

KEEPING YOU INFORMED OF REGULATORY CHANGES & UPDATES IN THE TRANSPORTATION INDUSTRY

Important Dates to Remember

June 1, 2022 — Begin using the 2020 Edition IMDG Code Amendment 40-20.

January 01, 2023 — Begin IATA Competency-based Training Standards.

January 01, 2025 — Begin using updated IATA Shipper's Declaration forms.

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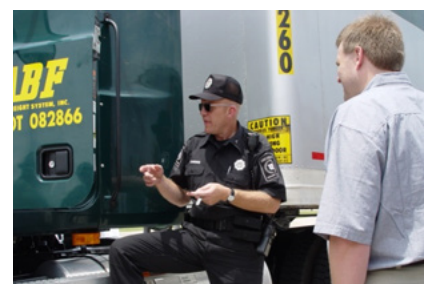
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CVSA Published 2021 Road Blitz Results

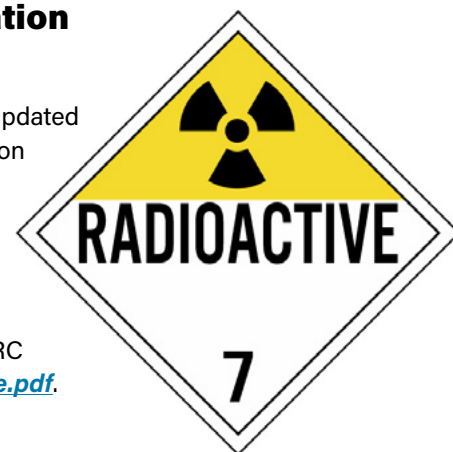


The Commercial Vehicle Safety Alliance (CVSA) reported the results of an unannounced five (5) day North American roadside inspection campaign held June 21 – 25, 2021 by Commercial Motor Vehicle (CMV) inspectors in Canada, Mexico, and the U.S.A. All combined, they inspected 13,471 vehicles transporting hazardous materials (dangerous goods) and identified 2,714 violations relating to hazardous material compliance. The [CVSA online press release](#) outlines the type of violations by country, category, and hazard class.

For the U.S.A., the Pipeline and Hazardous Materials Safety Administration (PHMSA) and the Federal Motor Carrier Safety Administration (FMCSA) uses the annual hazardous material road blitz to promote safety-compliant drivers, shippers and motor carriers that ensure hazardous materials are always appropriately marked, placarded, packaged, and secured while being transported on our roadways.

NRC Updates Advanced Notification Designee List

The Nuclear Regulatory Commission (NRC) has updated the list of individuals to receive advance notification of radioactive material and nuclear material shipments required by either 10 CFR Part 37 (Category 1 and 2), Part 71 (HRCQ) or Part 73 (Spent Nuclear Fuel) on November 22, 2021. This list of States, Territories and Participating Tribes designees can be downloaded from the NRC website at <https://scp.nrc.gov/special/designee.pdf>.



IMO Updates IMDG Code

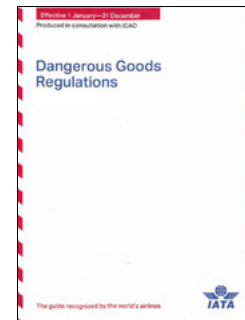
International Maritime Organization (IMO) has issued the 2020 edition of the International Maritime Dangerous Goods (IMDG) Code, including Amendment 40-20. This edition goes into force on June 01, 2022 and may be applied voluntarily as from January 01, 2021 as outline on their [website](#). An updated IMDG

Code Amendment Cycle can also be [downloaded](#) from their website, which graphical describes when each amendment is valid for the years 2017 thru 2026. Concerning radioactive class 7 material, the 2020 IMDG Code incorporates the Regulations for the Safe Transport of Radioactive Material in the [International Atomic](#)



[Energy Agency](#) (IAEA) 2018 Edition Specific Safety Requirements No. SSR-6 (Rev. 1). The cover format in this edition of the IMDG Codes have new graphics and are now bound like school textbooks. The IMDG Code 2018 Edition (including Amendment 39-18) may continue to be used until May 31, 2022.

Changes to the Air Transport Rules



The new edition of the International Air Transport Association (IATA) Dangerous Goods Regulations (DGR) is now available and

will be effective starting January 01, 2022. Check out the list of Significant Changes for the 63rd Edition (2022) at: [IATA DGR Downloads](#). On this list, please note Appendix I has been added to this edition of the DGR to provide details of the impending changes to the 64th edition of the IATA DGR that will go into effect January 01, 2023. If you use Federal Express (FedEx), they added a new requirement in Operator Variation "FX-08" to include a copy of the Shipper's Declaration attached on each package in a consignment. Another noteworthy change is the addition of several terms in Appendix A "Glossary" to coincide with the new Competency-Based Training added in Section 1.5 and fully described in Appendix H. Please be proactive in your IATA Shipping Training Program to include the new on-the-job assessment which ensures everyone is competent in each function they are responsible for. The initial assessment will need to be performed and in everyone's training records by **January 1, 2023**. After the initial assessment, an assessment will also be required at each recurrent training period (at least once every 24 months). Get a copy of the new IATA DGR and be prepared to comply with all these changes.

ROAD SAFETY Art Contest

2021 Road Safety Art Contest Winners

The Secretary of Transportation (DOT) and Federal Motor Carrier Safety Administration (FMCSA) published the winners of the [2021 Road Safety Student Art Contest](#). The annual Road Safety Student Art Contest challenges kindergarten through high school students to design and create motivational artwork providing safety messages for all roadway

users, including truck and bus operators, passenger vehicle drivers, motorcyclists, scooter riders, bicyclists, skateboarders, and pedestrians. Check out this year's artwork winners on the [FMCSA website](#). Please encourage any student you know to submit their art for the 2022 contest by also visiting the [FMCSA website](#) in the Spring.

IAEA Chart of Nuclides App

Have you discovered the International Atomic Energy Agency (IAEA) [Isotope Browser](#) cell phone application (app)? This app provides information on over 4,000 radionuclides and isomers. You can easily navigate nuclear data, decay radiation, the nuclide chart

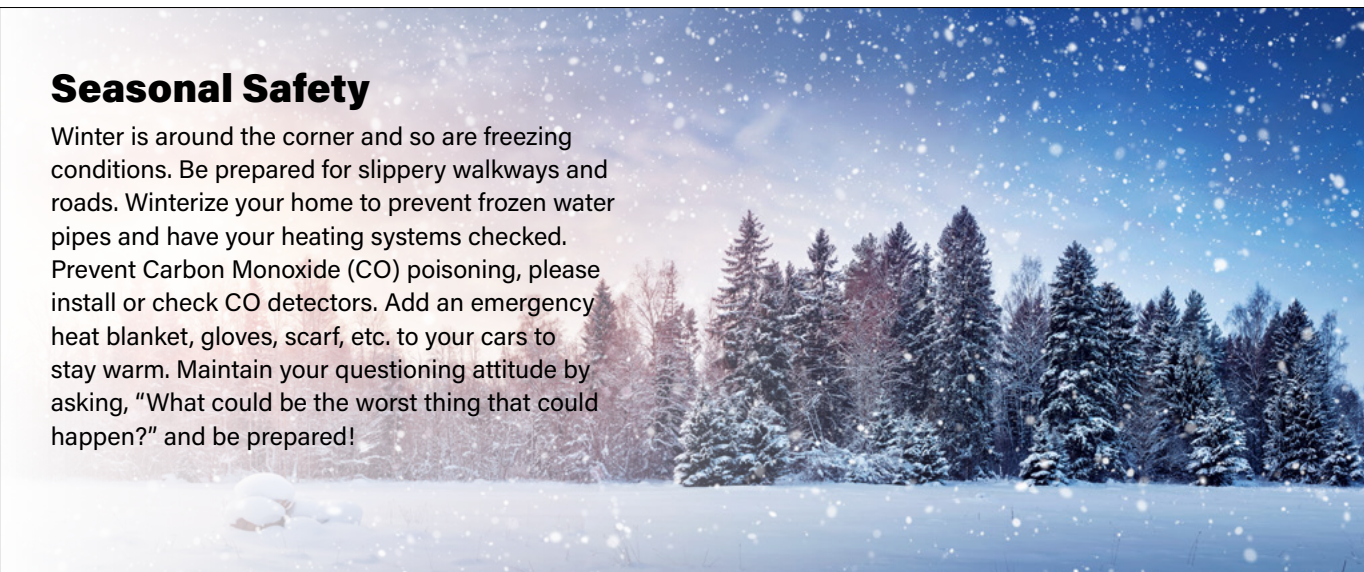
and periodic table. There is also the ability to filter criteria on half-life, decay mode, radiation type and energy. Summary data is presented with web links to the data sources and further. So much information to help in the field of Health Physics. It can

be downloaded for free and available from your cell phone app store. It is provided by the Nuclear Data Section of the IAEA.



Seasonal Safety

Winter is around the corner and so are freezing conditions. Be prepared for slippery walkways and roads. Winterize your home to prevent frozen water pipes and have your heating systems checked. Prevent Carbon Monoxide (CO) poisoning, please install or check CO detectors. Add an emergency heat blanket, gloves, scarf, etc. to your cars to stay warm. Maintain your questioning attitude by asking, "What could be the worst thing that could happen?" and be prepared!



Recent Lessons Learned, Industry Events, and Operating Experiences



Tremendous Tiedowns!?!

Are web tiedowns good for “all” loads? Including loose dirt or gravel? What would be a better way to secure loose material and prevent any loss or spillage from the conveyance? 49 CFR 393.100 requires all shipments to not shift on or leave a Commercial Motor Vehicle (CMV). It is the responsibility of shippers and drivers to ensure all loads are secured in accordance with 49 CFR 393 Subpart I (393.100 – 393.136). NRC licensees are reminded of this requirement in Information Notice (IN) 87-31 and in 10 CFR 71.5.

Precarious Placard!?!



Is this a new hazardous material placard? While the icon in the placard holder may be appropriate for the type of material carried in this truck, is this prohibited per 49 CFR 172.502? DOT also prohibits “Drive Safely” in a placard holder to minimize any possible confusion which could be caused by its color, design, shape, or content with any of the specified hazardous material placards in 49 CFR 172 Subpart F.



Missing Marking!?!

Did you notice anything missing on the orange panel? Does this orange panel meet all the color and size specifications outlined in 49 CFR 172.332(b)(1)? Did it meet the durability requirement in 172.304(a)(1)? It is recommended to properly clean the package surface, apply a good quality spray adhesive and/or use clear packing tape to ensure these markings are maintained during normal conditions of transportation. It is also recommended with dedicated shipments (same vehicle and driver) to provide extra markings to the driver, so they can replace any damaged markings along the way. On another note, did you notice the large and tall “RQ” marking on this bulk package? In a recent DOT letter of interpretation (Reference 21-0036 dated June 8, 2021), if a shipper chooses to include this “non-bulk” package marking (see 172.324) on a bulk package, then the “RQ” marking would need to meet the bulk package marking minimum size requirements outlined in 172.302(b).

FAQ:

Registering with DOT to offer or transport hazardous materials

When do I have to register with the Pipeline and Hazardous Material Safety Administration (PHMSA) per 49 CFR 107.601 if I only ship Radioactive Class 7 Material? Reference # 00-0221; 00-0362; 01-0258

Registration is only requiring for radioactive material shipments that require placarding and shipments containing Highway Route Controlled Quantities (HRCQ).

If registration is required, must each wholly owned subsidiary of a company register?

Reference # 00-0231; 03-0289

Yes. Each subsidiary must register and pay the registration fee separately.

Do I have to register if I choose to placard when not required? Reference # 04-0186, 08-0123, 15-0227

No. These wastes do not meet the DOT definition for a hazardous waste.

When is it appropriate to include the word "solution" or "mixture" at the end of a PSN? Reference # 01-0158

No. Registration is only necessary when required to placard.

If I broker a placarded shipment, will I need to register? Reference # 02-0112; 06-0214

Yes. Registration is required for anyone who performs a regulated function (see 49 CFR 171.1) for a shipment that requires registration (see 49 CFR 107.601).

Must packaging manufacturers register?

Reference # 00-0200

No. Packaging manufacturers do not offer or transport hazardous materials.

Is there any documentation requirements associated with registration? Reference 49 CFR 107.620

Yes, a copy of the filed registration statement and the issued Certificate of Registration must be kept for 3 years at the principal place of business and just a copy of the Certificate of Registration on board each truck for carriers.

DOT letters of interpretation can be found at: <https://www.phmsa.dot.gov> Click on: "Regulations and Compliance" then "Interpretations" Next, you can search by entering the reference number in the search box or search by the applicable regulatory section number, or search by the published date. Do not forget that you have these internet addresses (and many more) in a PDF on our training class e-media handout.

THE LATEST HAPPENINGS



IN THE FEDERAL REGISTER

EPA eManifest Public Meetings

On September 30, 2021 (86 FR 54188), the Environmental Protection Agency (EPA) published a notice in the federal register announcing they will host two (2) virtual public meetings to discuss how to increase adoption of electronic manifests and solicit feedback from stakeholders. The agenda for both meetings will be identical and all stakeholders are encouraged to attend one of the meetings. The meetings will be held on October 27, 2021, and November 3, 2021, from approximately 1:00 p.m. – 5:00 p.m. EST. Additional public meetings may be

added. Please refer to the e-Manifest website at <https://www.epa.gov/e-manifest/electronic-manifest-public-meetings>.

FMCSA Making More 2021 Technical Corrections

On October 14, 2021 (86 FR 57060), the Federal Motor Carrier Safety Administration (FMCSA) published a final rule in the federal register to amend its regulations in 49 CFR Parts 365 - 398 by making technical corrections throughout the Federal Motor Carrier Safety Regulations (FMCSRs). FMCSA is making these minor changes to correct inadvertent errors and omissions,

remove or update obsolete references, and improve the clarity and consistency of certain regulatory provisions. FMCSA is also making nondiscretionary, ministerial changes that merely align regulatory requirements with the underlying statutory authority. Finally, FMCSA is adding two new provisions for transparency relating to agency management and to FMCSA's rules of organization, procedures, or practice, and makes corresponding changes to definitions, addresses, and employee titles throughout the FMCSRs. This final rule is effective October 14, 2021.



THE LATEST HAPPENINGS

IN THE FEDERAL REGISTER

DHS Adjusts 2021 Civil Monetary Penalties

On October 18, 2021 (86 FR 57532), the Department of Homeland Security (DHS) published a final rule in the federal register making the 2021 annual inflation adjustment to its civil monetary penalties. This final rule describes the civil penalties that DHS and its components, the Cybersecurity and Infrastructure Security Agency (CISA), the U.S. Customs and Border Protection (CBP), the U.S. Immigration and Customs Enforcement (ICE), the U.S. Coast Guard (USCG), and the Transportation Security Administration (TSA) can assess for violations according to their respective regulations. DHS includes tables at the end of each section in this final rule, which list the individual adjustments for each penalty. The new penalties will be effective for penalties assessed after October 18, 2021 whose associated violations occurred after November 2, 2015. This rule is effective on October 18, 2021.

EPA Proposes PCB Regulation Changes

On October 22, 2021 (86 FR 58730), the Environmental Protection Agency (EPA) published a proposed rule in the federal register to expand the available options for extraction and determinative methods used to characterize and verify the cleanup of polychlorinated biphenyls (PCBs) waste under the federal Toxic Substances Control Act (TSCA) regulations (also referred to as the PCB regulations in 40 CFR Part 761). These proposed changes are expected to greatly reduce the amount of solvent used in PCB extraction processes, thereby conserving resources and reducing waste. In addition, the proposed changes are expected to result in quicker, more efficient, and less costly cleanups, due to greater flexibility in the cleanup and disposal of PCB waste, while still being equally protective of human health and the environment. EPA also proposes several

other amendments to the PCB regulations, including the amendment of performance-based disposal option for PCB remediation waste; the removal of the provision allowing PCB bulk product waste to be disposed as roadbed material; the addition of more flexible provisions for cleanup and disposal of waste generated by spills that occur during emergency situations (e.g., hurricanes or floods); harmonizing the general disposal requirements for PCB remediation waste; and making other amendments to improve the implementation of the regulations, clarify ambiguity and correct technical errors.

Comments initially must be received on or before December 21, 2021. EPA published an extension to January 20, 2022 in the federal register on December 20, 2021 (86 FR 71862).

NIOSH Personal Protection Tech Center

On November 02, 2021 (86 FR 60462), the National Institute for Occupational Safety and Health (NIOSH) within the Centers for Disease Control and Prevention (CDC) published a request for information in the federal register asking the public to comment on the need to establish centers of excellence to address research and practice needs in the area of personal protective technology (PPT), including personal protective equipment (PPE). NIOSH is exploring the establishment of centers of excellence dedicated to advancing PPT and serving as knowledge hubs where experts from multiple disciplines, industry representatives, and other interested parties/groups collaborate on PPT research and practice. NIOSH is seeking input on three (3) broad focus areas and eight (8) questions. Comments must be received by January 31, 2022.

FMCSA Adds Rear Impact Guard Inspections

On November 09, 2021 (86 FR 62105), the Federal Motor Carrier Safety Administration

(FMCSA) published a final rule in the federal register to amend its regulations in 49 CFR Parts 393 & 396 to include rear impact guards on the list of items that must be examined as part of the required annual inspection for each commercial motor vehicle (CMV). In addition, FMCSA amends the labeling requirements for rear impact guards, and excludes road construction controlled (RCC) horizontal discharge trailers from the rear impact guard requirements, consistent with changes made by the National Highway Traffic Safety Administration (NHTSA) to the corresponding Federal Motor Vehicle Safety Standards (FMVSS). This final rule responds to rulemaking petitions, as well as a recommendation from the Government Accountability Office (GAO). This final rule is effective December 9, 2021.

NRC Amends 10 CFR Parts 9 - 110

On November 30, 2021 (86 FR 67839), the U.S. Nuclear Regulatory Commission (NRC) published a final rule in the federal register amending its regulations to make miscellaneous corrections in 10 CFR Parts 9, 37, 40, 50, 51, 52, 55, 71, 73, and 110. These changes include correcting a grammatical error, punctuation, a reference, formatting, a mathematical formula, and spelling; clarifying language; revising contact information; and updating an authority citation and internal procedures. This document is necessary to inform the public of these non-substantive amendments to the NRC's regulations. This final rule is effective on December 30, 2021.

Proposed US Waters Definition Change

On December 07, 2021 (86 FR 69372), the Environmental Protection Agency (EPA) and the Department of the Army, Corps of Engineers ("the agencies") published a proposed rule in the federal register seeking public comment on changes to defining

THE LATEST HAPPENINGS



IN THE FEDERAL REGISTER

the scope of waters protected under the Clean Water Act. This proposal is consistent with the Executive Order signed on January 20, 2021, on "Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis," which directed the agencies to review the agencies' rule promulgated in 2020 defining "waters of the United States" in 33 CFR Part 328 and 40 CFR Part 120. This proposed rule would meet the objective of the Clean Water Act and ensure critical protections for the nation's vital water resources, which support public health, environmental protection, agricultural activity, and economic growth across the United States. Comments must be received on or before February 7, 2022.

TSA 2020 Enforcement Summary

On December 08, 2021 (86 FR 69670), the Transportation Security Administration (TSA) published a notice in the federal register that it has issued an annual summary of all enforcement actions taken by TSA during the 2020 calendar year. This annual summary includes identifying information of each enforcement action, the type of alleged violation, the penalty or penalties proposed, and the final assessment amount of each penalty.

Proposed RCRA Notification Changes

On December 16, 2021 (86 FR 71482), the Environmental Protection Agency (EPA) published a notice in the federal register inviting the public to comment on allowing modern electronic alternatives for public notification in implementing Subtitle C of the Resource Conservation and Recovery Act (RCRA). Specifically, this notice communicates the EPA's interpretation that the RCRA and EPA regulatory provisions that require newspaper notice for certain actions (e.g., permit issuance) can be satisfied by notice in qualifying online newspapers,

as well as print newspapers. The EPA is also requesting comment regarding whether online mechanisms that might not typically be viewed as newspapers, such as bulletins or newsletters published online by state environmental agencies, could also satisfy these requirements. This notice further explains the EPA's view that the EPA in appropriate cases can authorize state regulations that provide for equivalent notice mechanisms other than newspaper publication for actions other than permit issuance (permit modifications for example). Finally, this notice requests comment on whether EPA should amend its regulations to allow for more flexibility in providing notice of permit actions and other RCRA actions. Comments must be received on or before February 14, 2022.

DOE Affirms HLW Interpretation

On December 21, 2021 (86 FR 72220), the U.S. Department of Energy (DOE) published a notice in the federal register affirming its interpretation of the statutory term "high-level radioactive waste" (HLW) as defined in the Atomic Energy Act of 1954, as amended (AEA), and the Nuclear Waste Policy Act of 1982, as amended (NWPA). The HLW interpretation (HLWI) is consistent with the law, the best available science and data, and the recommendations of the Blue Ribbon Commission on America's Nuclear Future. In developing the HLWI, the views of members of the public and the scientific community were considered. DOE interprets the statutory term "HLW" to mean that not all wastes from the reprocessing of spent nuclear fuel (reprocessing wastes) are HLW. DOE interprets the statutory term such that some reprocessing wastes may be classified as not HLW (non-HLW) and may be safely disposed of in accordance with its radiological characteristics.

FMCSA Updates 49 CFR Part 385 Reference

On December 09, 2021 (86 FR 72851), the Federal Motor Carrier Safety Administration (FMCSA) published a final rule in the federal register to amend its Hazardous Materials Safety Permits regulations in 49 CFR Part 385 to incorporate by reference the updated Commercial Vehicle Safety Alliance (CVSA) handbook containing inspection procedures and Out-of-Service Criteria (OOSC) for inspections of shipments of Transuranic Waste (TRU) and Highway Route Controlled Quantities (HRCQ) of radioactive material. The OOSC provide enforcement personnel nationwide, including FMCSA's State partners, with uniform enforcement tolerances for inspections. Through this rule, FMCSA incorporates by reference the April 1, 2021, edition of the handbook. This final rule is effective February 22, 2022.

TSA Requests Rail Security Comment

On December 23, 2021 (86 FR 72990), the Transportation Security Administration (TSA) published a notice in the federal register inviting public to comment on one currently approved Information Collection Request (ICR), Office of Management and Budget (OMB) control number 1652-0051, abstracted below that we will submit to OMB for an extension in compliance with the Paperwork Reduction Act (PRA). The ICR describes the nature of the information collection and its expected burden. The collection involves the submission of contact information of security coordinators (SCs) and alternate SCs from certain freight rail and passenger rail entities; reporting of significant security concerns; documenting the transfer of custody and control of certain hazardous materials rail cars; and providing location and shipping information for certain hazardous materials rail cars. Send your comments by February 22, 2022.

2022 Commercial Open-Enrollment Training Schedule

Radioactive Class 7 Material Packaging, Transportation & Disposal Regulatory Compliance Courses

All DOT/NRC training courses meet the requirements of 49 CFR Part 172 Subpart H and NRC IE Notice 79-19

COURSE	DATE	CEU**	TUITION	LOCATION
DOT/NRC Radioactive Waste Packaging, Transportation & Disposal	Feb. 14-17	32	\$2,045	Mount Pleasant, SC
Air Transport of Radioactive Materials (IATA/DOT)	Feb. 18	6	\$985*	Mount Pleasant, SC
DOT/NRC/EPA Hazardous Waste/ Mixed Waste Packaging, Transportation & Disposal	Mar. 21-25	40	\$2,195	Salt Lake City, UT
Clive Disposal Site Facility Tour	Mar. 24	--	\$0	Clive, UT
DOT/NRC Radioactive Waste Packaging, Transportation & Disposal	Apr. 25-28	32	\$2,045	Surfside Beach, SC
Air Transport of Radioactive Materials (IATA/DOT)	Apr. 29	6	\$985*	Surfside Beach, SC
DOT/NRC Radioactive Waste Packaging, Transportation & Disposal	Jun. 6-9	32	\$2,045	San Diego/Del Mar, CA
Air Transport of Radioactive Materials (IATA/DOT)	Jun. 10	6	\$985*	San Diego/Del Mar, CA
DOT/NRC/EPA Hazardous Waste/ Mixed Waste Packaging, Transportation & Disposal	Jul. 11-15	40	\$2,195	Clinton, TN
Bear Creek Operations (BCO) Facility Tour	Jul 14	--	\$0	Oak Ridge, TN
DOT/NRC Radioactive Waste Packaging, Transportation & Disposal	Aug. 1-4	32	\$2,045	Orlando, FL
Air Transport of Radioactive Materials (IATA/DOT)	Aug. 5	6	\$985*	Orlando, FL
DOT/NRC Radioactive Waste Packaging, Transportation & Disposal	Oct. 17-20	32	\$2,045	Hilton Head, SC
Air Transport of Radioactive Materials (IATA/DOT)	Oct. 21	6	\$985*	Hilton Head, SC
DOT/NRC/EPA Hazardous Waste/ Mixed Waste Packaging, Transportation & Disposal	Nov. 7-11	40	\$2,195	Clinton, TN
Bear Creek Operations (BCO) Facility Tour	Nov. 10	--	\$0	Oak Ridge, TN
DOT/NRC Radioactive Waste Packaging, Transportation & Disposal	Dec. 5-8	32	\$2,045	Henderson, NV
Air Transport of Radioactive Materials (IATA/DOT)	Dec. 9	6	\$985*	Henderson, NV

* If an IATA class is taken in conjunction with the DOT/NRC class during the same week, there is a multi-class discount

** The American Academy of Health Physics (AAHP) has preapproved continuation education credit hours for these courses