

Regulatory Quirks and Oddities

Dangerous Goods Instructors Symposium

DGIS Alumni Team

Facilitators: Gene Sanders & Rhonda Jessop

September 2011



Regulatory Quirks

- Have a problem in a DG regulation that...
 - is minor,
 - complicates your training, and
 - may be easily corrected?
- Let's discuss it...
 - and consider submitting a fix!

Pet Peeves

- We solicited regulatory problems that...
 - are minor,
 - complicate your training, and
 - may be easily corrected!
- We reviewed and ranked them.
- They're our starting point as we all, together, consider submitting fixes!

Oddities Format

- Regulation sez...
 - Slide should show the regulation in question
- Problem is...
 - Slide(s) should explain why it's a problem
- One possible solution?
 - Slide may not have the best solution
- Participant input
 - Slide will record our discussions here
 - Well, Rhonda will type into the slide

LAST YEAR'S EXAMPLE

REGULATION SEZ...

- A.I.R. 2.4 – “Class 4, Other Flammable Hazards”
- A.I.R. 2.4.0.1a) “4.1 – *Flammable Solids*”
- 49CFR 173.124(a) “*Division 4.1 (Flammable Solid)*. For the purposes of this subchapter, “flammable solid” (Division 4.1) means any of the following three types of materials:”

PROBLEM IS...

ID Number	Proper Shipping Name	Class or Division	PG
UN1344	Trinitrophenol, wetted or Picric Acid, wetted, with not less than 30 percent water, by mass	4.1	I
UN3223	Self-reactive liquid type C	4.1	II



ONE POSSIBLE SOLUTION?

- 4.1 – Readily Combustible Solids
- 4.2 – Pyrophoric **Liquids** and Solids
- 4.3 – Water-Reactive **Liquids** and Solids
- 4.4 – **Non-Flammable** Desensitized Explosives
- 4.5 – Self-Reactive **Liquids** and Solids
- 4.6 – Self-Heating **Liquids** and Solids

OR... Only use “flammable solid” for that one subdivision of 4.1

PARTICIPANT INPUT

- R U kidding me?
 - This is no easy fix.
 - Too large an issue to try.

- Next?

THIS YEAR

Let's get something fixed!



REGULATION SEZ...

- **Technical Names**
- ICAO Part 3; 1.2.7.1.2
 - ...excluding controlled substances ... international convention. If a package containing a mixture is labelled with any subsidiary risk label, one of the two technical names as shown in parentheses must be the name of the constituent which compels the use of the subsidiary risk label.
- IATA 4.1.2.1(d)
 - ...controlled substances ... international convention. For explosives of Class 1, the dangerous goods description may be supplemented by addition descriptive text...

PROBLEM IS...

- e.g., Flammable liquid, corrosive, n.o.s. with 4 constituents: Ethanol 34%, Isopropanol 33%, Hydrochloric Acid 22%, Water 11%
 - **ICAO** Part 3; 1.2.7.1.2
 - **(Ethanol, Hydrochloric Acid)**
 - **IATA** 4.1.2.1(d)
 - **(Ethanol, Isopropanol)**
- Hydrochloric Acid **MUST** be in technical name per regulations, but IATA appears to allow non-compliant technical names. At the least, they don't inform us of the ICAO requirement.

ONE POSSIBLE SOLUTION?

- **Technical Names**
- IATA 4.1.2.1(d)
 - ...controlled substances ... international convention. ***If a package containing a mixture is labelled with any subsidiary risk label, one of the two technical names as shown in parentheses must be the name of the constituent which compels the use of the subsidiary risk label.*** For explosives of Class 1, the dangerous goods description may be supplemented by additional descriptive text...

PARTICIPANT INPUT

- **IATA doesn't include ICAO's second technical name requirement**
- IATA does not have authority to be less restrictive.....
- Submit item to IATA for correction in a corrigendum...get dialogue started with IATA
- Suggest they insert ICAO wording

1979 Buccaneer draft review



3
Reggie
Lewis



3
Rick
Berns



5
Chuck
Fusina



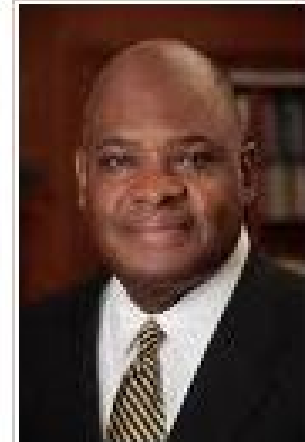
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Gene
Sanders



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corner of 9th St. & Market



Map



Directions



Dangerous Goods Instructors' Symposium

THIS YEAR

Let's get something else fixed!

REGULATION SEZ...

- **Airbill / Air Waybill communication**
- **ICAO Special Provision A69**
 - Articles, each containing < 100 mg of mercury, ..., package does not exceed 1 g, are not subject to these Instructions... The words “not restricted” and “A69” must be provided on the air waybill when an air waybill is issued.

PROBLEM IS...



Are these really going to bring down a plane? Or poison people, when sent as cargo?

ONE POSSIBLE SOLUTION?

- **Airbill / Air Waybill communication**
 - Articles, each containing < 100 mg of mercury, ..., package does not exceed 1 g, are not subject to these Instructions... ~~The words “not restricted” and “A69” must be provided on the air waybill when an air waybill is issued.~~
 - Articles, each containing < 100 mg of mercury, ..., package does not exceed 1 g, are not subject to these Instructions... The words “not restricted” and “A69” must be provided on the air waybill when an air waybill is issued, **unless the articles are fluorescent light bulbs.**

PARTICIPANT INPUT

- **Fluorescent bulbs need to be on Air Bill?**
- Keep as is



Neil McCulloch

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Neil mcculloch.

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MTH His REVENGE On His EX GIRLFRIEND!
FC, Dundee United Football Club, Oasis , Arctic
Monkeys, Scarface, The Godfather and Dundee



THIS YEAR

Let's get some more fixed!



REGULATION SEZ...

- 49CFR 171.8
 - “Dangerous when wet material”
 - “Design Certifying Engineer”
- 49CFR 172.201(a)
 - Contents. When a description of hazardous material is required...
- 49CFR 172.201(a)(4)
 - ...additional information must be placed after the basic description required by §172.202(a).
- 49CFR 172.202(a)
 - The shipping description of a hazardous material...

PROBLEM IS...



ONE POSSIBLE SOLUTION?

- 49CFR 171.8
 - “Dangerous when wet material”
 - “Description”, “Basic Description”, or “Shipping Description” means the sequential information required by § 172.202(a)(1)-(4), i.e. ID#, PSN, Class(subsidiaries), PG if any.
 - “Design Certifying Engineer”

PARTICIPANT INPUT

- **Description vs. Basic Description vs. Shipping Description**
- **Pick one – basic description**
- **Shipping paper section/defn section or both**
- **Or “shipping description”Submit a petition for rulemaking?**
- **Important issue, esp. for the new student**
- **Basic and shipping description the same?50/50 split**
- **Working group.....**
- **Letter of interpretation?....YES**



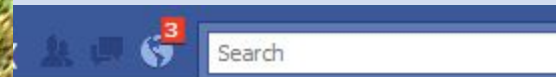
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THIS YEAR

Let's get four (or more) problems fixed!

REGULATION SEZ...

49CFR 178.2

(c) Notification

(1) Except as specifically provided...

(i) Notify each person to whom that packaging is transferred

(b) With information... This information must include any procedures to be followed, including closure instructions for inner packagings and receptacles...

PHMSA sez:

Not applicable to cylinders. (LOI 07-0204)

PROBLEM IS...



It's impossible to partially close one of these, or omit a gasket in the connection, right?

ONE POSSIBLE SOLUTION?

49CFR 178.2

(c) Notification

(1) Except as specifically provided...

(i) Notify each person to whom that packaging is transferred

(b) With information... This information must include any procedures to be followed, including closure instructions for inner packagings and receptacles...

PHMSA sez:

~~Not a~~ Applicable to cylinders

PARTICIPANT INPUT

- **Closure Instructions for Cylinders**
- CGA guidance....”for cylinders follow...”
into 178.2
- May be covered in a different section..NO
- Leave it alone!



Geoffrey D. Leach ABR

Realtor at Century 21 Today

At the Presidential Evening in September 2010 we took a photo of the new President, Virginia Clough, together with 15 Past Presidents who attended the meeting:



L-R back row: John Houghton, Colin Hughes, Geoff Leach, David Lush, Richard Worth, Liz McClure, Ian Russell, David Campbell, John Williams.

ils Corporation

:husses Area

F Materials Corporation

Igr at Tubed Products



Geoff Leach

50 × 50 - 3k - jpg

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Information Technology RMIT-
ustralia ...

- Similar



THIS YEAR

Five, anyone?

REGULATION SEZ...

- 49CFR 173.25(a)(3)
 - Each package subject to the orientation marking requirements of §172.312 of this subchapter is packed in the overpack with its filling holes up and the overpack is marked with package orientation marking arrows on two opposite vertical sides of the overpack with the arrows pointing in the correct direction of orientation.

PROBLEM IS...



Somebody might load these on their sides? Or upside down?

ONE POSSIBLE SOLUTION?

- Steal wording from other sub-paragraphs?
 - §173.25(a)(4) The overpack is marked with the word “OVERPACK” when specification packagings are required, unless specification markings on the inside packages are visible.
- Single pkg’s w/ visible openings concept?
 - ...unless the orientation of the overpack is obvious, e.g. stretch-wrapped skids or pallets

PARTICIPANT INPUT

- **Orientation Arrows required on pallet/skid?**
- ...

urban DICTIONARY

look up: **chrim**

word of the day dictionary

random A B **C** D E F G H I J K L M N O P Q R S T U

Custom UD mugs
with your fave def



Now available

1. **chrim**

buy chrim mugs, tshirts and magnets

Someone that will be very successful in life.

Tony is a Chrim, there fore he will not be working at McDonalds.

chrim smart success successful fun good

by MEMEMEMEMEMEMEME Mar 19, 2009 share this

THIS YEAR

Sixth attempt at fixing something, anything?

REGULATION SEZ...

- IMDG 5.4.1.4.3.6
 - Flashpoint: If the dangerous goods to be transported have a flashpoint of 60°C or below (closed cup), the minimum flashpoint shall be indicated

PROBLEM IS...

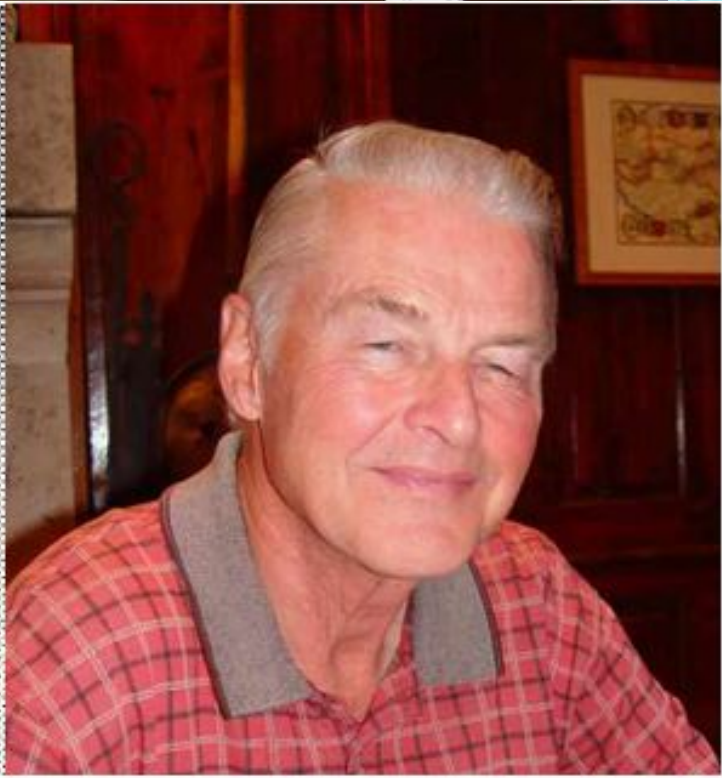
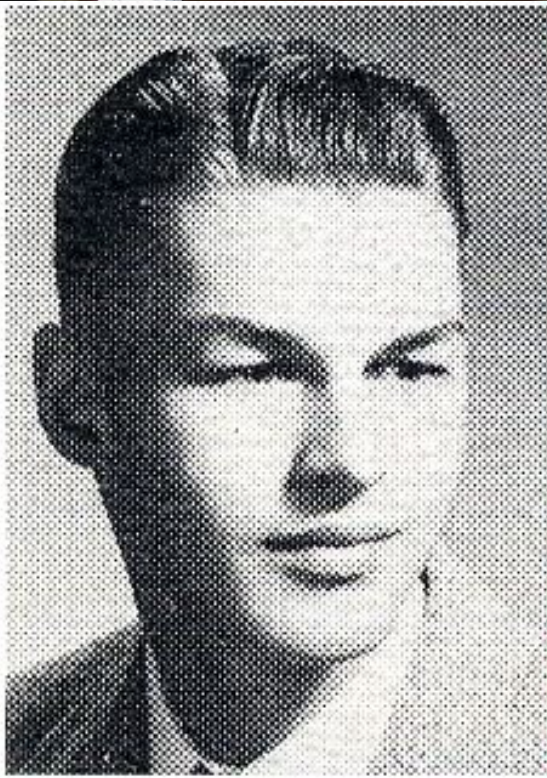
- UN1263, Paint, 3, III, 25°C c.c.
- UN1263, Paint, 3, III, 36°C c.c.

ONE POSSIBLE SOLUTION?

- UN1263, Paint, 3, III, **>25°C** c.c.
 - OR
- UN1263, Paint, 3, III, **25-36°C** c.c.

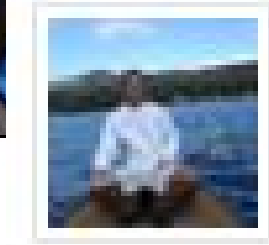
PARTICIPANT INPUT

- **Two Paints, with different Flash Points?**
- ...



Robert Richard
bobrich@flash.net

[Enlarge]



Bob Richard

Oil & Energy Professional
Greater Boston Area | Oil & Energy

1701

ard.

1701

ons

THIS YEAR

Lucky SEVEN gets something fixed!

REGULATION SEZ...

- What is PG for Chemical Kits, 9, UN3316?
 - Not in 172.141, Class 9 – Assignment of Packing Group
 - Not in 172.101(f), *Column 5: Packing group*
 - Not in 172.101(h) *Column 7: Special provisions*
 - Not in 172.102 Special Provision 15

Oh. It's in the packaging authorization, 173.161(b)(2)

PROBLEM IS...

Some people think you should know the PG before reading the packaging authorizations (packing instruction).

Heck, some people think you should know the PG to be able to pick the right packaging authorization (PI)!

ONE POSSIBLE SOLUTION?

- Chemical Kits, 9, UN3316, I, 9, 15, .161
- Chemical Kits, 9, UN3316, II, 9, 15, .161
- Chemical Kits, 9, UN3316, III, 9, 15, .161

- OR

- Add 173.161(b)(2) wording to SP 15

PARTICIPANT INPUT

- **Chemical Kit assignment of PG**
- ...

AMK-mästerskapen i Gokart avgjordes på eftermiddagen med följande resultat:



1. Peter Andersson
2. Leif Söderman

Leif Söderman

Leif undervisar i grundläggande data och Officepaketet. Han har tidigare arbetat som administrativ datakonsult. Andra intressen är "Stockholmiana" och allmän historia.

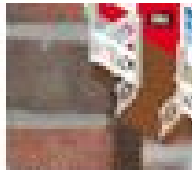


Leif Söderman

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Fålarö kor
Foto: BUL



THIS YEAR

Eight is somebody's lucky number!



REGULATION SEZ...

- Where is that Residue Last Contained ***?
- 49CFR 172.203(e)
 - Empty tank car: “must” & “before” basic description
 - Empty packaging: “may” & “in association with” basic description

PROBLEM IS...

- Where is that Residue Last Contained ***?
- 49CFR 172.203(e)
 - Before, After or Near?
 - Always, Sometimes, Never?
 - Preparation, Acceptance, Auditing?

ONE POSSIBLE SOLUTION?



PARTICIPANT INPUT

- **Where is that Residue Last Contained ***?**
- ...

Nigerian David Peters used 128 fake IDs to steal £636,000 in a series of scams

David Peters

Updated: 05 Jul 2011

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Read more on [David Peters](#) [128 fake IDs](#) [steal £636000](#) [series of scams](#) [74 bogus driving licences](#)



David Peters ... eight years of scams



DGIS VI List of Peeves

- IATA doesn't include ICAO's second technical name requirement
- Fluorescent bulbs need to be on Air Bill?
- Description vs. Basic Description vs. Shipping Description
- Closure Instructions for cylinders
- Orientation Arrows required on pallet/skid?
- Two "Paints", with different Flash Points?
- Chemical Kit assignment of PG
- Where is that Residue Last Contained ***?

DGIS Alumni Review Team

- Steve Hawks
 - Hawks Logistics
- Bob Richard
 - Labelmaster Services
- Ken Sumner
 - KWS Training
- Jim Henry
 - ICC the Compliance Center
- Leif Soderman
 - Optimal Assistans

Volunteers to help draft submissions?

- Bob Richard
 - Labelmaster Services
- Gene Sanders
 - W.E. Train Consulting
- Jayne Dough
 - Anonymous Training Services
- Wiwant Ewe
 - 2B Safer Shipping



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