

## Important Hazardous Materials Regulations Revisions

The US Department of Transportation (USDOT), along with the Research and Special Programs Administration (RSPA), published revisions to the Hazardous Materials Regulations (HMR) on July 31, 2003. In these revisions, RSPA states that it will harmonize the HMR with the following international hazardous materials transportation standards:

- United Nations Recommendations
- International Maritime Dangerous Goods Code
- International Civil Aviation Organization Technical Instructions

These regulatory changes serve to harmonize hazardous material regulations without sacrificing the current level of safety and security provided by the DOT regulations. This harmonization also aids in the facilitation of international transportation, reduces cost to industry, and ensures the safety of people, property, and the environment.

Following is a list of regulatory changes that may impact a wide range of industrial categories,

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## EPA Risk Management Program Proposed Revisions

The Risk Management Program (RMP) is regulated under the Clean Air Act Section 112(r), and requires facilities that store chemicals in excess of threshold quantities to implement and submit a Risk Management Plan (RMP). The Environmental Protection Agency (EPA) has proposed to revise the format and reporting timelines for RMP submittals to the EPA.

Current RMP rules require facilities to submit updated RMP information every five (5) years. Updates are required more frequently for facilities that undergo specified changes in their processes. As described below, the proposed regulatory changes prescribe a submittal date for any changes to the RMP and revise the requirements for content of the submittal. The proposed changes are outlined below:

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along with the effective date and mandatory compliance date for each change. Also included is a paragraph with each revision intended to provide a general understanding. Please note the following explanation does not indicate all proposed changes to the HMR. For additional information and specific details on how the revisions will affect your facility, please contact RCS, Inc. at 614-552-8530.

### **1.0 Hazardous Materials Table (HMT)**

**Effective Date:** October 1, 2003      **Mandatory Compliance Date:** October 1, 2004

Regulatory changes to the HMT include both additions and deletions from the existing table. HMT entries are edited to include revised Special Provisions, additional information, and revised proper shipping names.

### **2.0 List of Marine Pollutants**

**Effective Date:** October 1, 2003      **Mandatory Compliance Date:** October 1, 2004

Regulatory changes to the List of Marine Pollutants include the removal of "Alkylphenols" and "Chlorophenols", in liquid and solid form, from the list. Additions to the Marine Pollutant list include an entry for "Decyl Acrylate".

### **3.0 Special Provisions**

**Effective Date:** October 1, 2003      **Mandatory Compliance Date:** October 1, 2004

The Hazardous Materials Regulations have added or revised a number of Special Provisions for use with shipments of hazardous materials. Examples of Special Provision regulatory changes include "dry battery" and "lithium battery" shipping requirements, "aerosol" classification criteria, and battery/internal combustion engine powered equipment transportation.

### **4.0 Description of Hazardous Materials on Shipping Papers**

**Effective Date:** October 1, 2003      **Mandatory Compliance Date:** October 1, 2005

HMR are revised to require the listing of subsidiary hazard class, or division, on all shipping papers. Previously, subsidiary hazard class identification was required only when shipping hazardous materials by vessel. The revised regulations require the addition of subsidiary hazard class on shipping papers for all modes of transportation. The subsidiary hazard class must be listed, in parentheses, immediately following the primary hazard class / division.

**Effective Date:** October 1, 2003      **Mandatory Compliance Date:** October 1, 2007

Shipping papers must include an indication of the number and type of packaging. The type of packaging may be indicated by description and/or packaging specification number, when applicable. For example, a shipping paper may list a shipment packaging type as "15 drums" or "15 UN1A1".

**Effective Date:** October 1, 2003      **Mandatory Compliance Date:** N/A

Shippers may utilize an alternate sequence for listing the basic description on shipping papers. Currently, shipping papers are required to list hazardous materials in the following order. "*Proper Shipping Name, Hazard Class/Division, (Subsidiary Hazard Class / Division), UN Identification Number, Packing Group*". The revised HMR allows the following alternative listing of the shipping description: "*UN Identification Number, Proper Shipping Name, Hazard Class,*

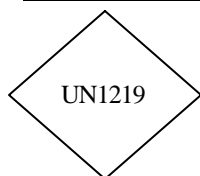
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(Subsidiary Hazard Class/Division), Packing Group". This listing is an approved alternative to the original basic description, and either version may be utilized after the October 1, 2003 effective date.

### 5.0 Limited Quantity Marking Requirements:

**Effective Date:** October 1, 2003      **Mandatory Compliance Date:** N/A



The HMR have added a new section under the marking requirements for packages containing hazardous materials in Limited Quantities. The DOT is offering an alternative to the current Limited Quantity marking requirements to allow packages containing limited quantities to be marked with the UN Identification Number within a diamond.

### 6.0 Air Eligible Marking Requirement:

**Effective Date:** October 1, 2003      **Mandatory Compliance Date:** October 1, 2004

Packages containing hazardous materials offered for transport aboard an aircraft are required to be marked with the "Air Eligible" marking. This marking signifies that the offeror has certified the package is authorized for air transportation and is properly classified, packaged, and sealed. The Air Eligible marking is not required for Small Quantities of hazardous materials (49 CFR 173.4), packages containing dry ice, hazardous material contained in articles, unless overpacked, and packages, which are excepted from the HMR marking requirements.

### 7.0 Packaging Exception Revisions:

**Effective Date:** October 1, 2003      **Mandatory Compliance Date:** October 1, 2004

Division 5.1, 5.2, and 6.1, and Class 8 packaging exceptions are revised to increase the inner packaging net capacity from 4 Liters (1.1 Gallons) to 5 Liters (1.3 Gallons).

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### 1.0 Five (5) Year Accident History:

Currently, RMP re-submittals are completed every five (5) years. Therefore, a facility may have an accidental release of a regulated substance which is not reported to the EPA in the RMP for a period of up to five years. Consequently, the EPA is proposing to require facilities to re-submit their RMP within six (6) months of an accidental release. This proposed change would allow the EPA to examine accidental releases annually and determine additional safeguards that may be necessary for RMP facilities.

### 2.0 Emergency Contact Information:

Under current RMP regulations, updated information, namely emergency contact personnel, are submitted every five years with the required submittal. Many times, emergency contact information becomes outdated and or inaccurate within that five-year time frame. The proposed regulations require facilities to re-submit the RMP within one (1) month of a change to the emergency contact information. In addition to the one-month re-submittal requirement, the EPA is proposing to require

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the RMP to include the email address of the emergency contact. This will allow the EPA to notify emergency coordinators of relevant information for hazardous substance handling, recommended safeguards or procedures, and / or security measures to incorporate into a RMP process.

### **3.0 Executive Summary:**

The EPA is proposing to remove the requirement to describe the off-site consequence analysis within the executive summary of the RMP submittal. Currently, RMP facilities are required to describe the worst and alternative case scenarios for the release of a regulated substance, including administrative and mitigation measures to prevent this type of release. Due to the heightened level of security that our country is under, the EPA has determined that information provided in the off-site consequence analysis may be sensitive in nature, and should not be made public record. Therefore, it is proposed that this information not be required for reporting in the Executive Summary of the RMP Submittal.

### **4.0 Explanation of RMP Submittal:**

The EPA is proposing to add a section to the RMP submittal program to allow facilities to indicate the reason for submittal of the RMP. This will allow the EPA to determine the reason for receipt of the RMP. Possible reasons for RMP submittal may include the following:

- Modified RMP for minor technical errors
- Modified RMP for minor administrative errors
- Facility ownership changes
- Insertion of missing data elements
- Five Year re-submittal
- De-registration
- Accidental release
- Change in emergency contact information

### **5.0 Contractor Information:**

The EPA is proposing to revise the RMP submittal program to require reporting facilities to identify if a third party contractor is utilized to complete, and submit, the RMP. This will allow implementing agencies to monitor the use of third party contractors and provide appropriate follow-up, if necessary. This change will enable the EPA to identify negligent contractors, as well as provide a means of communication between the EPA and the contractor for questions regarding the RMP content.

### **6.0 Uncontrolled / Runaway Reactions:**

The EPA is proposing to expand the list of possible regulated substance release scenarios by adding a choice for an uncontrolled / runaway reaction. This will increase the current list (consisting of gas release, liquid spill / evaporation, fire, and explosion) to account for an alternative scenario of an uncontrolled / runaway reaction.

The proposed Risk Management Program changes are scheduled to take effect by June 21, 2004, however, the submittal process for these changes has not yet been determined by the EPA. As additional details become available, RCS will publish the information accordingly. If you should have any questions or concerns about how these changes may affect your reporting requirements, please do not hesitate to contact RCS, Inc. at 614-552-8530.