

Thanks for the Memories

I don't really know how long I have been running seminars, but it has been a while. Bob, my father started the Hazardous Materials, Substances & Wastes Compliance Seminars in 1972 in conjunction with the American Trucking Association (ATA). Back then, he realized that no one was running a national hazardous material transportation training program. His plan was to develop the training materials and run all of the seminars. Then the American Trucking Association promoted the seminars to their members and shippers of hazardous materials around the country.

The idea was that at the end of the year the two would split the profits. After the first year of running seminars my father and ATA split a small profit, after all the salaries, printing, postage, hotels, mailing list maintenance, office overhead and travel expenses were paid. The second year they split even more of a profit; the third year, the profits were huge.

This went on for three or four more years, growing every year, until, my father told me, someone at ATA figured out (or at least thought they figured out) that they could keep a greater percentage of the profits from the seminar by dissolving the partnership with dad. Then they could have someone already on their payroll (i.e.: lackey) run a similar compliance seminar for them. Our only saving grace was the fact that my father, in the original contract, had insisted, that if the partnership were ever dissolved, he would receive a copy of the ATA mailing list that they had developed over the years to promote the seminars, and which he had been paying half of the cost to maintain over the preceding number of years.

I will never forget going to Washington, D.C. with my father for the American Trucking Association's annual meeting. I was still relatively young and had no interest in attending the meeting, so he dropped me off at the National Air and Space Museum on the Mall. He gave me the bad news when the meeting was over, after he picked me up on the drive home. Distraught but not destroyed, he begged our local banks to lend us as much as they dared. He designed and printed his own brochure, hired Kutztown University students to stuff envelopes, attached the address labels to each envelope, then had his brother Frank, who by the way was my father's identical twin, do the zip code presort on each mail bag and bundle, which we would then throw into the back of my 1973 Dodge Maxi van and drive down to the Post Office. The rest is history!

When I was first hired by dad, I started at the bottom. My job was running the printing presses, printing material for the seminars and our federal register reprint service. Then as the years passed and after hiring a printer to run the presses, I started to take on more of a managerial position. But to be perfectly honest, I really feel that I only truly picked up the mantle of my father in the mid-1980's when I started instructing seminars at our Chicago, Atlanta, Philadelphia, Seattle and San Diego trade shows. Well, Bob, the trade shows and even the ATA seminars have all passed, but of course, not our Seminar, the Compliance Guide or I.

You might be surprised to learn that the Hazardous Materials, Substances and Wastes Compliance Guidebook has grown to almost 2000 pages from the original 200 pages in our first book. This is because in the 1980's, the brand-new Environmental Protection Agency (EPA) Regulations for hazardous waste became law, and my brother Tim encouraged my father to add these groundbreaking regulations to the Hazardous Materials Compliance Guide and Seminars. But it was only when OSHA, the Occupational Safety and Health Administration, came out with the 1910.120 Hazardous Waste Site worker, TSDf worker and Hazmat team regulations, which were added to the Seminar and Guidebook with the 1910.1200 Hazard Communication requirements, that our vision was complete.

Our belief is that it's easy to offer or accept hazardous materials for transportation, to manage and dispose of hazardous waste to safeguard the environment, or to protect your employees from hazardous chemicals in the workplace. Each of these individual tasks by themselves, if you're willing to invest the time and research, are not exceedingly difficult. But your job requires meeting all three, DOT, EPA and OSHA Regulations, for each of your materials and our job is to provide you with the only guidebook and seminar, which ensure your compliance with all three agencies' conflicting and overlapping requirements.

It has not been easy, or always fun, but certainly worth it. The seminars and the Compliance Guide supported and sustained my father through the last 20 years of his life and continue to do the same for me and mine today. We are in your debt for allowing us to be the ones that you have turned to when trying to understand your hazardous materials, substances and waste regulatory compliance issues for the nearly the past 50 years. Thank you.

All of this leads me to the fact that as publisher and seminar instructor, I receive numerous questions on current and upcoming requirements by phone or email, for which I am very grateful. I find it is much easier to ascertain and answer a difficult new question before a seminar when there is time, than during a seminar when there is little or none, which is why no one has ever received a bill or been charged for the time I spend researching and answering their questions. Without these hundreds of questions every year, it would have been impossible for me to fully understand all the information in the Compliance Guide. Without examples or problems, regulations are just words. Again, I want to thank you.

In fact, I recently had a question concerning storage tanks of hazardous chemicals on-site under 29 CFR 1910.1200's Global Harmonization System that I would like to pass on to you. GHS requires that all containers and tanks be properly marked before responsible parties can ship them off-site. That is a fact! But the question was, how must on-site tanks be marked under the 1910.1200 Hazard Communication Requirements. There seem to be two options for storage tanks and individual stationary process tanks. But your first question might be, are on-site tanks considered to be containers? The answer is yes. Whether stationary or fixed, all tanks are containers, even in transportation. All of which I have discussed in previous blogs. See, under the OSHA GHS regulations, a "Container means any bag, barrel, bottle, box, can, cylinder, drum, reaction vessel, **storage tank**, or the like, that contains a hazardous chemical."

However, employers have a few options concerning the requirements for containers and tanks on-site. The first option under the GHS is for the tank owner to treat the on-site tank the same as a shipping container and affix the following information to the storage tank or individual stationary process tank:

- (i) Product identifier;
- (ii) Signal word;
- (iii) Hazard statement(s);
- (iv) Pictogram(s);
- (v) Precautionary statement(s); and,
- (vi) Name, address, and telephone number of the chemical manufacturer, importer, or other responsible party. (Not required on on-site containers)

All of this should seem familiar, because this is the exact same information that must appear on all containers and tanks before they are shipped off-site from manufacturers, distributors and importers, regardless of whether they appear on a label or are clearly marked on the side of the container. However, it seems that this is not necessarily the case for tanks on your site, according to 29 CFR 1910.1200(f)(6) Workplace labeling.

What you may not know, is that the employer has a second option for on-site tanks. If a single six-part label or mark is not used, the second option would be for the product identifier and words, pictures, symbols, or combination thereof, to be marked on the tank, which will provide at least general information regarding the hazards of the chemicals. Then away from, but still near the tank, you must ensure that the specific, required and detailed written hazard communication information that would appear on the six-part container label regarding the physical and health hazards of the hazardous chemical, is immediately available to applicable employees during their work shift.

It should be noted there is a third option if your tank is an individual stationary process container. In this case the employer may use signs, placards, process sheets, batch tickets, operating procedures, or other such written materials in lieu of affixing labels to individual stationary process containers. This, of course, would be contingent on the fact that this alternative method identifies each individual

stationary process container and its contents. Then ensure the GHS hazard communication information on the six-part label, that did not appear on each stationary process container or tank, is immediately accessible to employees in their work area and at all times of their work shift.

There are options when storing containers and tanks on-site that should be considered for each circumstance. What is best for one container or tank may not even be applicable for another. If you have any questions, comments or input on this or any other of my blogs, please feel free to contact us. I can't promise you that I will know the answer right away. But if you can give me a little time and enough information, I think that I will be able to show you the answer to your question. And then as a bonus, I will look really smart when that same question comes up later at one of my seminars.

The new 2017/2018 Hazardous Materials, Substances & Wastes Compliance Guide is now in stock and ready to be shipped out to you. So order now! Or get yours when you sign up for our new seminars which start in September. Don't wait, because last year we sold out. Don't be in violation for using an old Compliance Guide. In the new Guide, there are hundreds of changes to the DOT Hazardous Material Regulations under HM-215N and the first major re-structuring of the EPA Hazardous Waste Regulations in the last 30 years under the new Hazardous Waste Generator Improvements Rule, making your old book out-of-date, which will lead to compliance issues. We also have new websites at www.transportationkills.com to register for seminars and www.hazmatpublishing.com for purchasing the Compliance Guide. Both sites have links to my virtual "Rob's office", where you will find copies of my past blogs and the free Federal Register Reprint Service, along with other complimentary compliance material. But most of all, "Tanks" for the memories, readership, input and support.

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