

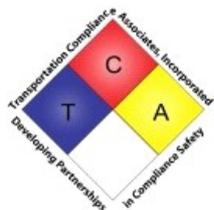
# Transportation Compliance Associates Inc.

Developing Partnerships In Compliance Safety

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## News & Views

### June 2013

#### A Message from the Front Desk...

Dear Friends,

I am proud to say that this month marks the eight-year anniversary of our forming Transportation Compliance. It has been amazing to watch our business grow over that time and I look forward to what the coming years have in store.

Over the past eight years, many events have surrounded the industry in which we immerse ourselves. Each month, as we point out to you, is full of news and challenges – all focused on compliance. Deadlines approaching, regulatory changes occurring, and many businesses are learning what it means to comply with regulatory standards. Safety and productivity go hand in hand and are important components of our daily activity.

Remember, that we are here to serve you. It has been our pleasure to do so. If you have been a client over the years, we thank you for your loyalty. If we have just started our partnership, thank you for allowing us to work with you. We hope to have the opportunity to carry that same great service in the coming years.

Your Partner,  
*Karen Alston*  
President

#### DOT's Annual Registration Deadline Approaches

Hazmat shippers and carriers are required to register and pay an annual fee to the Department of Transportation's Pipeline and Hazardous Materials Administration (PHMSA). This mandate can be found in section 49 of the Code of Federal Regulations (107.601-107.620.)

How do you know if you apply to this regulation? Those who offer for transportation, transport in commerce, or generate hazardous waste in the following categories are required to register. The following is a list of applicability information according to the 49 CFR:

- (1) A highway route-controlled quantity of a Class 7 (radioactive) material, as defined in § 173.403 the chapter;
- (2) More than 25 kg (55 pounds) of a Division 1.1, 1.2, or 1.3 (explosive) material (see § 173.50 of the chapter) in a motor vehicle, rail car or freight container;
- (3) More than one L (1.06 quarts) per package of a material extremely toxic by inhalation ( *i.e.*, "material poisonous by inhalation," as defined in § 171.8 of this chapter, that meets the criteria for "hazard zone A," as specified in § 173.116(a) or 173.133(a) of the chapter);
- (4) A shipment of a quantity of hazardous materials in a bulk packaging (see § 171.8 of the chapter) having a capacity

#### In this Edition:

DOT Registration Deadline!

Retail Giant Makes Costly RCRA Mistake

Maximize Your Product Label Tag Use

and more!

#### Employee Spotlight

TCA's team has more than 300 years of hands-on industry experience. Our professionals have distinguished reputations in the industry and are dedicated to serving our clients. This makes us unique and allows us to customize our services.

This month, meet **Jocelyn Grecko**, Special Projects Coordinator.





**What is your role at TCA?**

I am TCA's Special Projects Coordinator. In that capacity, I communicate TCA's services to the public, help market our services, and coordinate the pursuit and obtainment of government contracts.

**Explain your educational background:**

I earned my Bachelor of Arts in Media and Communications from the Catholic University of America in Washington, DC.

**What is your background in the industry?**

Working at TCA has provided me the opportunity to "get my feet wet" in this industry. In spending a year's time with TCA, I have learned a great deal about the regulations that affect every day operations in both the public and private sectors. My background in communications and government affairs uniquely situates us as we communicate with others. Until joining the team here, I never realized the complexity of the DOT's or OSHA's regulations, or how many people are affected by those regulatory standards. I am certified in both DOT and IATA after completing two of TCA's hazmat trainings.

**Explain the project you are currently working on:**

The two projects I am currently involved in are the composition of this very newsletter and our outreach efforts to help Internet retailers with their compliance challenges. Each month, I am responsible for gathering content and creating our monthly newsletter for delivery to our clients. In my outreach to Internet retailers, I am helping make them aware of the regulations that affect their businesses.

**Why is your project an important part of compliance safety and**

equal to or greater than 13,248 L (3,500 gallons) for liquids or gases or more than 13.24 cubic meters (468 cubic feet) for solids;

(5) A shipment in other than a bulk packaging of 2,268 kg (5,000 pounds) gross weight or more of one class of hazardous materials for which placarding of a vehicle, rail car, or freight container is required for that class, under the provisions of subpart F of part 172 of the chapter; or

(6) Except as provided in paragraph (b) of this section, a quantity of hazardous material that requires placarding, under provisions of subpart F of part 172 of the chapter.

(b) Paragraph (a)(6) of this section does not apply to those activities of a farmer, as defined in § 171.8 of the chapter, that are in direct support of the farmer's farming operations.

(c) In this subpart, the term "shipment" means the offering or loading of hazardous material at one loading facility using one transport vehicle, or the transport of that transport vehicle.

As you can tell, this list indicates that most generators, offerors, and carriers must register annually with the PHMSA. This is a good time to review your inventory and consider how you are warehousing, storing, packaging, and transporting your products as well as making sure your records are up-to-date. In addition to this, if you have registered with the PHMSA, you must also provide the mandated hazardous materials training for your employees. We can help you fulfill your training requirements with [our online, on-site, or webinar training](#).

The list of applicable fees can be found by visiting the [PHMSA website](#). Registration for the 2013-2014 Year must be completed by July 1, 2013. You can register online [here](#).

**Retail Giant Faces Fines for Failing to Comply with EPA and RCRA**

Retail giant Wal-Mart was [recently](#) fined nearly \$82 million for failing to properly handle their hazardous waste.

Wal-Mart's fines are the result of their failure to comply with regulations from the Environmental Protection Agency. Since 2003, the retailer had been disposing products considered hazardous (such as bleach, fertilizer, and trash) into local sewer systems.

EPA standards mandate that hazardous wastes be handled, transported, and disposed of a certain way – treating them as the hazardous wastes they are. All companies, agencies, and personnel have a responsibility for complying with this mandate. In Wal-Mart's case, their practice of disposing waste was not only unsafe, it was also illegal.



André Birotte Jr., U.S. Attorney General for the Central District of California explained, "Retailers like Wal-Mart that generate hazardous waste have a duty to legally and safely dispose of that hazardous waste, and dumping it down the sink was neither legal nor safe. The case against Wal-Mart is designed to ensure compliance with our nation's

## **what we do here at TCA?**

The projects I am involved in are an important part of helping others achieve compliance. Our newsletter is an extension of our services here as we aim to keep our partners up to date on the latest news in the industry. Without receiving these updates or that constant reminder that TCA is here to serve our clients, we would not be able to develop lasting and successful partnerships. We realize that our partners lead busy lives, and that is why we are here to address their compliance needs. Our clients rely on communication - it is essential to informing others and promoting our corporate mission of helping others achieve compliance safety. As I reach out to Internet retailers, I am making them aware of regulations that, chances are, they are not aware of. We educate others and communication is essential to that education.

### **Your thoughts on working at TCA:**

Working at TCA has brought me great challenges and rewards. My role here allows me to expand upon my love of writing and working with others as we piece together corporate communication with the unparalleled service we provide. Our team is great and I am happy to be a part such a successful company.

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## **The Clock is Ticking...**

### **6 Months Left to Learn GHS**



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environmental laws now and in the future.”

In addition to this, Melinda Haag, U.S. Attorney for the Northern District of California, pointed out, “As one of the largest retailers in the United States, Wal-Mart is responsible not only for the stock on its shelves, but also for the significant amount of hazardous materials that result from damaged products returned by customers.” She indicated that the crime committed in failing to comply was the result of not properly handling, storing, and disposing their hazardous materials and waste. She later pointed out, “Wal-Mart is in a position to be an industry leader by ensuring that not only Wal-Mart, but all retail stores properly handle their waste.”

These negligent actions and the costly results make us mindful of the regulations set forth and how compliance not only a safety matter but also a legal matter. Now, Wal-Mart is taking the steps to educate and train their employees on how to handle their hazards.

The [Resource Conservation Recovery Act \(RCRA\)](#) was established in 1976. It is the law that governs the treatment of hazardous waste. The [40 CFR 260.10](#) states that any person, by site, whose act or process produces hazardous waste identified or listed in Part 261 or whose act first causes a hazardous waste is subject to regulation, and therefore, must be trained in the regulations for the treatment of hazardous waste. Companies should strive to avoid the same mistakes Wal-Mart made in an effort to promote safety and the best possible practices for compliance.

A solid foundation and understanding of RCRA will keep operations safe and compliant – contributing to the prevention of costly mistakes. For more information on how to properly, safely, and legally handle your hazardous waste, [talk to a hazmat expert today](#). More information about RCRA training can be found [here](#).

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## **Maximize Your Product Label Tag Use**

Are you aware that when shipping a product, there are other requirements in addition to providing the proper MSDS sheets? Chemical manufacturers and importers must also label containers holding their hazardous materials for the shipping process. This regulation is a part of OSHA's Hazard Communication Standard and has been in practice since 1985.

Labels must contain the following information:

- Product name
- Hazard information (effects and appropriate pictograms)
- Company name, address, and phone number

Although this practice of labeling hazardous materials has been in place since 1985, OSHA often changes their requirements for these labels. It is a good idea to make sure you are aware of the regulations and proper shipping and labeling practices. In many cases, oil refineries

Here are some helpful hints and requirements to keep in mind prior to labeling your containers:

- Labels should be put on imported hazardous materials as soon as practicable.
- In the case where the shipping container is a tank truck, rail car, or the like, the appropriate label may be provided with the shipping papers rather than posted on the container.
- Two labels must be placed on the container.
- These labels should be durable and able to weather

## Happy Birthday TCA!



**This month marks the  
8th Anniversary of our  
formation!**

**Thank to our partners  
for helping make our 8  
years a success.**

**We look forward to  
continuing the same  
great service in the  
coming years!**

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## Have You Joined the Compliance Conversation?



Check out our  
**NEW** Blog!  
[www.LearnHazmat.com/blog](http://www.LearnHazmat.com/blog)

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## Product Label Tags Available

**Order Today!**

different conditions for travel; however, they need not be reused. We suggest keeping labels on hand for each of your shipments.

Are you shipping hazardous materials? Do you ship those materials in bulk? Need help understanding the information required for your labels? We provide custom product label tags. [Contact us](#) for more information.

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## Shipping Internationally? How Do New Census Bureau Regulations Affect You

In March, the Census Bureau published new export reporting requirements. The new requirements are set to take effect January 2014. With the numerous changes set, start getting familiar with the regulations now. Last month, we provided some of these changes. Here is the final listing of key changes made to the requirements.

### International Waters:

- A change in definition has taken place. International waters are now considered, "waters located outside the U.S. territorial sea, which extends 12 nautical miles measured from baselines of the United States and the outside territorial water thereof." In addition to this, "note that vessels, platforms, buoys, undersea systems, and other similar structures that are located in the international waters but are attached permanently or temporarily to a country's continental shelf, are considered to be within the territory of that country."

- Licensed shipments to international waters will be required to have a person designated on the export license. This person must also be the ultimate consignee.

- The Bureau of Industry and Security license exceptions and non-licensed shipments to international waters will require a filer to report the nationality of the person(s) or entity assuming control of the item(s) subject to the regulations.

### Data Elements (two elements were added):

- The value on the license must now be reported
- There are four types of ultimate consignees: direct consumer, government entity, reseller, and other/unknown

If you require assistance or would like more information on international trade and import/export operations, please [contact TCA](#). Our team of trade compliance experts is prepared to answer your questions.

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