



U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration
Office of Governmental, International and Public Affairs
Washington, D.C.

Enforcement Notice

PHMSA # 9-05
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Pipeline and Hazardous Materials Safety Administration August 2005 Notice of Hazardous Materials Regulations Enforcement

The Pipeline and Hazardous Materials Safety Administration (PHMSA) today gave notice to the regulated industry and its stakeholders of the 20 hazardous materials civil penalty cases it closed in the month of August 2005 for violations of the Hazardous Materials Regulations (HMR) (49 Code of Federal Regulations Parts 171 – 180). For calendar year 2005, PHMSA has closed a total of 291 hazardous materials civil penalty cases and collected \$1,191,706 in penalties.

It is the task of PHMSA's inspection and enforcement staff to improve compliance with the safety and training standards of the HMR by inspecting companies and individuals who offer hazardous materials for transportation or who manufacture, maintain, repair, recondition or test packages authorized for transporting hazardous materials.

Company	SUMMARY	Penalty
ABSOLUTE PROTECTION SYSTEMS, INC. Edison, NJ (Cylinder Retester)	Failed to include the service pressure, percent permanent expansion, result of visual inspection, disposition, and retest operator on re-qualification test records, and failed to include the actual permanent expansion on a calibration record; failed to provide employee security awareness training, or create and retain records of training testing; and failed to calibrate the test equipment at a pressure within 500 psig of actual test pressures. [180.205(g)(3) and (4), 180.215(b), 172.702(a), 172.704(a)(4)] Case No. 05-0218-CR-EA	\$4,840
BORDEN & REMINGTON CORPORATION Fall River, MA (Shipper)	Offered ammonia solutions in an unauthorized out-of-test intermediate bulk container; offered ammonia solutions accompanied by a shipping document that listed expired exemptions in the shipping description; marked the shipping container with an unauthorized exemption number. [180.352(a) and (b), 172.200(a) and (b), 172.202, 172.300(a), 172.301(c)] Case No. 05-0280-SIBC-EA	\$5,600

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CORRO-SHIELD INTERNATIONAL INC. Rosemont, IL (Shipper)	Offered isophoronediamine in unauthorized non-UN standard packaging. [173.203(a) and (c), 173.22(a)(2)] Case No. 04-131-SP-CE	\$3,750
DYNO NOBEL HOLDING USA, INC. Graham, KY (Shipper)	Offered explosives in packaging which was not properly closed; failed to conduct hazmat training; offered hazardous material in packaging not marked with the United Nations certification marking; failed to mark the explosives approval number on the shipping document; failed to list the technical name of the product following a generic shipping name; and offered explosives in unauthorized packaging. [173.22(a)(2), 173.22(a)(4), 172.702(b), 172.704(a)(2), 172.704(d), 172.301(c), 178.503(a), 172.320(a) and (d), 172.203(k), 173.62(a)] Case No. 05-0002-SE-HQ	\$21,755
FLORATINE PRODUCTS GROUP, INC. Collierville, TN (Shipper)	Failed to develop and adhere to a security plan; failed to provide employee training, including security awareness training, or create and retain records of training testing; failed to register with RSPA/PHMSA; offered hydrogen peroxide and peroxyacetic acid mixtures, stabilized, accompanied by a shipping paper that listed additional information prior to the basic description. [172.800(b), 172.702(a), 172.704(a), 172.200(a), 172.201(a)(4), 172.202(b), 107.601(a), 107.608(a) and (b), 107.612(c)] Case No. 05-0285-SB-SO	\$5,400

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GEODRILL, INC. Boyce, VA (Shipper)	Failed to carry a current copy of a DOT exemption aboard each motor vehicle used to transport hazardous materials covered by the exemption; failed to carry a current copy of the Hazardous Materials Certificate of Registration issued by the Research and Special Programs Administration (RSPA) on board the truck used to transport explosives; failed to develop and adhere to a security plan; failed to provide employee training, or create and retain records of training testing; offered ammonium nitrate fuel oil mixture (ANFO), 1.5D accompanied by a shipping paper that described the material with an incorrect shipping and UN identification number; offered explosives and explosive devices accompanied by shipping papers that did not list the applicable unit of measurement or the net explosive mass. [172.800, 172.802(a), 172.702(b), 172.704(a) and (d), 107.620(b)] Case No. 05-0114-SE-HQ	\$13,310
HASSE ENTERPRISES, INC. D/B/A SAFEQUIP Austin, TX (Cylinder Retester)	Failed to verify the accuracy of the test equipment to within one percent of the calibrated cylinder's test pressure and corresponding expansion values. [180.205(g)(4)] Case No. 04-235-CR-SW	\$2,000
HESSEN FORWARDING, LTD. Brownsville, TX (Shipper)	Failed to register with RSPA/PHMSA; failed to develop and adhere to a security plan. [107.608(a), 172.800(b), 172.802(b)] Case No. 04-516-SD-SW	\$3,960
HI PRESSURE CLEANING SYSTEMS, INC. Houma, LA (Shipper)	Failed to create and retain records of employee hazmat training; offered liquid cleaning compound, 8, NA1760, PGII, accompanied by a shipping paper that did not list the shipping name, hazard class, UN identification number, and packing group, and did not provide an emergency response telephone number; Offered liquid cleaning compounds in unauthorized, non-UN standard combination packaging. [173.22(a)(2), 173.24(c)(1), 173.202, 172.200(a), 172.201(d), 172.202(a), 172.704(d)] Case No. 04-207-SB-SW	\$7,250

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INNOVATIVE ADHESIVES COMPANY Kansas City, KS (Shipper)	Offered tars, liquid, 3, in out-of-test unauthorized UN standard intermediate bulk containers. [173.35(a), 178.813(a), 180.352(b)] Case No. 05-0192-SIBC-SW	\$3,080
JEFFCO PRODUCTS San Diego, CA (Shipper)	Failed to develop and adhere to a security plan; failed to register with RSPA/PHMSA. [107.601(a)(6), 107.608(a) and (b), 172.800(a) and (b)(7)] Case No. 05-0202-SD-SW	\$3,630
PADDOCK LABORATORIES, INC. Minneapolis, MN (Shipper)	Failed to develop and adhere to a security plan, and failed to provide security awareness and in-depth security employee training; failed to register with RSPA/PHMSA. [172.800(b), 172.802(a) and (b), 172.704(a)(4) and (5), 107.601(a)(6), 107.608(a) and (b)] Case No. 05-0110-SD-CE	\$5,500
PENNYRILE FIRE SAFETY, INC. Hopkinsville, KY (Cylinder Retester)	Failed to verify the accuracy of the test equipment to within one percent of the calibrated cylinder's test pressure and corresponding expansion values; failed to calibrate the test equipment at a pressure within 500 psig of actual test pressures; failed to conduct recurrent hazmat training for its employees. [180.205(g)(3)&(4), 172.702(a), 172.704(a)(4), 172.704(c)(2), 172.704(d)] Case No. 05-0162-CRS-CE	\$5,140
REAGENTS, INC. D/B/A TENNESSEE REAGENTS Nashville, TN (Shipper)	Failed to develop and adhere to a security plan. [172.800(b)] Case No. 05-0294-SD-SO	\$4,780
ROCHESTER FIRE EQUIPMENT COMPANY Rochester, NY (Cylinder Retester)	Failed to calibrate test equipment prior to test or failed to calibrate the test equipment at a pressure within 500 psig of actual test pressures; failed to maintain complete records of cylinder re-qualification; failed to test cylinders at the required minimum test pressure; failed to provide recurrent employee hazmat training. [180.205(g)(3)(i), 180.205(g)(4), 180.215(b), 180.209(a)(1), 172.702(a), 172.704(c)(2), 172.704(d)] Case No. 04-382-CR-EA	\$8,550

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Company	SUMMARY	Penalty
ROCKFORD INDUSTRIAL WELDING SUPPLY, INC. Crystal Lake, IL (Shipper)	Failed to develop and adhere to a security plan; failed to provide general awareness and function-specific employee training, or create and retain records of recurrent training testing. [172.800(b), 172.802, 172.702(a), 172.704(a) and (d)] Case No. 05-0188-SC-CE	\$3,760
L. M. SCOFIELD COMPANY Douglasville, GA (Shipper)	Failed to develop and adhere to a security plan, and failed to provide security awareness and in-depth security employee training; failed to provide employee training, or create and retain records of training testing; failed to register with RSPA/PHMSA. [172.800(b), 172.702(a), 172.704(a)(1)-(3), 172.704(d), 107.608(a) and (b)] Case No. 05-0205-SD-SO	\$5,760
STOLLER ENTERPRISES, INC. Houston, TX (Shipper)	Failed to mark the proper shipping name and orientation arrows on packages of hazardous materials; offered isopropanol in an unauthorized, non-UN standard packaging. [173.22(a)(2), 173.202, 172.301(a), 172.312(a)] Case No. 03-229-SB-SW	\$8,625
SUPER STONE, INC. Opa Locka, FL (Shipper)	Failed to close drums and boxes in accordance with the manufacturer's closure notification; failed to develop and adhere to a security plan; failed to provide employee training, including security awareness training, or create and retain records of training testing; failed to register with RSPA/PHMSA. [172.800(b), 173.22(a)(4), 173.24(f)(2), 178.2(b)(2), 178.601(b), 172.702(a), 172.704(a) and (d), 107.608(a) and (b)] Case No. 05-0161-SD-SO	\$5,125
VANGUARD FIRE AND SUPPLY CO. D/B/A VANGUARD FIRE AND SECURITY SYSTEMS Grand Rapids, MI (Cylinder Retester)	Failed to calibrate the test equipment at a pressure within 500 psig of actual test pressures; after equipment malfunction, repeated the test at the same pressure, rather than at 10 percent or 100 psi higher (whichever is lower). [180.205(g)(3)(i), 180.205(g)(4), 180.205(g)(5)] Case No. 04-145-CRS-CE	\$4,875

Total number of cases - 20
Total civil penalties - \$126,690

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Hazardous Materials Initiatives and Training:

PHMSA uses a number of tools in meeting its goal to improve hazardous materials safety. Enforcement is but one useful safety tool and training is another. The PHMSA Office of Hazardous Materials Initiatives and Training (OHMIT) provides products and programs that aid the regulated industry's compliance with the HMR. Last year, the PHMSA Hazmat Safety Assistance Team reached over 13,000 individuals in the hazmat community, provided over 330 hazmat awareness presentations, and distributed over 40,000 standard information packets. The OHMIT training program includes Multimodal Hazardous Materials Transportation Training Seminars held throughout the country that drew nearly 1,000 participants last year. Training Seminars are planned for Dallas, TX, December 6-7, 2005; Seattle, WA, March 14-15, 2006; Newark, NJ, May 16-17, 2006; and Chicago, IL, August 22-23, 2006. For more information on hazardous materials seminars and one day work shops, go to the PHMSA hazardous materials web site at <http://hazmat.dot.gov/training/training.htm>.

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