Introduction

Keeping up with new regulations is becoming a full-time occupation. At Matson, we realize that our customers and partners have better things to do than plow through pages of the Federal Register in hopes of understanding changes to HazMat regulations. To assist in this endeavor, we have created Matson’s The HAZMAT Advisory. While we cannot report on all of the new and changed regulations, we hope you will find this information helpful.

HAZ Alert

The International Maritime Organization (IMO) is amending the marine pollutant mark to the International Maritime Dangerous Goods (IMDG) Code – Amendment 34-08. The mark will be voluntary beginning 01 January 2009, and become mandatory 01 January 2010.

The symbol is a fish and tree, black-on-white (or suitable contrasting) background. The label size will remain the same at 100 mm x 100 mm, and the placard size will remain at 250 mm x 250 mm.

In the News

Anhydrous Ammonia

Transport Canada issued a news release stating that it has reclassified anhydrous ammonia from a non-flammable, non-toxic gas to toxic gas. This action has been taken to harmonize the regulations with recent changes to the United Nations “Recommendations of the Transport of Dangerous Good Model Regulations.”

Import/Export Shipments

Import and export shipments have been removed from 49 CFR 171.12 and relocated to: Subpart C – Authorization and Requirements for the Use of International Transport Standards & Regulations.

- 171.22 Authorizations and conditions for use of international standards and regulations
- 171.23 Requirements for specific materials and packagings that are transported under International Civil Aviation Organization (ICAO) Technical Instructions, IMDG Code, Transport Canada Dangerous Goods (TDG) Regulations, or International Atomic Energy Agency (IAEA) regulations.
Adopting New Requirements for Rail Routes

PHMSA is requiring rail carriers to compile annual data on certain shipments of explosive, toxic by inhalation, and radioactive materials to analyze safety and security risks along rail routes on which these materials are transported. PHMSA is also adopting a new requirement for rail carriers to inspect placarded hazardous material shipments for signs of tampering or suspicious items, including improvised explosive devices.

Federal Register / Vol. 73, No. 18, April 16, 2008 / Rules and Regulations

PHMSA is amending the Hazardous Materials Regulations (HMR) to update, clarify or provide relief from certain requirements governing the classification, packaging or labeling of hazardous materials transported in commerce. The effective date of these amendments is 01 October 2008.

Among other provisions, PHMSA is adopting a new proper shipping name and identification number for fuel blends composed of ethanol and gasoline. Additional highlights of the amendments include:

- Adopting expanded small quantity exceptions for Packing Groups II / III materials in Class 3, Divisions 4.1, 4.2, 4.3, Division 5.1, Division 6.1 and Class 8 and 9 in inner packagings of 1 g or 1 mil.
- Updating provisions that incorporate consensus standards issued by the Chlorine Institute.
- Adding a definition for “household wastes” to clarify the current exception in the HMR for transporting such materials.
- Revising the HMR to “harmonize” certain entries with international standards by removing, adding or revising some proper shipping names.
- Revising certain hazard communication provisions to address shipping paper requirements for marine pollutants, marking requirements for limited quantities and labeling of intermediate bulk containers.
- Clarifying requirements applicable to the transportation of dry ice, detonator assemblies and certain explosives.
- Clarifying that a shipper must utilize a carrier with a safety permit to transport hazardous materials for which permits are required as specified under the FMC safety regulations.
- Clarifying segregation requirements for hazardous materials as also applying to packages that require placards.
Training

Any person shipping limited quantities marked with a UN number in a diamond must be trained to add “RQ” and the name of the hazardous substance.

[Federal Register / Vol. 73, No. 18, January 28, 2008 / Rules and Regulations, PHMSA]

Hazardous Materials Transportation – Registration & Fee Assessment Program

Since 1992, PHMSA has conducted a national registration program under the mandate listed in 49 USC 5108 for those who offer transportation or transport certain categories and quantities of hazardous materials. The purpose of the registration program is to gather information about the transportation of hazardous materials and fund grants to Hazardous Materials and Emergency Preparedness (HMEP) program. The HMEP grants supports hazardous materials emergency response planning and training activities by local and state governments, as well as Indian tribes. Since 1993, PHMSA has awarded grants totaling more than $125 million which have helped to:

- Train 2,103,000 hazardous materials responders
- Conduct 8,617 commodity flow studies
- Write/update more than 50,000 emergency plans
- Conduct 11,773 emergency response exercises
- Assist more than 22,000 local emergency planning committees

The HMEP grants program was expanded in 2008 and a two-tier fee schedule was adopted under which the registration fee was set at $275 for qualifying businesses and $1,975 for all others. Due to a surplus of funds in 2003, the fee was temporarily reduced and adjusted to $125 for small businesses and not-for-profit organizations and $275 for all other registrants. In 2006, the fee increased to $250 and $975, respectively. Congress authorized the federal hazardous materials transportation law in 2005 through the “Hazardous Materials Transportation Safety and Security Reauthorization Act of 2005” which provided approximately $28 million for the HMEP grants program. To ensure full funding of the HMEP grants program, for those not qualifying as a small business or not-for-profit organizations, PHMSA is proposing to increase the fee from $975 to $2,475 (plus $25 administrative fee) for registration year 2009-2010 and the following years. For those registrants not qualifying as a small business or not-for-profit organization, the proposed fee increase is from $975 to $2,475.

Comments regarding this proposal can be submitted via fax or e-mail to DOT under reference DMS Docket Number PHMSA-2008-0101; all comments must be received by 14 July 2008.

- Fax: (202) 493-2251

Follow the instructions for submitting comments.

- Docket: You may review the public comment via the internet at http://www.regulations.gov.


[49 CFR Part 107, Federal Register / Vol 73, No. 87 / May 5, 2008]
33rd Session – United Nation’s Subcommittee of Experts on the Transport of Dangerous Goods

PHMSA conducted a public meeting on 10 June 2008 in preparation for the 33rd session of the United Nation’s Subcommittee of Experts on the Transport of Dangerous Goods which is scheduled to be held in Geneva, Switzerland from June 30 to July 9, 2008. The Subcommittee will discuss amendments to the UN Manual of Tests and Criteria Test Series 7 regarding the classification of insensitive explosives, as well as review regulations and policies governing the international transport of dangerous goods and provide guidance to the IAEA on the needs and issues of the transport industry.

Topics covered during the public meeting included the following:

- Transport of limited quantities and consumer commodities
- Provisions for training of personnel
- Use of electronic documentation
- Subsidiary labeling for toxic by inhalation liquids
- Requirements for cryogenic receptacles and lithium batteries
- Fumigated units and dry ice

The public meeting also covered other various proposals related to listing, classification and hazard communications.

PHMSA issued a final rule harmonizing the CFR with the IMDG Code with mandatory compliance effective 01 January 2008. This rule revised the Hazardous Materials Regulations to maintain alignment with the international standards by incorporating various amendments, including changes to proper shipping names, hazard classes, packing groups, special provisions, air transport quality limitations, and packaging and vessel stowage requirements.

A major change now affects the loading, stowage and segregation of Class 8 (corrosive material) for “acids” and “alkalis”, and identification of segregation groups 1 through 18 listed in Chapter 3.1 of the IMDG Code. Even though acids and alkalis are Class 8 commodities, they cannot be stowed in the same cargo transport unit. Exceptions to this rule are shipments in the same unit that have been declared as PGII or PGIII and packaging does not exceed 30 Kg (66 lbs.) or 30 liters, and a test report declares that these substances do not react dangerously.

*The CFR forbids such shipments in the same container unless they are being transported under a special provision.*
1. The following 18 UN identification numbers (and respective proper shipping descriptions) have been DELETED from the IMDG Code and are no longer authorized for transportation:

- UN1014 Carbon dioxide & oxygen mix., comp.*
- UN1015 Carbon dioxide & nitrogen mix., comp.*
- UN1366 Diethylzinc
- UN1370 Dimethylzinc
- UN1979 Rare gases mixture, comp.*
- UN1980 Rare gases & oxygen mix., comp.
- UN1981 Rare gases & nitrogen mix., comp.*
- UN2005 Magnesium diphenyl
- UN2445 Lithium alkyls, liquid
- UN2600 Carbon monoxide/hydrogen mix. Comp.*
- UN2662 Hydroquinone, solid *
- UN3051 Aluminum alkyls
- UN3052 Aluminum alkyl halides, liquid
- UN3053 Magnesium alkyls
- UN3076 Aluminum alkyls hydrides
- UN3052 Aluminum alkyl halides, liquid
- UN3076 Magnesium alkyls
- UN3433 Lithium alkyls, solid
- UN3435 Hydroquinone solution *
- UN3436 Hexafluoroacetone hydrate, solid

*Authorized for domestic transportation under current revision of CFR

2. Revisions to the vessel stowage provisions by adding Segregation Code “52” (stow “separated from acids”) has affected the following:

- UN2733 Amines, flammable, corrosive
- UN2761 Aminopyridines
- UN1005 Ammonia, anhydrous
- UN3318 Ammonia solution
- UN2672 Ammonia solutions
- UN2073 Ammonia solutions
- UN2795 Batteries, dry
- UN2797 Battery fluid, alkali
- UN2682 Caesium hydroxide
- UN2681 Caesium hydroxide, sol.
- UN1719 Caustic alkali liquids, nos.
- UN1160 Dimethylamine solution
- UN2379 1,3-Dimethylbutylamine
- UN2382 Dimethylhydrazine, symmetrical
- UN1163 Dimethylhydrazine, unsymmet.
- UN3253 Disodium trioxosilicate
- UN2491 Ethanolamine (solutions)
- UN2270 Ethanolamine, aqueous
- UN1604 Ethylaminemamine
- UN2386 1-Ethylperadine
- UN2029 Hydrazine, anhydrous
- UN3293 Hydrazine, aqueous sol.
- UN3260 Lithium hydroxide
- UN2679 Lithium hydroxide, sol.
- UN1235 Methylamine, aqueous sol.
- UN1244 Methylhydrazine
- UN2399 1-Methylphenylamine
- UN1813 Potassium hydroxide, sol.
- UN1814 Potassium hydroxide, aqueous sol.
- UN2033 Potassium monoxide
- UN1922 Pyrrolidine
- UN2678 Rubidium hydroxide
- UN2677 Rubidium hydroxide, sol.
- UN1907 Soda lime
- UN1819 Sodium aluminate, sol.
- UN2318 Sodium hydrosulfide
- UN1923 Sodium hydroxide, solid
- UN1824 Sodium hydroxide, sol.
- UN1825 Sodium monoxide
- UN1849 Sodium sulfide
- UN2320 Tetraethylpentanetamine
- UN3073 Vinlypyridines, stabilized

(3) Effective 01 January 2008, all international shipments being transported in accordance with the IMDG Code must be declared beginning with the UN identification number and followed by the proper shipping name, hazard class, and packing group number (if required).

(4) The IMDG Code Class 2 for UN1950 (Aerosols) has been removed and changed to Division 2.1/2.2, as appropriate.

(5) The upper limit for classification of a flammable liquid has been reduced from 61°C to 60°C.

(6) All Class 3 (flammable liquid) shipments transported by vessel require the Flash Point in degrees C (°C). Shrink-wrapped or overpacked shipments must have the “Overpack” label in the event the hazardous material labels are not visible through the overpack.

REMINDER

Beginning July 9th, 2008, Matson’s Wednesday sail ing from Long Beach, California will depart at 4:00 AM.

Hazardous Materials Cut-offs:

- Tuesday — 6:00 PM for paperwork
- Tuesday — 9:00 PM for containers

Advisory Contact

For additional information or clarification on issues in this Advisor, please contact your Matson Account Executive or John Buzga, Matson’s Dangerous Goods Specialist, at (480) 902-5351 or via e-mail at jbuzga@matson.com.