

*Editor's Note:* The format and the “look” of the RIPA Newsletter is in transition: Part of the association’s larger ongoing Communications Campaign that will include a RIPA presence in social media and an outreach to key decision makers in business, government and the media. Look for a new, “modernized” format coming soon!

### **RIPA ENJOYS SUCCESSFUL TECHNICAL CONFERENCE IN THE SUNNY SOUTHWEST**

Over 120 RIPA members and their guests convened at the scenic Hilton Embassy Suites Hotel April 23-25, 2017 in Phoenix / Scottsdale, Arizona. Under the sunny southwest skies, members enjoyed social events, educational sessions, Product Group meetings and extensive networking among colleagues and old friends. Also, the RIPA Board of Directors met in an open session attended by a record number of member observers. Interest in the association and its mission seemed higher than ever.



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### **INTERESTED PARTIES ADDRESS CONGRESS ON REGULATORY REFORM ISSUES**

As part of President Trump’s efforts to cut government regulations and reorganize federal agencies, a key Congressional Subcommittee that focuses on hazardous materials transportation issues held a hearing on April 26, 2017 to determine if safety regulations can or should be reformed to encourage innovation and expand business opportunities.

RIPA President Paul Rankin was one of six witnesses invited to brief the Subcommittee on Railroads, Pipelines, and Hazardous Materials about how to reform the regulatory process. Rankin currently serves as Chair of The Interested Parties for Hazardous Materials Transportation (IPs), which is a coalition of 46 organizations interested in legislative and regulatory issues related to the safety and security of hazardous materials transportation. Other witnesses included representatives from rail and pipeline companies, as well as a rail labor union.

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The conference kicked off with a lively reception hosted by RIPA's Supplier Members. Each year, Supplier Members support the spring Technical Conference to make it a more lavish event. Many thanks to them for their generosity and support! Also, thanks to Mike Bank for providing live music courtesy his band Parkin' Lot, which also features Al Haeger and "Lefthand Dan" Baltz. A good time was had by all!

#### Steel Drum Product Group

The business sessions began with a meeting of the Steel Drum Product Group. Chair Barry Wingard and RIPA's Technical Director, C.L. Pettit, led discussions on the periodic UN qualification testing for certain steel drum design types. Members also were advised of RIPA's recent submission to DOT of a petition for rulemaking that, if adopted, would include in the regulations ultrasonic testing as an approved leakproofness test method. This would make the method available to anyone. Currently, only a few firms have taken the arduous path of getting an individual Approval from DOT.

The group agreed that it might be time to take another look at remanufactured open heads with 1.1/.8/1.1 marks to see how they might fare in some trial testing. Some members have come to the conclusion that the "right" combination of lids, rings and gaskets could produce very promising results. Several people volunteered to participate in a testing project that will take place this summer in Chicago in tandem with the summer Board of Directors meeting (TBA).

#### IBC Product Group

The IBC Product Group met to discuss "selective testing" (i.e., reduced testing) for differing gaskets in IBC caps, annual certification of certain design types, and a proposed "empty IBC" management approach.

The group also discussed the potential ramifications of a proposal to OSHA made by the industry group *PackSafe* (Industrial Packaging Safety Alliance) which would amend OSHA regulations on storage of flammables and combustibles to reflect current policies of the National Fire Protection Association (NFPA). Some observers are wondering whether the changes would affect the current use of composite IBCs for a variety of materials classified as combustibles. (RIPA's Board supports a public notice-and-comment period for the rule if it is proposed. See more on page 7 of this newsletter.)

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### Product Group Plenary Session

The day's events also included a Product Group Plenary Session with topics of discussion of interest to virtually all members of the association. These included driver and truck issues such as implementation of a rule mandating Electronic Hours-of-Service Logging Devices. Other topics included the now somewhat dimmed prospects for an expansion of employees eligible for overtime pay.

C.L. Pettit reported on a PHMSA initiative to assign all reconditioners an "M" number for identification purposes, although existing "R" numbers can still be used to mark hazmat packagings. Significantly, members were advised that all "M" numbers will eventually be subject to a mandatory 5-year renewal cycle.

RIPA President Paul Rankin guided attendees through the results of a recent survey of members which sought to assess the effectiveness of RIPA's messaging and communications tools. One of the goals is to identify opportunities to invest in those messages and tools which will deliver the greatest benefit in return.

Paul also discussed the recent events flowing out of press reports on reconditioning operations that were instigated by a "whistle blower" ostensibly working on the company's behalf. Paul offered attendees many words of wisdom on how to properly respond to such a situation should it arise again.

### Board of Directors Meeting

The RIPA Board of Directors met to review policies on certain regulations and standards, as well as planning budget, future conferences and new projects. The Board and Chair, Dan Burek, were pleased to report that the association's financial, structural and operational footings remain sound.

### Main Speakers Program

The following morning featured the Main Speakers Program. Mr. Jim Curtis, a labor and employment attorney, advised attendees on a range of worker safety rules and OSHA enforcement practices. He offered advice on how to be prepared for and respond to a visit by OSHA inspectors. See [HERE](#) a copy of his informative slide presentation.





...“Conference” continued from page 3

Next up was a 3-person panel from the Western Regional Office of DOT / PHMSA led by Mr. Jack Whitley and assisted by Field investigators Kimberly Flores and Bill Arrington.

PHMSA was very open to suggestions from the audience for ways to improve compliance and overall safety. At one point, they even insisted they were “writing it down” so they could discuss key issues with officials in Washington, DC. One suggestion offered was that the agency should perhaps bring more scrutiny to bear on emptiers who ship hazmat packagings off-site without first assuring

that they are legally “empty”. PHMSA responded that such practice could be tantamount to shipping “undeclared shipments” which could be a serious hazmat violation.

Attendees appreciated the opportunity to exchange ideas with the agency in an open and relaxed environment.

The last speaker of the day was Mr. Dave Kolstrom who spoke about using social media tools to maximize business development. He described a number of real-world cases where business professionals were able to reach colleagues and customers with an optimal and productive social media strategy.



**MEMBERSHIP REPORT**

RIPA is pleased to announce the acceptance of membership as a Reconditioner Member:

Carolina Drum, LLC  
 P.O. Box 774  
 Reidville, SC 29375  
 864-680-5043  
[www.carolinadrumcompany.com](http://www.carolinadrumcompany.com)  
 Mr. Ryland Burch, Owner



....."IP Testimony" from page 1

In his opening remarks, Committee Chairman Jeff Denham (R-CA) expressed concern about the "burden of regulations" on industry, noting that the number of rules issued by DOT had nearly "doubled since 2000." Denham also explained that transportation safety is his top priority, but new regulations are not always needed to ensure safety. Committee Ranking Member Peter DeFazio (D-OR) disagreed with Denham, saying that regulation is "...essential to the public interest."

Speaking on behalf of IPs, Rankin told the Subcommittee that the group supports "reasonable regulation" because no hazardous material can be transported "unless authorized by a regulation, special permit or approval." In addition, the IPs support maintaining PHMSA as the central governmental focal point for hazmat regulation.

Rankin explained that harmonized federal and international regulations are needed to ensure the free-flow of hazardous products in commerce. "Imagine if the Nation's roughly 89,000 local jurisdictions could "regulate differently the delivery of a common hazardous material, such as gasoline," said Rankin in a bid to make the case for federal preemption of hazmat regulation.

Rankin thanked the Committee for developing legislation (MAP – 21) that directed PHMSA to review Special Permits that had been in effect for 10-years or longer and incorporate many of them – nearly 100 - into the Hazardous Materials Regulations (HMR). The IPs would like Congress to require PHMSA to conduct a similar review of Special Permits annually to significantly reduce staff work while still protecting transportation safety.

The IPs made a point of supporting the work of PHMSA in various international forums, particularly the U.N. Sub-committee of Experts on the Transport of Dangerous Goods (UNSCETDG), which is presently chaired by a U.S. DOT representative. The IPs also want to see PHMSA named as the lead agency to the ICAO Dangerous Goods Panel (DGP). Today, PHMSA and the Federal Aviation Administration share this responsibility.

Copies of the IP testimony are available on [RIPA's web site](#). Watch a video of the hearing [HERE](#) .



## **DOT MOVES FORWARD ON TWO RIPA RULEMAKING PROPOSALS**

The Pipeline and Hazardous Materials Administration (PHMSA) has accepted two petitions for rulemaking submitted by RIPA which address: 1) ultrasonic testing of packagings; and, 2) the amount of coating material allowed to remain on reconditioned steel drums.

Policies enacted by the new administration have slowed the rulemaking process at federal agencies, so it is not possible to know when the Agency will publish the proposals. Nonetheless, RIPA President Paul Rankin is happy that the petitions are moving forward. “We feel pleased that PHMSA sees merit in the two proposals, and we are confident that public comments will support our petitions,” said Rankin.

### **Steel Drum Coatings**

RIPA has asked PHMSA to revise the Hazardous Materials Regulations (HMR) to allow small amounts of external coatings and labels to remain on reconditioned drums after cleaning. The current rule requires removing “any” external coatings and labels, which in recent years has been interpreted by PHMSA enforcement officials to require the removal of every bit of coating and adhesive material “down to the molecular level.”

In its petition for rulemaking, RIPA argued that the new interpretation was unrealistic, ignored decades of common industry practice and did nothing to promote or ensure transportation safety. RIPA has proposed new wording based upon existing language in the Canadian hazmat regulations, which call for the removal of “substantially” all exterior coating materials. RIPA would revise §173.28(c)(1)(i) to require that coatings and labels be “...sufficiently removed to expose metal deterioration which could adversely affect transportation safety.”

### **Ultrasonic Leakproofness Testing**

RIPA has also asked PHMSA to amend the HMR to allow the use of ultrasonic testing as an “alternative” leakproofness test methodology. Currently, the HMR authorize packaging producers to employ several test methods, including water submersion, pressure differential and solution-over-seams.. Packaging producers can only utilize ultrasonic testers if they have obtained an Approval from DOT. RIPA argues that several companies in the U.S. have been utilizing ultrasonic testing apparatus under DOT-issued Approvals for nearly five years, with great success. “We believe this technology, which is used by many industries and the government for leak and crack detection, is proven, safe and ripe for incorporation,” said Paul Rankin.

The RIPA proposal would add a new paragraph 5 to 49 CFR 178 Appendix B. If adopted, companies could operate ultrasonic testers that meet relatively broad operational parameters, including detection sensitivity, daily verification and ambient sound-dampening standards. Copies of the petitions are available on the RIPA web site [HERE](#) coatings and [HERE](#) ultrasonic.

**PACKSAFE PETITION COULD LIMIT USE OF COMPOSITE IBCS**

The Industrial Packaging Safety Alliance (PackSafe) wants the U.S. Occupational Safety and Health Administration (OSHA) to adopt new fire protection standards that could affect the use of composite intermediate bulk containers for flammable and combustible liquids.

PackSafe says its goal is to correct a “misalignment” that exists between National Fire Protection Association (NFPA) guidelines and federal rules affecting the proper containerization of hazardous materials. Specifically, the group wants OSHA to “incorporate by reference the most recent version of NFPA Code 30...”, which is the 2015 edition of the standard. Presently, no state has adopted this standard, and many are still using the 1969 edition of the Code. If the PackSafe petition were granted, all states would likely be compelled to adopt the new version of the Code.

According to RIPA President Paul Rankin, “If OSHA were to adopt the updated NFPA standard in its entirety and make it a mandatory compliance requirement for state and local jurisdictions, it would likely have a dampening effect on the use of non-UL certified composite intermediate bulk containers used to transport (and store) a wide range of flammable liquid materials.” This is because NFPA 30 (2015) imposes tight restrictions on the use of certain plastics packagings used to transport and store these materials, and on the types of warehouses in which they may be stored.

During its discussion of the issue, RIPA’s Board of Directors agreed to oppose adoption of the petition by direct-final rulemaking. A direct-final rule limits the opportunity for full public comment, which is the normal procedure for adopting a regulation. “The Board believes a proposal as complicated and potentially far-reaching as this needs to go through the regular notice and comment process so packaging manufacturers and users who might be affected by a new regulation can present their views and concerns to OSHA,” said RIPA Chairman Dan Burek.

A copy of the petition can be found [HERE](#) on the RIPA web site.



## **CENTERBRIDGE PARTNERS BUYS ICS FROM AURORA CAPITAL GROUP**

Centerbridge Partners, L.P, recently purchased Industrial Container Services LLC, which is the largest provider of reconditioned container services in North America. Centerbridge, headquartered in New York, NY, is a large private investment firm with more than \$29 billion in capital under management.

“We are excited to partner with Centerbridge,” said Charles Veniez, CEO and President of ICS. “Going forward, ICS is well positioned to continue to provide its customers with industry-leading service and consistent product quality, as we broaden our network of facilities and expand our offering, all while remaining committed to environmental stewardship and safety.”

Kyle Cruz, Senior Managing Director of Centerbridge, added, “ICS is a market leader in the North American industrial container reconditioning services industry and provides a differentiated value proposition to its customers. We believe this differentiation is a foundation for further growth. We are excited to partner with Charles, his senior management team and the 1,700 employees of ICS.”

ICS is the largest provider of reusable container solutions in North America. Through its multiple brands, ICS operates 49 strategically located facilities in the United States and Canada.

## **CONFERENCES & MEETINGS**

### [RIPA Board of Directors & Executive Committee](#)

📍 Chicago, IL Monday July 17, 2017 — One Day Event

### [Chemical Packaging Committee](#)

📍 Alexandria (Old Town), VA Mon. September 18, 2017 — Wed. September 20, 2017

### [RIPA 76th Annual Conference & Suppliers Exposition](#)

📍 Orlando, FL Wed. October 11, 2017 — Fri. October 13, 2017



**ICPP CELEBRATES ITS 20<sup>TH</sup> ANNIVERSARY!**

The International Confederation of Plastics Packaging Manufacturers (ICPP) is celebrating its 20<sup>th</sup> anniversary this year. The group was founded in 1997 to promote programs and policies globally aimed at ensuring the success of plastics packagings used for the transport of dangerous goods.



At its recent General Assembly meeting in Bad Homburg, Germany, ICPP President Jerry Geyer, Greif, Inc., said, “During the past 20 years ICPP has contributed much to increase safety in dangerous goods transport. Many ICPP proposals have been adopted in the UN Model Regulations, which can be attributed both to the know-how of the organization and to the fact that the industry is able to speak to international authorities with one voice.”

ICPP members are national associations and single companies from four continents. The association’s secretariat is held by IK Industrievereinigung Kunststoffverpackungen



*And what better way to wind down a visit to the ol’ desert southwest than with an acoustic guitar, a singer and a song.*





**Drum It Up!**

**May 2017**

**PACKAGING NEWS**

**WINEMAKING NEWS**

**Rankin Testifies at the House**

**Schoonover Speaks to the PHMSA Future at COSTHA**

**New Wine Barrels: 33.5 and 60 Gallon**

On April 26th, 2017, the US House Transportation and Infrastructure Subcommittee on Railroads, Pipelines and Hazardous Materials held a subcommittee hearing (Chairman Jeff Denham, R-Calif.) on "Building a 21st Century Infrastructure for America." Addressing the State of Railroad, Pipeline, and Hazardous Materials Safety Regulations and Opportunities for Reform, Paul Rankin, COSTHA member and President of the Reusable Industrial Packaging Association represented the IP Group. The IP Group is an informal coalition of 45+ associations that meet on a regular basis in Washington DC.

Members of the Interested Parties strongly support a robust and efficient hazardous materials transportation regulatory program. Industry recognizes the benefits of a centralized regulatory agency within the Department of Transportation (DOT) that has cross-modal and international authorities. Safety is of paramount importance to industry and the exemplary record in this area, and support for effective regulation, underscore this goal. In his testimony to the Subcommittee, Paul addresses: the Importance of Reasonable Federal Regulation in the Field of Hazardous Materials Transportation, Preemption, Programmatic Authority, Special Permits and Approvals, International Affairs, Enforcement, PHMSA Office of Planning and Analytics, Incident Reporting, and General Regulatory Reform.

View the video of the hearing at <https://transportation.house.gov/calendar/eventsingle.aspx?EventID=401320>

Paul Rankin begins his testimony at 28:45.

Read Paul's testimony at [https://transportation.house.gov/uploadedfiles/2017-04-26\\_-\\_rankin\\_testimony.pdf](https://transportation.house.gov/uploadedfiles/2017-04-26_-_rankin_testimony.pdf)

—Howard Skolnik

May 2nd, 2017 in Scottsdale, AZ - At the annual meeting of the Council on the Safe Transport of Hazardous Articles (COSTHA), William (Bill) Schoonover, Associate Administrator for Hazardous Material Safety at the US DOT Pipeline and Hazardous Materials Safety Administration (PHMSA) presented the Vision and Mission of PHMSA. Their Vision is to be the most innovative transportation safety organization in the world, and their Mission is to protect people and the environment by advancing the safe transportation of energy and other hazardous materials that are essential in our daily lives.

PHMSA will achieve these goals by investing in people, increasing communication internally and externally, positioning for innovation, fostering transparency and improving engagement. This will be achieved by implementing a safety management system that is data driven from information gathered from the 45,000 companies overseen by DOT. This information, and implementation, will include electronic shipping papers, new hazmatics which will improve how data is collected, and the beginning of regulation and data collection of autonomous vehicles. In addition, PHMSA will be the first government agency to have an ISO 9000 certified data collection system.

In addition to Mr. Schoonover, Ryan Pacquet, Director of Approvals and Permits; Shane Kelley, Assistant International Standards Coordinator; and Lindsey Constantino, International Transportation Specialist, also addressed the COSTHA members on the PHMSA strategies for the near future.

—Howard Skolnik

Skolnik Industries is pleased to announce the addition of two new [stainless steel wine barrels](#), 33.5 gallon and 60 gallon. These new designs come with new and unique features that compliment our existing line of stainless steel wine drums. The new 33.5 gallon barrel features seamless, crevice free construction using heavy duty 16 gauge 304 stainless steel material. Top and bottom stainless steel foot rings allow for easy handling and added protection from dents and dings. A 2" Tri-Clover comes standard in the center of the barrel body. What makes this barrel extra special is its straight sides allowing for easy filling, maintenance and cleaning. This barrel is designed to fit on standard barrel racks and is ideal for small batch production or for topping off purposes. Our new 60 gallon stainless steel wine barrel also features straight sides for ease of use and cleaning. The 60 gallon drum is made of heavy duty 16 gauge 304 stainless steel with seamless crevice free construction and 2" Tri-Clover in the center of the barrel body. A unique feature of the 60 gallon drum are two stainless steel reinforcing rings on either end of the barrel that allow these barrels to fit perfectly in standard barrel racks. The 60 gallon design was designed for the higher volume usage, yet because of its unique shape and size it can easily be moved around any winery. Custom fitting placement and logo engraving in any of our stainless steel wine barrels is available upon request. For more information please contact Jason Snow at 773-884-1513 or by e-mail at [jason@skolnik.com](mailto:jason@skolnik.com).

—Dean Ricker

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SKOLNIK IS A BUSINESS TO BUSINESS MANUFACTURER OF NEW CARBON STEEL DRUMS AND STAINLESS STEEL DRUMS FOR HIGHLY VALUED CONTENTS. FROM CUSTOM WINE BARRELS TO DRUMS FOR HAZARDOUS MATERIALS (HAZMAT) AND DANGEROUS GOODS, WE ARE A LEADER IN SPECIALTY PACKAGING.