

News and Information UPDATE for the Industrial Packaging Professional



IPANA NEWS

IPANA Spring Meeting in Greensboro, North Carolina

In the midst of winter, IPANA is looking forward to Spring as we locate our Spring meeting at the [Grandover Resort](#) in Greensboro, North Carolina. The Grandover Resort and Conference Center is nestled among 1500 acres of oak, pine and dogwood covered hills. In the heart of golf country, the resort offers 36 holes of championship golf. The opening day of the conference will feature a golf outing on the property. After the membership and plenary session on the following day, IPANA members will spend the morning at the Ten-E Packing Services testing facility located in nearby High Point. Ten-E will demonstrate the testing of steel drums, plastic drums and IBCs for the membership. This event will also feature a closing golf outing at the [Willow Cree Club](#) for those wishing to extend their stay.

Featured speakers at this event include a keynote presentation by Nick Cienski, the Senior Director of Product Innovation at Under Armour. Nick Cienski is a renowned speaker who has climbed all 6 of the world's highest mountains in an effort to promote Under Armour and their sponsored charity, [Mission 14](#). The Spring conference will feature an emphasis on safety with a presentation by safety expert Charlie Morecraft. Mr. Morecraft comes highly recommended and was a featured speaker at the recent National Safety Council conference. You will not want to miss his compelling message. Mr. Leonard Greenberger of the Potomac Communications Group will provide a timely educational seminar based on his book, *What to Say When Things Get Tough*. In light of the volatile press and social media environment, Mr. Greenberger will help our membership confront these difficult situations. Finally, participating from PHMSA is Tyler Patterson, Senior Attorney, Hazardous Materials Safety Law Division. Mr. Paterson was invited by Ronce Almond, counsel for IPANA, to discuss enforcement issues and gathering of evidence.

In addition to these presentations, IPANA's independent affiliates will meet to address the regulatory, policy and technical challenges facing the various segments of the industrial packaging industry. Registration for this event is expected to open in late February.

There are
12.3 million
Manufacturing
workers in the
United States,
accounting for
9 %
of the workforce

According to the
Bureau of Labor Statistics

IPANA Spring Conference May 1 - 3
Greensboro, North Carolina

IPANA and ISDI Welcome New Member – The ENGY Group

IPANA is delighted to welcome a new member, the ENGY Group – ENGY Southwest Container Products Inc. ENGY is located in Houston, Texas. According to information provided by the company, ENGY is creating the first new US drum manufacturing organization in the last 70 years!

Myers Container Celebrates 100th Anniversary

Led by the fourth-generation leadership, Myers Container celebrates its 100th anniversary. George Myers started the company by washing wooden barrels in 1917. His son, Gib Myers grew the company and then sold to Kaiser Steel in 1968. In 1984, Roger Stavig, married to Prudence Myers (Stavig), bought the company back from Kaiser Steel along with a group of unrelated partners. In 2007, the Stavig brothers and their sister Katrina Roth, acquired Myers Container and Container Management Services. In 2011, the Stavigs added General Steel Drum in North Carolina.

“This milestone marks both our legacy and our future. To be in business for 100 years is extremely gratifying and humbling,” states Kyle Stavig, CEO. “We want to thank all our customers, team members, partners and business communities who have been part of our first 100 years. We are looking forward to continuing our tradition of providing quality, value, service, safety and sustainability to all our stakeholders in the future.”

Update on the Transition

Trump Attacks Regulatory Onslaught

In a series of executive actions President Trump has taken early steps to slow the pace of regulatory activity and reduce regulatory burden. On January 20, the President issued a memorandum to temporarily [freeze issuance of new regulations](#). This will give the new administration the opportunity to review any new or pending regulations. If the regulation had been sent to the Federal Register for publication but not yet published, the agencies were asked to immediately withdraw them for additional review and approval. This action affected the final publication of HM 215N as noted below.

On January 30, an [Executive Order](#) was issued by President Trump with a requirement that for every “new regulation issued, at least two prior regulations be *identified* for elimination, and that the cost of planned regulations be prudently managed and controlled through a budgeting process”. In short, no regulations may be proposed, without inclusion of a regulatory “pay-for” that eliminates 2 existing regulations and offsets the cost of the new rule. The order also clearly states that unless required by law, no new regulation should be issued that was not identified on the Uniform Regulatory Agenda as specified in [Executive Order 12866](#). The order further states that for fiscal year 2017 (currently in progress) the total incremental cost of all new regulations to be finalized shall be no greater than zero, unless exempted by the Director of the Office of Management and Budget (OMB). The military, national security and foreign affairs are exempt from this order. The administration stated that this action is aimed at providing relief for small businesses. According to the NAM, since “regulations are added and rarely reviewed this should help to modernize the US regulatory system”.

PHMSA/DOT NEWS

PHMSA Publishes and Recalls HM215-N

On January 18, 2016, PHMSA notified stakeholders that final rule, [HM-215 N](#) was available for public inspection with final publication in the Federal Register slated for January 26, 2017. Publication was delayed by the flurry of last minute regulations issued by the Obama administration that overwhelmed the Federal

Register. However, in accordance with an [executive order](#) issued by President Trump on January 20, 2017, PHMSA withdrew HM - 215N.

It is possible that Transportation Secretary Chao could release the rule after she is confirmed or the rule could possibly be returned to OMB for further analysis.

This rule is critical for international commerce and is needed to maintain alignment with international 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 Hazardous Materials Regulations 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, the rule contains several amendments to the HMR that result from coordination with Canada under the U.S.-Canada Regulatory Cooperation Council.

PHMSA Adds New Staff to Complete Reorganization

Under former Administrator Dominguez, PHMSA completed [a reorganization](#) of the agency that consolidated and created several new offices prior to the inauguration of President Trump. As part of the reorganization, PHMSA has announced several new hires including the new position of Executive Director. Both the Pipeline and Office of Hazardous Materials (OHMS) Administrator report directly to the Executive Director.

Mr. Howard McMillan was appointed to new position of Executive Director coming from the Department of Homeland Security, U.S. Citizenship and Immigration Services where, since 2008, he served as Chief of the Verification Division, Immigration Records and Identify Services Directorate. As PHMSA's Executive Director and senior career official, Mr. McMillan is responsible for the agency's operations and will oversee consistency of program execution, PHMSA-wide. Prior to being appointed to the Senior Executive Service in December 2003, McMillan served in the U.S. Army, retiring as a colonel, with almost 30 years of decorated service. He also holds a Master's degree in public administration from Harvard University's JFK School of Government, otherwise known as the Harvard Kennedy School.

Also announced, Mr. William Schoonover was appointed Associate Administrator for Hazardous Materials Safety. Mr. William Schoonover, had been serving as Acting Associate Administrator for a most of 2016 and provided leadership to the Office of Hazmat Safety (OHMS) during a period of significant change. Through headline making issues including Samsung phones, hover boards, crude by rail, and many others, he has worked hard to make sure the agency's safety mission comes first. Bill will focus on the implementation of the FAST Act requirements.

BLS Cites Trucking Dangers

The most dangerous profession according to the Bureau of Labor Statistics (BLS) study is truck driving citing 745 truck driver deaths on the job in 2015. The BLS defines a truck driver as someone who operates a tractor-trailer combination or a truck with a capacity of at least 26,000 pounds and has a commercial driver license. There was a decrease in driver deaths from 2014 when 761 fatalities were recorded. "The safety of our drivers, and of all motorists, is of paramount importance to the trucking industry," said Sean McNally, spokesman for American Trucking Associations. "That's why as an industry we invest more than \$9.2 billion in safety technology and training annually. And that investment is having an impact: since 1980, the number of fatal truck-involved crashes has fallen 32%, while the crash rate per 100 million miles has dropped an astounding 74%. Over that time, trucks have a crash rate that is 28% lower than all vehicles on the road." Nearly half the states, 21, reported higher numbers in 2015 than in 2014 while 29 states and the District of Columbia reported fewer. Six states — Alabama, Alaska, Indiana, Maine, Virginia and West Virginia — reported record-low numbers.

The agency also announced the appointment of Tami Perriello as the new Chief Financial Officer for the Pipeline and Hazardous Materials Safety Administration (PHMSA). As PHMSA's CFO, Ms. Perriello serves as the principal fiscal officer with responsibility for direction, coordination and control of PHMSA fiscal plans, programs, policies and complex budget structure. She advises on PHMSA financial management and budgetary matters including the availability of appropriations and allocation of grants and other program funds, audit issues, financial management initiatives, and any matter that could affect the financial resources, while aligning all financial budget objectives with PHMSA's strategic goals. Her other responsibilities include acquisition and information resource management for PHMSA.

Prior to joining PHMSA, Ms. Perriello served as the Associate Administrator for Performance Management and CFO at the U.S. Small Business Administration, a role she held since 2013. Ms. Perriello is a graduate of The Johns Hopkins University and the Rochester Institute of Technology, and holds designation as a certified public accountant. Another new hire is Everett Lott filling the role of Associate Administrator for Administration. In this role, Mr. Lott will manage PHMSA's human resources, contracting, and administrative operations, and work closely with the Chief Financial Officer to align PHMSA's budgetary, human capital, and resource needs. For more than twenty years, Mr. Lott has held positions of increasing responsibility with the Health Resources and Services Administration (HRSA), United States Peace Corps, Government of the District of Columbia, City of San Antonio, and the City of Lubbock. Mr. Lott received his B.A. and M.A. from Texas Tech University and completed additional graduate work at Harvard University.

Elaine Chao Confirmed as Transportation Secretary

As one of the least controversial Trump appointees, Elaine Chao was confirmed as Transportation Secretary on January 31, 2017. Ms. Chao stated that she will focus on the effective enforcement of safety, repairing critical infrastructure and expediting the permitting process. "Given the nation's need to improve critical infrastructure, it is important to find ways to expedite the process of making repairs and building new constructions and decreasing the regulatory burdens when appropriate," Chao wrote in a Senate Commerce Committee questionnaire released Dec. 20, a requirement of administration nominees. "With or without a new infusion of funds, it is necessary to look at the existing processes for infrastructure development and find more efficient ways to address bottlenecks in planning and permitting," she added. Chao brings to this position vast experience in the federal government as she was the labor secretary under President George W. Bush. She has also served as deputy transportation secretary and deputy maritime administrator.

DOL News

OSHA Issues Final Rule Clarifying Recordkeeping

The Occupational Safety and Health Administration (OSHA) has issued a [final rule](#) clarifying an employer's responsibility to create and maintain an accurate record of each recordable injury and illness. The final rule was effective Jan. 18, 2017. "This rule simply returns us to the standard practice of the last 40 years," said former Assistant Secretary of Labor for Occupational Safety and Health Dr. David Michaels. "It is important to keep in mind that accurate records are not just paperwork; they have a valuable and potentially life-saving purpose." The amendments in the final rule do not add new compliance obligations or add any new injuries or illnesses for which records are not already required. The new final rule more clearly states employers' obligation to maintain records for the full five year retention period.

According to OSHA, injury and illness record keeping requirements serve several purposes. The main purpose is to provide information to employees about the hazards in their workplace. The information in the reports also provides employers with accurate information concerning workplace hazards allowing employers to track the effectiveness of their corrective actions and safety programs. The Bureau of Labor Statistics (BLS) also uses the data to develop national statistics on workplace injuries and illnesses.

DOL Overtime Rule Halted

On November 22, 2016, U.S. District Court Judge Amos Mazzant granted a nationwide injunction which prevented the Department of Labor from implementing and enforcing the Overtime Final Rule on December 1, 2016. The Overtime Rule would have made many workers that were formerly exempt eligible for overtime pay.

On December 1, 2016, the Department of Justice on behalf of the Department of Labor filed a notice to appeal the preliminary injunction to the U.S. Circuit Court of Appeals for the Fifth Circuit. The fate of this rule is now in the hands of the Trump Administration and new Congress. Given recent executive actions by the new administration it appears unlikely that the rule will be fully implemented. In anticipation of this rule however, many companies had already phased in the required changes.

INTERNATIONAL NEWS

United Nations Sub-Committee of Experts 50th Session

The 50th Session of the Sub-Committee of Experts met in Geneva, Switzerland in early December 2016. The following results are of interest to IPANA members:

[ST/SG/AC.10/C.3/2016/57](#) Maximum capacity of composite packagings 6HH1 for packing group I

The ICPP had submitted a paper regarding Packing instruction P001 which limits the capacity of plastic drums (1H1) and certain composite packagings, i.e. plastic receptacles in steel or aluminum drums (6HA1 and 6HB1) to 250l in the case of PG1 liquids. However, ICPP noted that, for composite packaging such as a plastics receptacle in a plastic drum (6HH1) the maximum capacity for PG1 is 120 l.

ICPP asked that this contradictory text be eliminated due to market place demand for such packaging. During the session, the UK experts questioned whether the 250l limit was too high for the previously approved packagings such as 6HA1 and 6HB1. However, the other experts overrode the objections from the UK and the proposal was adopted with the UK abstaining from the voting.

[ST/SG/AC.10/C.3/2016/50 UN/SCETDG/50/INF.49](#) Harmonization on Corrosivity: Proposal for Revision of Chapter 2.8 of the Model Regulations

This work came to a conclusion based on the Canadian proposal on corrosivity classification in INF49. A few specific improvements were made to tweak the document. The final proposal accepted the text proposed in INF 49 with removal of the square brackets as that information is reproduced from and harmonized with GHS. A note will also be added to the final text that confirms that the application of the standard would only be for new classifications and therefore not retroactive. Experts from the chemical industry do not expect that the agreed upon proposal will grossly impact the classification of corrosive substances and mixtures with regard to packing group assignment. Industry will need to watch the phase in of this scheme carefully and its effect on packaging choice, especially IBCs.

UN SCTDG 50th Session [Click](#) here for information on working papers



[WP65/WP69/INF56Rev1](#) – Transport of Category A Infectious Wastes

Several proposals were considered at this session for the transport of clinical waste category A (extremely dangerous). Packaging and transport of materials contaminated with the Ebola virus would be an example of a type A clinical waste. The participants put forth a common proposal that had been developed during a lunchtime working group. However, the Subcommittee decided to delay the discussion to the next biennium since a general consensus was not reached. Canada will chair the intersessional working group. Mr. Chris Lind will participate in this new working group. The proposal is focused on larger quantity packaging such as drums.