. If solid, the quantity should be in kg.

⁶ T. Silverstone, Environmental Resource Center, RegoftheDayList@ercweb.com, January, 2004

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Written Follow-up Reporting for Release under SARA Title III⁸

In addition to the immediate notification requirements for releases that are subject to SARA Title III, there are also written reporting requirements (at [40 CFR 355.40\(b\)\(3\)](#)). Written release reports must be submitted to all state emergency response commissions (SERCs) and all local emergency planning committees (LEPCs) that received an initial notification of a release event.

There are not specific federal regulations prescribing when written reports must be submitted. Instead, the phrase "as soon as practicable" is used to describe when written reports are to be submitted.

The information that must be in all of your written follow-up reports includes: a description of the actions taken to respond to the release incident, all known or anticipated acute or chronic health risks due to exposure to the released chemical, medical advice for anyone who might have been exposed, and an update on any of the information reported in your initial notifications.

When Does Marine Pollutant Apply to My Product or Waste⁹

The DOT's marine pollutant list is in [49 CFR 172.101 Appendix B](#). Entries on the marine pollutant list identified with a "PP" are severe marine pollutants. When a mixture or solution has a concentration of 1% by weight or more of severe marine pollutants, the entire mixture or solution is a severe marine pollutant. Entries on the list that are not designated PP are marine pollutants. When a mixture or solution has a concentration of 10% by weight or more of a marine pollutant, the entire mixture or solution is a marine pollutant. A marine pollutant mark must be placed on each end and each side of bulk packages that contain marine pollutants.

Regulations that are FREE¹⁰

The **2003 European Road Regulations** are available on the web at the following website:

<http://www.unece.org/trans/danger/publi/adr>

The **SOR/DORS/2001-286 Canadian Regulations** (including an amendment from Dec 2003) are available on the web at the following website:

<http://www.tc.gc.ca/tdg/clear/tofc.htm>

The **IMO/IMDG Updates to the Regulations** are available on their home page under "Publications – Supplements & Inserts" at the following website: <http://www.imo.org/home.asp>

The **Emergency Response Guidebook** is available at the following website:

<http://hazmat.dot.gov/guidebook.htm>

The **Mexican NOM Standards** are available at the following website via RSPA:

<http://hazmat.dot.gov/nomslst.htm>

The **ICAO/IATA Updates to the Regulations** are available on their home page under "Addendum's" at the following website: <http://www.iata.org/dangerousgoods/index>

⁸ T. Silverstone, Environmental Resource Center, RegoftheDayList@ercweb.com, January, 2004

⁹ T. Silverstone, Environmental Resource Center, RegoftheDayList@ercweb.com, September, 2003

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Custom's Export Update – New SED Form Required ¹¹

The U.S. Census Bureau (Census Bureau) placed a Federal Register notice on July 17, 2003, to announce amendments to the Foreign Trade Statistics Regulations (FTSR). In addition to requiring mandatory filing for items on the CCL and the USML, the final rule adds to the paper Shipper's Export Declaration (SED) the requirement to enter the freight forwarder's Employer Identification Number (EIN) when required. This requirement applies to filers who are not required to file through AES and who choose to file a paper SED rather than filing voluntarily through the Automated Export System (AES). The implementation date of this rule was October 18, 2003.

As a result of changes to the FTSR, on October 18, 2003, U.S. Customs and Border Protection (CBP) now requires the export community to use the new SED form. The new SED (Form 7525-V, dated 7-18-2003) is now available to the trade at www.census.gov/foreign-trade/regulations/forms.

To facilitate the transition to a new U.S. Census Bureau (Census Bureau) form, all by U.S. CBP ports will accept both old and new versions of the SED through January 17, 2004. Starting on January 18, 2004, only the new Form 7525-V Shippers Export Declaration will be accepted by CBP. Any previous versions of the SED tendered on or after January 18, 2004, will be rejected and the exporter will be advised of their failure to submit an SED.

Air Quality Standard Update - 33 Early Action Compact Areas¹²

Under a rule issued in July 1997, **EPA is implementing an air quality standard establishing a maximum ozone level of 0.08 parts per million averaged over an eight-hour period.** States must be in compliance with the new rule by the end of April 2007. While EPA will issue final designations in April 2004 on the attainment or non-attainment by all remaining areas in the United States, the proposed 33 Early Action Compact Areas will have their air quality designations deferred until September 30, 2007, and must be in final compliance with the new ozone standard by December 31, 2007. In return for the deferral, the early action compact areas must have their plans in place by the end of 2004, and must begin implementing them in 2005. The deferrals will be granted as long as the compact areas meet certain agreed-upon milestones.

Each of the 33 areas are to develop rules specific to their area. While there are several that have identified graphic arts, most of them are not focusing on printers. Graphical Arts Technical Foundation has been working with Texas and West Virginia. The specific rules being considered by each area can be found at http://www.epa.gov/ttn/naaqs/ozone/eac/index.htm#EAC_Main

The 33 Early Action Compact areas are:

Appalachian, SC area
Austin-San Marcos, TX area
Berkeley-Charleston-Dorchester, SC area
Catawba, SC areas
Central Midlands, SC area
Chattanooga, TN area
Denver, CO area
Fayetteville, NC area

¹¹ www.customs.ustreas.gov

¹² G. Jones – Graphical Arts Technical Foundation – January 2004

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Air Quality Standard Update - 33 Early Action Compact Areas (cont'd) ¹²

The 33 Early Action Compact areas continued:

Haywood County, TN
Beaufort, SC area
Knoxville, TN area
Lower Savannah-Augusta, GA area
Memphis, TN area
Asheville, NC area
Nashville, TN area
Longview-Marshall-Tyler, TX area
Winchester/Frederick County, VA area
Oklahoma City, OK area
Florence, SC area
Putnam County, TN
Roanoke, VA area
San Antonio, TX area
San Juan County, NM
Sumter, SC area
Shreveport-Bossier City, LA area
Martinsburg, WV area
Greensboro-Winston Salem-High Point, NC area
Johnson City-Kingsport-Bristol, TN area
Tulsa, OK area
Hickory-Morganton-Lenoir, NC area
Abbeville-Greenwood, SC area
Myrtle Beach, SC area
Washington County, MD

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Philadelphia Chapter - ACHMM Newsletter
February 2004

Philadelphia Chapter, ACHMM
ATTN: Tanya Warsheski
PO Box 39802
Philadelphia, PA 19106

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