

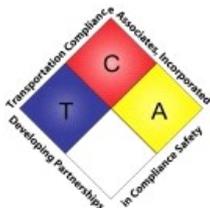
# Transportation Compliance Associates Inc.

Developing Partnerships In Compliance Safety

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## In this Edition:

Learning from Texas

PHMSA Fines Increase

Ways to Improve Your CSA Score

Trade Regulations

and more!



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## 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 **Stacey**

## News & Views

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### May 2013

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

Dear Friends,

Greetings from TCA! I hope this email finds you well and finding success. Success comes in many different forms – achieving personal, financial, educational, and work goals are all excellent ways to measure success. One of the ways in which we measure success here at TCA is by working to achieve safety goals. The goal of compliance safety rests at the heart of what we do here, and our experience allows us to help others operate safely and effectively. I consider it a great success of ours to have contributed to effective compliance programs across the country.

Safety has taken on a new meaning and a greater role since the devastating explosion in West, Texas last month. The unfortunate instance is now causing companies to think differently about how they operate and make sure the necessary programs are in place to help prevent accidents from occurring. This newsletter highlights different safety precautions that need to take place – hopefully leading to greater successes. We always say, “it is better to be proactive than reactive.” I hope you can take proactive steps in your operations.

Please read on to learn more and check out our helpful proactive compliance tips. We are always here to help and provide our support to keep you safe and in compliance.

Your Partner,

**Karen Alston**

President

Transportation Compliance Associates, Inc.

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## Deadly Explosion Causes Safety to be Revisited

Last month's deadly explosion at the Texas fertilizer plant has made the news for multiple reasons – such a severe accident with grave consequences is hard to go unnoticed. At the point of this publishing, the accident has caused 14 deaths, over 200 people injured, and millions of dollars in damage. Investigations have occurred and continue to take place to better understand the root of the problem and how to prevent such accidents in the future.





(AP Photo, Tony Gutierrez)

### What is your role at TCA?

I am TCA's Special Projects Manager. In that capacity, I oversee our many different projects and contracts.

### Explain your educational background:

I earned a Bachelors of Science in Organizational Development and Masters of Science in Organizational Leadership from Geneva College.

### What is your background in the industry?

I spent eight years with Carnegie Mellon University's Software Engineering Institute. That experience provided me a strong background in both course development and content management. In addition to that, I managed the instructor certification program involving over 400 instructors. This required me to interact daily with government, business, and academic constituencies, domestically and internationally. When I joined TCA, they were in the early stages of expanding their services. My strong course management background offered a solid base for a rapid start to growing TCA's training services. In addition to our customized on-site and webinar trainings, I am happy to say that our services have expanded to offer online, computer-based, and DVD format trainings. Looking toward the future, we are now positioned to continue that expansion to safety course trainings.

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

TCA provides hazardous materials classifications to retail and e-retail businesses, based on transportation regulations. In addition to my training expansion role, I also manage our Classification Team. Our largest current classifying project is now in its second year. Our team has reviewed in excess of 46 million products and provided classifications for approximately 6 million of those products. My job is to make sure we meet the deadlines set forth by our customers and make sure the team is trained and up to speed on all new regulations and changes that affect the products we commonly see. For example, we see a lot of batteries being shipped. In the past two years we have seen a dramatic shift from the use of alkaline to lithium batteries. Understanding this shift and the new regulations is essential to the work we do. Communication is an essential part of being successful at hazardous materials classification. The second project I am currently working on is leading the updates to our on-site trainings and the development of our on-line courses. We have always excelled in our customized on-site

It is too late to rewind time and prevent the explosion from taking place, but we certainly can look at the unfortunate occurrence and plan for ways to prevent such tragedies in the future.

So what exactly happened? According to reports, one of the plant's fertilizer tanks exploded tearing through the roof of West Fertilizer Company. The explosion shook the facility and over a 50 mile radius as flames shot through the air. The most current reports indicate that ammonium nitrate is the root cause of the explosion. West Fertilizer housed 54,000 pounds of the chemical at the time. Now, that spot has become over a 90-foot crater. The ignition source of the explosion is yet to be determined.

This explosion raises many chemical concerns. Ammonium nitrate is a dry fertilizer mixed with other fertilizers such as phosphate. It is applied to crops to promote growth. It can be combustible under certain conditions. In fact, the chemical was used as an ingredient in the 1995 Oklahoma City bombing. The proper name for the chemical is UN1005 Ammonia, Anhydrous 2.3 (8) for international and a 2.2 for domestic (U.S.) transportation.



OSHA has mandated that anytime it is transported it is required to have 5 gallons of water to wash off any spills with because it is a corrosive. In addition to this, the chemical is toxic by inhalation and can cause severe respiratory distress. The chemical is a cryogenic liquid. OSHA has set a 15-minute exposure limit for gaseous ammonia of 35 ppm by volume in the environmental air. Recently, the chemical's Immediately Dangerous to Life and Health Level (IDLH) dropped from 500 to 300. The IDLH is the level to which a healthy worker can be exposed for 30 minutes without suffering irreversible health effects. With relatively dangerous effects, the proper safety measures need to take place.

The root of the accident poses questions about whether the facility at West Texas had complied with safety regulations. Was the chemical stored properly? Were there deficiencies within their operations?

Reports indicate that in 2006, the company was charged with a \$2,300 fine. They had also failed to file a risk management program plan on time. Around that same time, they also had a complaint filed against them due to the smell of ammonia. They were also instructed to correct any additional problems at that time.

As West Fertilizer attempted to enforce the policies mandated by the EPA, they obviously experienced some short falls – now unfortunately causing them to be reactive rather than proactive when it comes to compliance and safety.

The severity of the accident should stress the importance of developing a [safety plan](#), risk management programs, as well as an understanding for how chemicals must be stored in a facility.

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## PHMSA Increases Potential Fines for Non-Compliance

trainings, so we decided to expand our services to include online trainings. We have developed online courses to help meet all of our customer's and potential customer's needs.

**Why is your project an important part of compliance safety and what we do here at TCA:**

Transportation safety is the goal of the regulatory agencies and the responsibility of anyone who ships hazardous materials. TCA's goal is to simplify the transportation regulatory process for our clients so that they understand their role. Our training products and classification services provide the tools they need to meet these requirements.

**Your thoughts on working at TCA:**

TCA is a small company that cares about their employees as much as they care about their customers. I have been fortunate to have been given an opportunity to help TCA grow and have seen the differences they have made for their customers. I have seen the teamwork displayed at TCA and I am proud to be part of our team.

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## The Clock is Ticking... 7 Months Left to Learn GHS

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The Pipeline and Hazardous Materials Safety Administration (PHMSA) has increased potential penalties for failing to comply with regulations.

The 49 CFR mandates that all hazmats be transported in accordance with parts 100-185 of the (Hazardous Materials Regulations) HMR. As we explain here at TCA, failing to follow these regulations can lead to serious risks for the public, environment, and property. Penalties for failing to comply are strictly enforced. These increased penalties were set by Congress in July 2012. The PHMSA adopted those changes in the [final rule](#) on April 17, 2013.

The following changes have been issued:

- An increase in the maximum fine possible from \$55,000 up to \$75,000 for knowingly violating the law
- Revising the maximum penalty from \$110,000 to \$175,000 for knowingly violating the law in a way that results in death, serious illness, or severe injury to a person or which causes substantial destruction of property
- Eliminating the minimum civil penalty amount, since most fines are well over the previous set minimum of \$250. However, a minimum penalty will be retained for training violations now set to \$450.

Updated sections of the HMR include:

- Maximum penalties
- Guidelines for civil penalties
- Applicability of hazardous materials regulations to persons and functions

If you have questions, or concerns about these new changes, please call TCA Toll Free: 855-637-9566 or Email [compliance@Hazmat-1.com](mailto:compliance@Hazmat-1.com).

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## CSA Evaluation Criteria – Scoring Tips



Last month, we reported on CSA evaluation criteria and how you can improve your score. How does the driver score using the CSA System?

All drivers are scored in the driver safety measurement system. Drivers are scored independent of carriers (regardless of the carrier, the driver received their individual score.)

Scores are confidential and based on the following BASIC measures:

- Unsafe Driving
- Drug and Alcohol
- HOS Compliance
- Driver Fitness
- Vehicle Maintenance
- HM Compliance
- Crash Indicators

So, how do drivers achieve the best BASIC scores?

- 1.) Good inspections (this makes a difference as violation free inspections are incorporated into the final score.)
- 2.) The lower the score, the better (a good inspection can help lower a pre-existing high score, thus resulting in a lower score.)
- 3.) Remember that your BASIC score is spread throughout your number of inspections.

The best way to avoid a poor score is to avoid violations and take precautions while carrying out your task. This involves maintaining your vehicles, keeping

records in their appropriate locations, and maintaining your training and certification.

If you have questions or concerns about your BASIC score, please contact the compliance experts at TCA. Call Us Toll-Free at 855-637-9566 or Email: [compliance@Hazmat-1.com](mailto:compliance@Hazmat-1.com).

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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. Read on to learn more.

### Split Shipments

- The definition of split shipments has changed to, "a shipment booked for export that is divided by the carrier into more than one conveyance and sent on two or more conveyances of the same carrier from the same port within 24 hours."
- The term applies to all modes of transportation – ground, air, and vessel.

### Exclusions

- AES filing is not required for licenses goods where the country of ultimate destination is the United States or for goods destined to international waters where the person or entity assuming control of the item/s is a United States citizen or permanent resident alien of the United States.
- The exclusion legend is required to be reported on the bill of lading, airway bill, export shipping instructions, or other commercial loading documents.

### Exemptions

- The following exemptions were added: Exports of technical data and defense service exemptions as defined in 22 CFR 123.22 are exempt from the Electronic Export Information filing requirements; Reporting vessels, aircraft, cargo vans, and other carriers and containers when shipping as tools of international trade; Shipments to Army, Diplomatic, and Fleet Post Offices; Shipments exported under License Exception BAG; Specific types of shipments destined for a country listed in Country Group E (includes Cuba, Iran, Iraq, Libya, North Korea, Sudan, and Syria.)
- The following exemptions were removed: Temporary shipments of goods valued over \$2,500 per schedule B or those that fall under 30.2 must be filed in the AES; When reporting temporary exports, report the appropriate export information code for temporary goods; In-bond/in-transit shipments are still covered under the current exclusion.

*Additional regulatory updates are coming your way in June... Check back for more news next month!*

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