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Regulated as Class 7 Means Exceeding Both Limits?

Many of you have the definition of Class 7 Radioactive Material memorized from 49 CFR 173.403… Radioactive material means any material containing radionuclides where both the activity concentration (the ACEM) and the total activity in the consignment (the ALEC) exceed the values specified in the table in §173.436 or values derived according to the instructions in §173.433.

The meaning then is that if you exceed both limits, you would be regulated as Class 7. But what if your scenario is a non-radioactive object, where there isn't a concentration to calculate and compare to the limit (ACEM), but has contamination on its surface, then what? In 49 CFR 173.401(b), there are some items that are not regulated by DOT for different reasons even though they are radioactive. In paragraph (5) it states, "Non-radioactive solid objects with radioactive substances present on any surfaces in quantities not exceeding the threshold limits set forth in the definition of contamination in §173.403." Therefore, one thing you need to know to determine if the object would be regulated by DOT is if exceeds the definition of contamination, which in part is "in excess of 0.4 Bq/cm2 for beta and gamma emitters and low toxicity alpha emitters or 0.04 Bq/cm2 for all other alpha emitters." Still, even though the object may exceed the contamination limits, it must also exceed the activity limits for the consignment (ALEC). This was clarified in a letter of interpretation 06-0274.

To summarize, for a radioactive material to be regulated as Class 7 it must exceed both the ACEM and ALEC limits. For a non-radioactive object with contamination on its surfaces to be regulated as Class 7, it must exceed both the contamination and ALEC limits.

https://www.phmsa.dot.gov/regulations/title49/interp/06-0274

EPA e-Manifest Advisory Board Meeting Open to Public

On February 20, 2020 (85 FR 9763) the Environmental Protection Agency (EPA) published a notice about convening the Hazardous Waste Electronic System ("e-Manifest") Advisory Board for a three (3) day public meeting to seek the Board's consultation and recommendations regarding the e-Manifest system (Meeting Theme: "Reengineering Electronic Signatures for Generators and Transporters to Increase Adoption of Electronic Manifests"). The meeting will be held on April 14-16, 2020, from approximately 9:00 a.m. to 5:00 p.m. EDT. Comments. The Agency encourages written comments be submitted on or before March 31, 2020, and requests for oral comments to be submitted on or before April 7, 2020.

Carrier Catches Incorrect Label

Recently, a carrier recognized a package was labeled with a different hazardous label than what was marked on the package. The package was labeled with a 4.1 Flammable Solid label while it had a marking of "UN 1362 Carbon, Activated, 4.2." This is a very good example of why Hazardous Material General Awareness training as required by 49 CFR Subpart H, 172.704 is so important for all employees who meet the DOT definition of a "hazmat employee" as found in 49 CFR 171.8. Anyone who "directly affects hazardous materials transportation safety" is considered a hazmat employee and therefore requires the training found in 172.704 which can be beneficial in helping their company, and possibly other employees, from violating the hazardous materials regulations. The civil assessment of labeling a package "that represents a hazard other than the hazard presented by the hazardous material in the package" could be a whopping $7,000 for just one package! It is understood that human errors can occur from time to time, but it should be appreciated when training of all hazmat employees on general awareness of the regulations could result in discovery of violations so that they don't continue to occur.

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Latest Happenings in the Federal Register

Group Wants Deaf Rule Rescinded

On December 16, 2019 (84 FR 68386) the Federal Motor Carrier Safety Administration (FMCSA), requested public comments on the National Association of the Deaf's (NAD) petition for rulemaking to rescind the requirement for interstate drivers of commercial motor vehicles (CMVs) to be able to hear. NAD also requests that FMCSA amend the requirement that interstate drivers be able to speak, and the rule prohibiting the use of interpreters during the administration of the commercial driver's license (CDL) skills test. NAD believes the origins of the hearing requirement dates to a time of misguided stereotypes about the abilities and inabilities of deaf and hard of hearing individuals and the rules should now be changed. Comments were to be received by February 14, 2020.

Request for Information Concerning Large Truck Crash Causal Factors Study

FMCSA seeks information on how best to design and conduct a study to identify factors contributing to all FMCSA reportable large truck crashes (towaway, injury and fatal). Methodologically, the Agency seeks information on how best to balance sample representativeness, comprehensive data sources, ranges of crash types, and cost efficiency. The methodology should also address the use of on-board electronic systems which can generate information about speeding, lane departure, and hard braking. The study should be designed to yield information that will help FMCSA and the truck safety community to identify activities and other measures likely to lead to significant reductions in the frequency, severity, and crash rate involving commercial motor vehicles. As practicable, the study shall rank such activities and measures by the reductions each would likely achieve, if implemented. This RFI supports a two-part process to gather information for the development of a Large Truck Crash Causal Factors Study (LTCCFS) and to promote transparency and innovation by enabling the public, academics, experts, and industry to comment on how best to conduct this study. This study will help improve FMCSA and its State partners' ability to:

1.Evaluate crashes involving large trucks and identify emerging trends;

2.Monitor crash trends and identify causes and contributing factors; and

3.Develop effective safety improvement policies and programs.

Comments on this notice must be received on or before March 16, 2020.

Camera System Can Now Replace Mirrors

On January 15, 2020 (85 FR 2486) the Federal Motor Carrier Safety Administration (FMCSA) announced its decision to grant Vision Systems North America, Inc.'s (VSNA) application for a limited 5-year exemption to allow motor carriers to operate commercial motor vehicles (CMVs) with the company's Smart-Vision high definition camera monitoring system (Smart-Vision) installed as an alternative to the two rear-vision mirrors required by the Federal Motor Carrier Safety Regulations (FMCSRs). The Agency has determined that granting the exemption to allow use of the Smart-Vision system in lieu

of mirrors would likely achieve a level of safety equivalent to or greater than the level of safety provided by the regulation. This exemption is effective January 15, 2020 and ending January 15, 2025.

Extension of Compliance Date for Entry-Level Driver Training

FMCSA is amending its December 8, 2016, final rule, "Minimum Training Requirements for Entry-Level Commercial Motor Vehicle Operators" (ELDT final rule), by extending the compliance date for the rule from February 7, 2020, to February 7, 2022. This action will provide FMCSA additional time to complete development of the Training Provider Registry (TPR). The TPR will allow training providers to self-certify that they meet the training requirements and will provide the electronic interface that will receive and store entry-level driver training (ELDT) certification information from training providers and transmit that information to the State Driver Licensing Agencies (SDLAs). The extension also provides SDLAs with time to modify their information technology (IT) systems and procedures, as necessary, to accommodate their receipt of driver-specific ELDT data from the TPR. FMCSA is delaying the entire ELDT final rule, as opposed to a partial delay as proposed, due to delays in implementation of the TPR that were not foreseen when the proposed rule was published.

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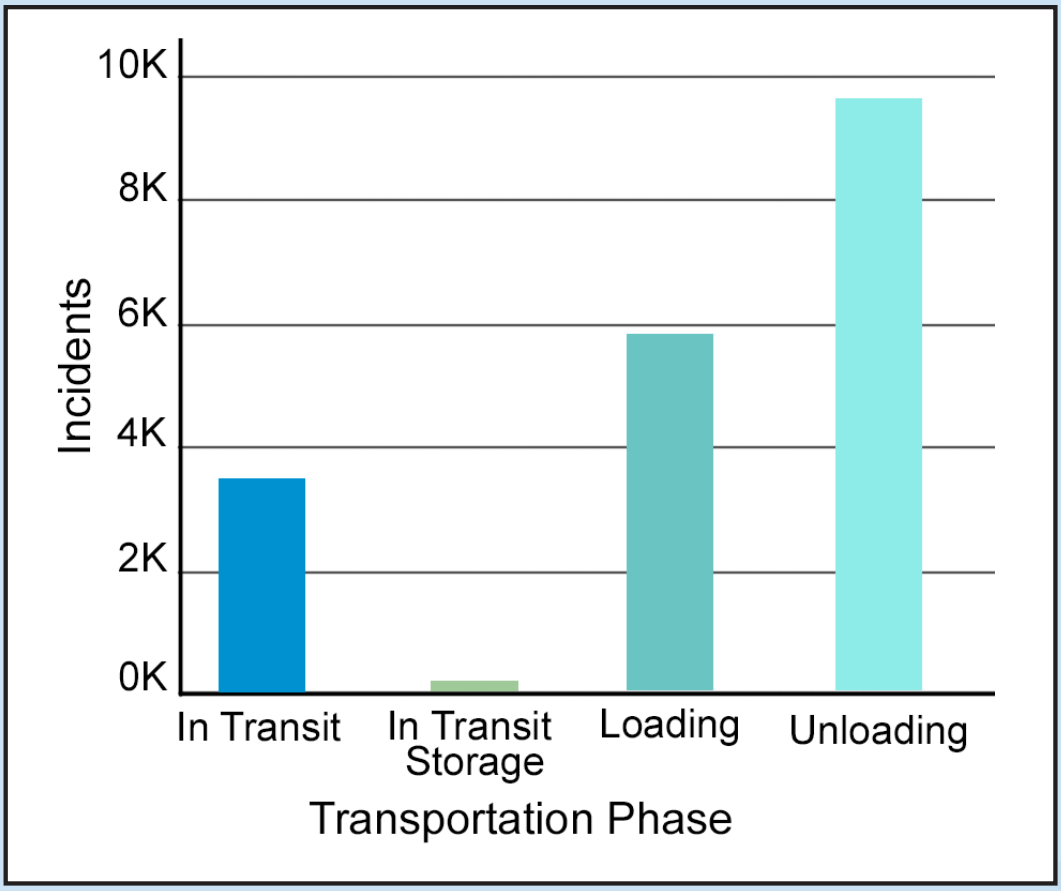
Hazardous Materials Incidents During Highway Transport

Unfortunately, hazardous materials incidents occur during Highway transport. Did you know how often and when do they occur most? Is it during transport? Storage? Loading? Unloading? Here are the stats according to US DOT:

U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration
Office of Hazardous Material Safety
2019 FMCSA-HIGHWAY Hazmat Summary by Transportation Phase
Transportatlon Phase Incidents Hospitalized

Transportation Phase	Incidents	Hospitalized	Non-Hospitalized	Fatalities	Damages
In Transit	3,497	4	26	6	$49,373,862
In Transit Storage	410	0	6	0	$1,705,874
Loading	5,798	4	27	0	$15,912,058
Unloading	9,711	0	77	1	5,586,457



Source: Hazmat Intelligence Portal, U.S. Department of Transportation. Data as of 2/20/2020.

Note: Due to multiple Hazard Classes being involved in a single incident, the totals above may not correspond to the totals in other reports.

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U.S. Transportation Secretary Elaine L. Chao Calls on Transportation Industry to "Put the Brakes on Human Trafficking"

U.S. Transportation Secretary Elaine L. Chao today announced a series of efforts to combat human trafficking in the transportation sector. Secretary Chao was joined by leaders from Congress, state governments, and the transportation industry responding to this call to action.

"The U.S. Department of Transportation is committed to working with our public and private partners to fight human trafficking on America's transportation system," said U.S. Transportation Secretary Elaine L. Chao.

Among the initiatives announced by Secretary Chao is a renewed focus on the **"Transportation Leaders Against Human Trafficking" pledge** to train the transportation workforce and raise public awareness on the issue of human trafficking across all modes of transportation. Secretary Chao is challenging the transportation industry to commit to "100 Pledges in 100 Days." The Department anticipates over 1 million employees across all modes of transportation will be trained because of this initiative.

Human trafficking is modern-day slavery, affecting millions of adults and children in the United States and worldwide. Victims are of every age, race, gender, background, citizenship, and immigration status. Some are trafficked within their own communities on various forms of transportation, while others are transported to new locations.

To amplify counter-trafficking efforts, Secretary Chao established an annual $50,000 award to incentivize individuals and entities, including non-governmental organizations, transportation industry associations, research institutions, and State and local government organizations, to think creatively in developing innovative solutions to combat human trafficking in the transportation industry. The Department will review applications and determine the individual or entity that will most effectively utilize these funds to combat human trafficking.

Secretary Chao also announced $5.4 million in grant selections through the Federal Transit Administration's (FTA) **Human Trafficking Awareness and Public Safety Initiative**. Twenty-four organizations across the country will each receive funding for projects to help prevent human trafficking and other crimes on public transportation. A list of the **selected projects** is available online.

To support the Department's counter-trafficking efforts, the DOT Advisory Committee on Human Trafficking completed a **report** in July 2019 that recommends actions the Department can take to help combat human trafficking and best practices for states and local transportation stakeholders.

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Visit our web site at
www.atkinsglobal.com/energytraining
for course descriptions, pricing,
and registration forms.

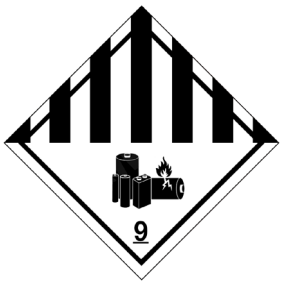
Transport of Lithium Batteries Computer Based Training

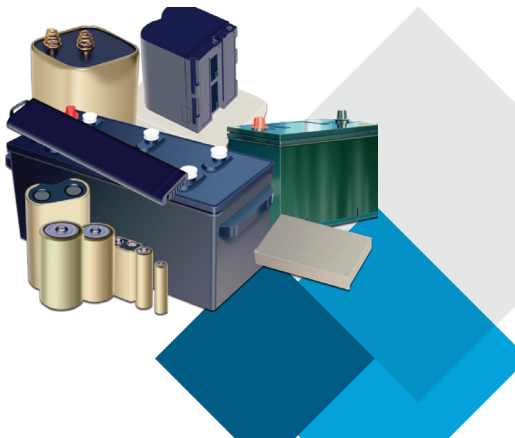
We are pleased to announce that we expect to release "Transport of Lithium Batteries, Computer Based Training" in April, 2020.

This course will be for the transport of Li batteries per 49 CFR and the IATA Regulations. Module 1 will be for transport by highway per the 49 CFR and Module 2 will be for the transport by air per 49 CFR and the IATA regulations.

The safe transport of lithium batteries has been an ongoing concern due to the unique challenges they pose to safety. Unlike other hazardous materials, lithium batteries contain both a chemical and an electrical hazard. When lithium batteries overheat, some can ignite. Once the batteries ignite they can cause any nearby batteries to overheat and catch fire. These fires can be difficult to put out and produce toxic fumes.

The latest regulatory changes were effective March 6, 2019. It aligned the requirements more closely with UN Model Regulations and prohibited all Li cells and batteries as cargo on passenger aircraft.





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Class Schedule March 2020 – June 2020

Course	Date	Location
Hazardous Material General Awareness Transportation Training	March 3, 2020	Richland, WA
Hazardous Materials Drivers Training	March 4, 2020	Richland, WA
Load Securement for Drivers and Traffic Personnel	March 5, 2020	Richland, WA
Basic Level Transportation Training – Mod 1 – Basic Hazardous Material	March 9-10, 2020	Richland, WA
Basic Level Transportation Training – Mod 2 – Basic Hazardous Waste	March 11, 2020	Richland, WA
Basic Level Transportation Training – Mod 3 – Basic Radioactive Material	March 11-12, 2020	Richland, WA
Advanced Radioactive Material Shipper Certification Training	March 10-12, 2020	Richland, WA
Federal Motor Carrier Safety Regulations for Drivers	March 11, 2020	Richland, WA
Load Securement for Drivers and Traffic Personnel	March 12, 2020	Richland, WA
Advanced Radioactive Material Shipper Certification Training	March 17-19, 2020	Las Vegas, NV
Advanced Radioactive Material Shipper Certification Training	March 24-26, 2020	Albuquerque, NM
Advanced Mixed Waste Shipper Certification Training	Mar 30-Apr 2, 2020	Richland, WA
Hazardous Material General Awareness Transportation Training	March 31, 2020	Richland, WA
Load Securement for Drivers and Traffic Personnel	April 1, 2020	Richland, WA
Federal Motor Carrier Safety Regulations for Drivers	April 2, 2020	Richland, WA
Advanced Mixed Waste Shipper Certification Training	April 6-9, 2020	Las Vegas, NV
Hazardous Materials Drivers Training	April 14, 2020	Richland, WA
IATA: Transportation of Dangerous Goods by Air Shipper Certification Trg.	April 14-16, 2020	Livermore, CA
Advanced Mixed Waste Shipper Certification Training	April 20-23, 2020	Albuquerque, NM
Explosives Training for Shippers	April 20, 2020	Pittsburgh, PA
General Packaging Requirements for the Transport of Hazmat	April 21, 2020	Pittsburgh, PA
Radioactive Materials Packaging Training	April 22, 2020	Pittsburgh, PA
Load Securement for Drivers and Traffic Personnel	April 23, 2020	Pittsburgh, PA
Load Securement for Drivers and Traffic Personnel	April 23, 2020	Richland, WA
Hazardous Materials Drivers Training	April 29, 2020	Richland, WA
Hazardous Material General Awareness Transportation Training	May 5, 2020	Richland, WA
IATA: Transportation of Dangerous Goods by Air Shipper Certification Trg.	May 5-7, 2020	Las Vegas, NV
Federal Motor Carrier Safety Regulations for Drivers	May 6, 2020	Richland, WA
Advanced Mixed Waste Shipper Certification Training	May 11-14, 2020	Richland, WA
Load Securement for Drivers and Traffic Personnel	May 20, 2020	Richland, WA
Hazardous Material General Awareness Transportation Training	May 27, 2020	Richland, WA
General Packaging Requirements for the Transport of Hazmat	May 27, 2020	Richland, WA
Radioactive Material Packaging Training	May 28, 2020	Richland, WA

Class dates and locations are subject to change