



Final Rule Nov 7, 2018



Use Of Combination Packagings For Solid Materials

PHMSA made changes in 49 CFR 173.24a regarding the use of combination packages that were tested for liquid material to now be authorized for use of solid materials. Prior to this change, the language indicated that a single or composite packaging tested for liquids could be used for solid materials. PHMSA also took into consideration responses



made during the comment period and dropped the language regarding the type of packaging (single/composite) and made it more concise by indicating that packages shall not exceed 400 kg thus encompassing all non-bulk packages.

Limited Quantity Pallets

PHMSA changed the language in 49 CFR 173.156 Exceptions for Limited Quantities and ORM regarding pallets. Previously only wooden pallets were allowed in the exception. PHMSA was petitioned to also include plastic and metal pallets as well. During the comment period, the responses were positive and PHMSA determined through a technical review that there should be no decrease in safety. Along with adding plastic, metal and composite pallets as options, PHMSA also added language to indicate the provision is contingent on the compatibility of the hazardous material and pallet's material of construction.

Borders Are Still A Hot Topic

Following a petition by Labelmaster Services (P-1650), the Pipeline and Hazardous Materials Safety Administration (PHMSA) published a final ruling on November 7, 2018 (83 FR 55798) that addresses printing tolerances to allow printing businesses some flexibility in printing labels and placards. Specifically, the ruling addressed the solid-line inner border that is parallel to the edge that was required to be 5 mm from the outside edge of the label to the outside of the solid line forming the inner border. The ruling added the word "approximately" in front of the "5 mm" in §§172.407(c) and 172.519(c). For labels, the actual size requirement of the border of 2 mm was left in place in the ruling. On November 27, 2018, PHMSA published a notice of proposed rulemaking (83 FR 60970) requesting input on removing the 2 mm border requirement altogether for the labels.

The border will still be required, but the actual sizing requirement may be removed depending on input and how PHMSA will rule on this border topic.



Did You Know?

Emergency Response Numbers

PHMSA changed the language in 172.604(d)(1) to also include relief for Excepted Quantities from the requirement for an Emergency Response Telephone Number. The language already included relief for Limited Quantities.

Electronic Signatures Allowed for Waste Manifests

PHMSA revised 49 CFR 172.205 to permit the use of electronic signatures when completing an EPA form 8700-22 and 8700-22A and also recognizes that the electronic manifest can be used to meet the 3-year retention requirement. This ruling was effective December 7, 2018 (83 FR 55792).

Enjoy the Holidays! Drive Safely!



Final Rule Allows Diabetics to Operate CMVs

The Federal Motor Carrier Safety Administration (FMCSA) announced a final rule permitting individuals with a stable insulin regimen and properly controlled insulin-treated diabetes mellitus (ITDM) to operate a commercial motor vehicle (CMV) in interstate commerce.



Previously, those with ITDM were prohibited from driving a CMV unless they obtained an exemption from the FMCSA. Now the individual can receive a Medical Examiner's Certificate once the assessment is made and the individual is found to have a stable insulin regimen and proper control of their diabetes.

"This final action delivers economic savings to affected drivers and our agency, and streamlines processes by eliminating unnecessary regulatory burdens and redundancy," said FMCSA Administrator Raymond P Martinez.



This ruling eliminates the exemption program for about 5,000 individuals with savings to that group of about \$5,000,000 each year that was spent in maintaining their exemptions. The FMCSA will save about \$1,000,000 each year in costs spent for maintaining the exemption program.

Revising Hours of Service

FMCSA took public Comment on revising current hours-of-service Regulations for Interstate Truck Drivers. The following four areas are under consideration.



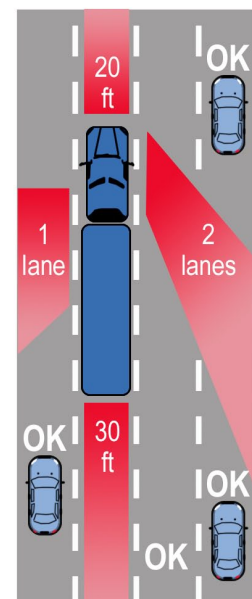
- Expanding the current 100 air-mile "short-haul" exemption from 12 hours on-duty to 14 hours on-duty, in order to be consistent with the rules for long-haul drivers.
- Extending the current 14-hour on-duty limitation by up to two hours when a truck driver encounters adverse driving conditions
- Revising the current mandatory 30-minute break for truck drivers after 8-hours of continuous driving;

- Reinstating the option for splitting up the required 10-hour off-duty rest break for drivers operating trucks that are equipped with a sleeper berth compartment.

If you wish to see the comments that were submitted and gain additional information about these possible changes go to the following link.

<https://www.federalregister.gov/documents/2018/08/23/2018-18379/hours-of-service-of-drivers>

STAY OUT OF BLIND SPOTS



Latest Happenings in the Federal Register

Civil Penalty Increases for 2018

On November 27, 2018 (83 FR 60732) the Department of Transportation (DOT) published a final rule that provided the 2018 inflation adjustment to civil penalty amounts that may be imposed for violations of certain DOT regulations. This rule also finalizes the National Highway Traffic Safety Administration's and the Office of the Secretary's catch-up inflation adjustment interim final rules required by the same Act. The rule is effective November 27, 2018.

PHMSA Proposes Changes to HMRs

On November 27, 2018 (83 FR 60970) the Pipeline and Hazardous Materials Safety Administration (PHMSA) proposed to amend the Hazardous Materials Regulations (HMR) to maintain alignment with international regulations and standards by incorporating various amendments, including changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations, and vessel stowage requirements. These revisions are necessary to harmonize the HMR with recent changes made to the International Maritime Dangerous Goods Code, the International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods by Air, and the United Nations Recommendations on the Transport of Dangerous Goods—Model Regulations. Additionally, PHMSA proposes several amendments to the HMR that would allow for increased alignment with the Transport Canada, Transportation of Dangerous Goods (TDG) Regulations.

Truck and Bus Maintenance Up for Review

On November 27, 2018 (83 FR 60946), the Federal Motor Carrier Safety Administration (FMCSA) announced its plan to submit an Information Collection Request (ICR) to the

Office of Management and Budget (OMB) for its review and approval and invites public comment on "Truck and Bus Maintenance Requirements and Their Impact on Safety." If approved, this ICR will allow for a study that focuses on vehicle maintenance and aims to determine the impact of vehicle maintenance requirements on overall motor carrier safety. This information collection supports the DOT Strategic Goal of Safety. FMCSA requests you send your comments by December 27, 2018. OMB must receive your comments by this date in order to act quickly on the ICR.

FMCSA Seeks Comments on Camera Mount Location

On November 27, 2018 (83 FR 60942) the Federal Motor Carrier Safety Administration (FMCSA) requested public comment on an application for exemption from SmartDrive Systems, Inc. (SmartDrive) to allow an Advanced Driver Assistance Systems (ADAS) camera to be mounted lower in the windshield than is currently permitted. Mounting the camera in this location does not meet the driver's field of view requirements for windshields. The Federal Motor Carrier Safety Regulations (FMCSR) require devices meeting the definition of "vehicle safety technology" to be mounted not more than 4 inches below the upper edge of the area swept by the windshield wipers, or not more than 7 inches above the lower edge of the area swept by the windshield wipers, and outside the driver's sight lines to the road and highway signs and signals. Because the ADAS camera would be mounted outside of the driver's normal sight lines to the road ahead, highway signs, signals or any mirrors, SmartDrive believes that they will maintain a level of safety that is equivalent to, or greater than, the level of safety achieved without the exemption. Comments must be received on or before December 27, 2018.

HOS Exemption for Certain Mobile Crane Operators

November 27, 2018 (83 FR 60948) the Federal Motor Carrier Safety Administration (FMCSA) announced its decision to renew the Specialized Carriers & Rigging Association's (SC&RA) exemption from the 30-minute rest break rule of the Agency's hours-of-service (HOS) regulations for certain commercial motor vehicle (CMV) drivers. SC&RA currently holds an exemption valid through November 1, 2018. The exemption renewal is for five years. All qualifying motor carriers and drivers operating mobile cranes with a rated lifting capacity of greater than 30 tons are exempt from the 30-minute break provision. The renewed exemption is effective through November 1, 2023. Comments must be received on or before December 27, 2018.

NRC Makes Corrections to Title 10

On November 20, 2018 (83 FR 58463) the U.S. Nuclear Regulatory Commission (NRC) amended its regulations to make miscellaneous corrections in parts 26, 30, 40, 50, 70, 73, and 110 of title 10 of the Code of Federal Regulations (10 CFR). These changes include removing obsolete language and correcting references, an appendix, operating hours, a telephone number, an inconsistency in a definition, and an office title. This document is necessary to inform the public of these nonsubstantive amendments to the NRC's regulations. This final rule is effective on December 20, 2018.

Latest Happenings in the Federal Register (cont.)

Propane Haulers Added to 30-Minute Break Exemption

On November 9, 2018 (83 FR 56138) the Federal Motor Carrier Safety Administration (FMCSA), amended its April 9, 2018, Notice of Final Disposition granting a limited exemption to the National Tank Truck Carriers, Inc. (NTTC) and the Massachusetts Motor Transport Association, Inc. (MMTA) from the requirement that drivers of commercial motor vehicles (CMVs) obtain a 30-minute rest break. The Agency granted the limited exemption to drivers of CMVs transporting specified fuels, and failed to include propane gas as a specified fuel as requested by the National Propane Gas Association (NPGA). This notice corrects that oversight. This exemption applies when a driver who normally operates under the 49 CFR 395.1(e)(1) short-haul exception finds that operational issues require him or her to exceed the 12-hour limit of that exception. Drivers operating under this exemption must, however, return to their work reporting location and be released from duty within 14 hours of having come on duty following 10 or more consecutive hours off duty. Additionally, this exemption is limited to motor carriers and drivers engaged in the transportation of the following petroleum products: U.N. 1170—Ethanol, U.N. 1202—Diesel Fuel, U.N. 1203—Gasoline, U.N. 1863—Fuel, aviation, turbine engine, U.N. 1993—Flammable liquids, n.o.s. (gasoline), U.N. 3475—Ethanol and gasoline mixture, Ethanol and motor spirit mixture, or Ethanol and petrol mixture, N.A. 1993—Diesel Fuel or Fuel Oil, U.N. 1075 and U.N. 1978—propane fuels. This exemption from the requirements of 49 CFR 395.3(a)(3)(ii) is effective April 9, 2018 and expires on April 10, 2023.

Concrete Pump Operators HOS Exemption

On November 1, 2018 (83 FR 54975) the Federal Motor Carrier Safety Administration (FMCSA), announced its decision to grant the American Concrete Pumping Association (ACPA) request for exemption from the requirement that short-haul drivers utilizing the records of duty status (RODS) exception return to their normal work-reporting location within 12 hours of coming on duty. The exemption enables all concrete pump operators, concrete pumping companies, and drivers who operate concrete pumps to use the short-haul exception but return to their work-reporting location within 14 hours instead of the usual 12 hours. FMCSA has analyzed the exemption application and the public comments and has determined that the exemption, subject to the terms and conditions imposed, will achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption. Concrete pump operators are now treated the same as drivers operating ready-mixed concrete delivery vehicles as provided in 49 CFR 395.1(e)(1)(ii)(B), which allows drivers of ready-mixed concrete delivery vehicles to rely on the short-haul exception provided they return to their work-reporting locations and are released from work within 14 consecutive hours. This exemption is effective November 1, 2018 and expires October 31, 2023.

NRC Seeks Input on Low-Level Rad Waste Manifest

On October 30, 2018 (83 FR 54620) the U.S. Nuclear Regulatory Commission (NRC) issued for public comment a draft NUREG, NUREG/BR-0204, Rev. 3, "Instructions for Completing NRC's Uniform Low-Level Radioactive Waste Manifest." This document provides

instructions to prepare NRC Form 540 (Uniform Low-Level Radioactive Waste Manifest (Shipping Paper)), NRC Form 541 (Uniform Low-Level Radioactive Waste Manifest (Container and Waste Description)), and NRC Form 542 (Uniform Low-Level Radioactive Waste Manifest (Manifest Index and Regional Compact Tabulation)). NRC Forms 540 and 541 must be prepared for low-level radioactive waste intended for ultimate disposal at a licensed low-level radioactive waste land disposal facility. NRC Form 542 is required only if processors and collectors of low-level radioactive waste are shipping low-level radioactive waste attributed to others for disposal at a licensed low-level radioactive waste land disposal facility. Submit comments by December 31, 2018. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received before this date.

FMCSA: Do Drivers' Schedules Impact Their Performance and Safety?

On October 25, 2018 (83 FR 53945) the Federal Motor Carrier Safety Administration (FMCSA) announced its plan to submit the following Information Collection Request (ICR) to the Office of Management and Budget (OMB) for its review and approval and invites public comment. This ICR is associated with FMCSA's study to investigate how commercial motor vehicle (CMV) drivers' schedules impact overall driver performance and safety. FMCSA needs these data to answer important research questions related to driver schedules and how these affect overall driver performance and fatigue. FMCSA must receive comments on or before December 24, 2018.

Class Schedule December 2018 – March 2019

Course	Date	Location
Federal Motor Carrier Safety Regulations for Drivers	December 11, 2018	Richland, WA
Load Securement for Drivers and Traffic Personnel	December 12, 2018	Richland, WA
Hazardous Material General Awareness Transportation Training	December 13, 2018	Richland, WA
Hazardous Material General Awareness Transportation Training	December 13, 2018	Richland, WA
Hazardous Material General Awareness Transportation Training	December 17, 2018	Richland, WA
Hazardous Material General Awareness Transportation Training	December 20, 2018	Richland, WA
Advanced Hazardous Waste Shipper Certification Training	Dec. 18-20, 2018	Richland, WA
Hazardous Material General Awareness Transportation Training	January 2, 2019	Richland, WA
Federal Motor Carrier Safety Regulations for Drivers	January 3, 2019	Richland, WA
Basic Level Transportation Training – Mod 1 – Basic Hazardous Material	January 7-8, 2019	Richland, WA
Basic Level Transportation Training – Mod 2 – Basic Hazardous Waste	January 9, 2019	Richland, WA
Basic Level Transportation Training – Mod 3 – Basic Radioactive Material	January 9-10, 2019	Richland, WA
IATA: Transportation of Dangerous Goods by Air Shipper Cert Training	January 8-10, 2019	Richland, WA
Basic Level Transportation Training – Mod 1 – Basic Hazardous Material	Jan 14-15, 2019	Las Vegas, NV
Basic Level Transportation Training – Mod 2 – Basic Hazardous Waste	January 16, 2019	Las Vegas, NV
Basic Level Transportation Training – Mod 3 – Basic Radioactive Material	Jan 16-17, 2019	Las Vegas, NV
Load Securement for Drivers and Traffic Personnel	January 15, 2019	Richland, WA
Hazardous Materials Drivers Training	January 16, 2019	Richland, WA
Advanced Mixed Waste Shipper Certification Training	Jan 21-24, 2019	Richland, WA
Hazardous Material General Awareness Transportation Training	January 23, 2019	Richland, WA
Advanced Mixed Waste Shipper Certification Training	Jan 28-31, 2019	Las Vegas, NV
Basic Level Transportation Training – Mod 1 – Basic Hazardous Material	Jan 28-29, 2019	Aiken, SC
Basic Level Transportation Training – Mod 2 – Basic Hazardous Waste	January 30, 2019	Aiken, SC
Basic Level Transportation Training – Mod 3 – Basic Radioactive Material	Jan 30-31, 2019	Aiken, SC
General Packaging Requirements for the Transport of Hazmat	February 5, 2019	Richland, WA
Advanced Hazardous Material Shipper Certification Training	February 5-6, 2019	Las Vegas, NV
Radioactive Material Packaging Training	February 6, 2019	Richland, WA
Hazardous Material General Awareness Transportation Training	February 6, 2019	Richland, WA
Federal Motor Carrier Safety Regulations for Drivers	February 7, 2019	Richland, WA
Explosives Training for Shippers	February 7, 2019	Las Vegas, NV
Advanced Hazardous Material Shipper Certification Training	Feb 12-13, 2019	Richland, WA
Explosives Training for Shippers	February 14, 2019	Richland, WA
Hazardous Materials Drivers Training	February 19, 2019	Richland, WA
Advanced Hazardous Material Shipper Certification Training	Feb 19-20, 2019	Albuquerque, NM
Load Securement for Drivers and Traffic Personnel	February 20, 2019	Richland, WA

Class dates and locations are subject to change

Class Schedule December 2018 – March 2019 (cont.)

Course	Date	Location
Explosives Training for Shippers	February 21, 2019	Albuquerque, NM
Hazardous Material General Awareness Transportation Training	February 21, 2019	Richland, WA
Federal Motor Carrier Safety Regulations for Managers & Supervisors	Feb 26-27, 2019	Richland, WA
IATA: Transportation of Dangerous Goods by Air Shipper Cert Training	Feb 26-28, 2019	Las Vegas, NV
Reasonable Suspicion Training for Supervisors	February 28, 2019	Richland, WA
Advanced Hazardous Waste Shipper Certification Training	March 5-7, 2019	Las Vegas, NV
Federal Motor Carrier Safety Regulations for Drivers	March 6, 2019	Richland, WA
Hazardous Material General Awareness Transportation Training	March 7, 2019	Richland, WA
Load Securement for Drivers and Traffic Personnel	March 12, 2019	Richland, WA
Advanced Hazardous Waste Shipper Certification Training	March 12-14, 2019	Richland, WA
Hazardous Materials Drivers Training	March 13, 2019	Richland, WA
Advanced Hazardous Waste Shipper Certification Training	March 19-21, 2019	Albuquerque, NM
Advanced Radioactive Material Shipper Certification Training	March 26-28, 2019	Los Alamos, NM

Class dates and locations are subject to change

