

REUSABLE PACKAGING TODAY

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Did you know...?

The 1st ICCR International Conference was held in June, 1970 in Kyoto, Japan.

UPCOMING EVENTS

Petroleum Packaging Council

August 19-21 2012
Charleston, SC

Chemical Packaging Committee

September 24-26, 2012
Alexandria, VA

RIPA Annual Conference/

IPANA Fall Conference

October 17-20, 2012
Boca Raton Resort & Club
Boca Raton, FL

ICCR 2nd International Conference

June 5-7, 2013
Amsterdam, Netherlands

GET READY FOR A SPECTACULAR CONFERENCE IN BOCA!

Mark your calendars now for October 17th – 20th, 2012 because that's when you are going to be in sunny Boca Raton, Florida for the 71st RIPA Annual Conference!

There has never been a more exciting time in the industrial packaging world ! More than ever, customers are coming to know the value of reusable packagings. Plans and programs for sustainability are the subject of many corporate discussions.

RIPA itself is laying plans for an updated "life cycle analysis" which will help quantify the benefits that flow from choosing reusable packaging. A report on this analysis will be a featured item on the conference agenda.

...See "Conference" page 3



FMCSA ISSUES GUIDANCE ON TANK VEHICLE DEFINITION

A seemingly innocuous change to the definition of "tank vehicle" issued more than a year ago by the Federal Motor Carrier Safety Administration (FMCSA) threatened to force virtually all drivers of commercial motor vehicles transporting IBCs to obtain a tank vehicle endorsement.

Following a furious lobbying effort by more than a dozen national trade groups, including RIPA, FMCSA officials have backed away from some of the more onerous provisions of the rule and determined that drivers carrying empty IBCs and IBCs containing only small amounts of residue are exempt from the new requirement.

...See "FMCSA" page 3

RIPA VISITS U.S. DOT / PHMSA TESTING FACILITY AT TOBYHANNA

On July 12, 2012, a group of RIPA members and staff visited the U.S. DOT's packaging test facility at the U.S Army depot in Tobyhanna, Pennsylvania. The purpose of the visit was to observe DOT testing protocols for steel drums; more specifically, steel open-head drums. The visit had been approved by the Board of Directors, following an invitation from PHMSA's Deputy Associate Administrator Bill Schoonover.

Prior to the visit, PHMSA advised RIPA that the testing would be for demonstration purposes only and would not be part of any compliance investigation or enforcement action. The purpose was to share information on testing, particularly on issues left open to some interpretation by the hazardous materials regulations.

The delegation consisted of Barry Wingard (Drumco of AR, An *Earth Minded* Co.), Mike Verzaleno, Jr. and Craig Goodman (Kearny Steel Container), Jerry Butler and Tom Wenning (ICS), and C.L. Pettit (RIPA). PHMSA Field Investigator Anthony Lima and PHMSA Engineer Ben Moore participated for PHMSA..

...See "Tobyhanna" page 4

PRESIDENT'S MESSAGE

The 2nd International Conference on Industrial Packaging will be held 5 – 7 June 2013 at the wonderful Krasnapolski Hotel in Amsterdam, Netherlands. This is an event that should not be missed by any RIPA member.

The global reconditioning community has been waiting for seven years for this meeting. A series of unfortunate events caused the cancellation of two earlier planned meetings, but it looks like all systems are “go” for next year’s gathering.

Several members have asked me why this meeting is worth attending given the cost and time away from the office. I believe there are two answers to this important question.

First, attendees – even those attending their first International Conference – are always happily surprised to find themselves literally surrounded by colleagues from around the globe who are more like old friends than new acquaintances. Although the roots of the global reconditioning industry can be traced back at least 2000 years, the modern age of reconditioning got its start not long after steel drums emerged onto the world stage a bit more than a century ago. Cooperage companies all over the world were quick to recognize the residual value of used steel drums and a new industry – steel drum reconditioning – emerged. The rest, as they say, is history.

I offer this very brief overview of the reconditioning business as a way to help members understand that the story of the North American reconditioning industry is also the story of the global reconditioning industry. Reconditioners in Japan, Europe, China or Australia – anywhere for that matter – share a common heritage. As a result, these international meetings are like gatherings of old friends, even if this meeting is your first.

A second and perhaps more important aspect of these meetings is their focus on global regulatory threats faced by our industry. There was a time (many years ago) when reconditioners had the luxury of having to worry only about local and national laws and regulations. Those days are long gone. Today, regulations affecting the industry that start in one country quickly spread to other nations, often through the UN Committee of Experts Model Regulations.

This internationalization of the regulatory process is a fact of life that is likely to grow more important over time. Reconditioners who want their businesses to remain a step ahead of the competition will do themselves a great favor by attending the ICCR Conference. Not only will attendees hear from their colleagues about regulatory compliance issues in other parts of the world, they will hear experts describe new regulatory initiatives that may be expected in future years.

So, do yourself and your business a favor. Take a few days off next summer and, along with your spouse, visit one of the most historic and beautiful cities in the world. While in Amsterdam, you will have a chance to learn much about your industry and the future of the global reusable industrial packaging industry. I assure you, this will be time very well spent.

See you in Amsterdam!

(Note: A “first circular” flyer on the international conference has been sent to all RIPA member contacts. Further mailings are planned.)



Paul Rankin

Paul Rankin



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Editor.....C.L. Pettit
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Also featured will be the various Product Group sessions, the Suppliers' Exhibition, nightly social functions, a Speakers Main Program and an Accompanying Persons tour. Tentatively, Dr. Magdy El-Sibaie, PHMSA's Associate Administrator for the Office of Hazardous Materials, is scheduled to speak. Many other speakers will be announced in the days ahead. You do not want to miss these important events.

Significantly, IPANA and its constituent groups, SSCI, PDI and RIBCA will be conducting their conferences at the same hotel on overlapping days. They will share in the social functions and the Main Speakers Program. As was done in 2009 and 2010, the co-location of RIPA and IPANA events will generate many efficiencies and synergies for both associations' member companies.

More information on the conference, including room reservations, will be sent very soon. For planning, note that RIPA's events begin with an evening reception on Wednesday October 17th at the hotel. RIPA's events will end with a Board of Directors meeting to be held the morning of Saturday, October 20th. (Open to all voting members.)

continued from page 1 "FMCSA"

The original rule was designed to require drivers carrying liquid tanks – a term that includes IBCs - with a total capacity of 1000 gallons to obtain a special endorsement showing they are capable of safely handling a vehicle in which large quantities of liquid are carried. Apparently, the Agency did not appreciate that by using the term "capacity" the new rule would cover thousands of drivers that only transport empty or nearly empty containers.

The May 24, 2012 "Notice of Regulatory Guidance" states clearly that the new rule "...does not cover the transportation of empty IBCs or other tanks when these containers are manifested as either empty or as residue on a bill of lading."

RIPA President Paul Rankin was part of the group lobbying FMCSA for changes to the rule. "I am pleased that FMCSA has exempted empty IBCs and those with small amounts of residue from this rule," he said. "I truly believe the Agency simply did not fully understand the full scope of this change, and I appreciate their willingness to address our concerns."

PDI/RIBCA CHALLENGE DOT RULEMAKING ON PLASTIC RESINS

The Plastic Drum Institute (PDI) and the Rigid Intermediate Bulk Container Association (RIBCA) have asked PHMSA not to adopt a proposed rule that would impose limits on the performance characteristics of polyethylene resins used to manufacture new plastic drums.

PHMSA made its proposal on May 24, 2012 (HM-219) as part of a larger rulemaking dealing with numerous petitions filed by various industry groups during the past few years.

The controversy stems from a series of DOT notices issued to plastic drum makers in which the Agency took the position that small variations in resin specifications, or simply a change in resin supplier, constitute a change in packaging design type. DOT requires all differing packaging design types to be tested initially and annually thereafter by the packaging producer or his agent.

PDI and RIBCA members repeatedly challenged the DOT position and eventually asked the agency to adopt a rule establishing a range of acceptable variations in purchased resin. They also asked DOT to acknowledge that any change in the source of resin falling within such ranges does not constitute a different design.

DOT opted for half a loaf in its rulemaking proposal, much to the dismay of PDI and RIBCA. The Agency wants to incorporate by reference the ASTM range of specifications but refuses to back off its view that resin produced by different companies constitutes a change in design type.

"The Proposed Rule does not offer the relief...requested or serve any useful purpose," said the two groups in comments filed with PHMSA. PDI and RIBCA maintain that the safety record of plastic drums is safe and, therefore, the Agency "...has no basis to conclude that the [proposed] Resin Specification Limitation would either enhance or maintain safety." In fact, the two groups noted, "PHMSA cites not a single design-related failure of any plastic drum or IBC in transit."

PDI and RIBCA hope PHMSA will agree that its proposal does not resolve the issue and, in fact, actually complicates the matter. They have, therefore, asked the Agency to not incorporate the ASTM standard in the hazardous material regulations.

A complete sample of 1A2 drums had been previously prepared by the RIPA delegation and shipped to the facility. A generic closure instruction was also prepared and delivered. All identifying marks on the drums (e.g., company name) were removed and/or obliterated.

After touring the facility, the delegation observed the sample drums previously delivered. They asked about how samples are received, handled, and stored.

The following tests (on one drum each) were observed: leakproofness, hydrostatic, and drop. Interestingly, the leakproofness test was conducted using the soap-over-seams method. LOGSA no longer uses the immersion method. Tobyhanna staff believes that pressure created by immersion could affect results, at least as may occur with their particular bath design. Standard commercial soap solutions are used across all samples to lend consistency. The test indicated no leaks.

The hydrostatic pressure test was "ramped up" at a rate of about one kPa per second. For the duration of sustained pressure at 100 kPa, no leaks were detected. Interestingly, LOGSA drills a hole in the head of the drum and affixes a small, metal conduit resembling a tire inflation valve. PHMSA is interested in how their method of pressurizing would compare in terms of results with the method of pressurizing through a conduit in the 2" plug. This latter method has been observed in the field by DOT. A comparative analysis may be a future cooperative project.

The drop test showed some leakage from between the ring and top of the open-head drum. RIPA later expressed concern that prior to the test the filled drum had been placed on its head on the ground while the harness was attached. This likely affected gasket compression and/or other features of the packaging.

These and other issues arising from the demonstration at Tobyhanna were discussed at the July 25th Board of Directors meeting in Chicago. They also are likely to be discussed at the Annual Conference October 17th – 20th in Boca Raton, FL. A formal letter of thanks to PHMSA and LOGSA will be prepared and will include what recommendations the delegation and the Board wish to convey.

ARE MOTOR OIL AND RELATED PRODUCTS REGULATED?

RIPA members frequently ask if motor oil and related products are regulated or exempted from regulation as hazardous materials. The answer is that, in most cases, these materials are not regulated.

Under the U.S. Hazardous Materials Regulations at 49 CFR 173.150(f)(2) the rules state:

Part 173 – SHIPPERS –GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

* * * * *

(2) The requirements in this subchapter do not apply to a material classed as a combustible liquid in a non-bulk packaging unless the combustible liquid is a (OSHA) hazardous substance, a (EPA) hazardous waste, or a (EPA) marine pollutant.

In other words, unless the material is actually **flammable** (such as gasoline), with a "flashpoint" at or below 140° F, it is exempt from UN packaging up to 119 gallons.

The only way the exemption would **not** apply is if U.S. OSHA or U.S. EPA listed it as hazardous in **their** rules for **their** regulatory purposes (i.e., worker safety, waste management, etc.).

It is incumbent on a shipper to know if a specific material is **combustible** or **flammable** and, thus, whether it needs UN packaging at the drum and other non-bulk levels.

Many motor oil products are only **combustible** and, thus, exempt in non-bulk packaging.

Note: Earlier in 2012, DOT backed away from a proposal that would have altered the combustible definition and moved more combustible products into UN drums. The abandoned proposal had been made to harmonize the U.S. combustible classification with international definitions. The divergence in U.S. and international definitions reportedly causes confusion for labeling and proper packaging as products go into or out of U.S. ports. It is currently unknown whether and how DOT will revisit this issue. RIPA will monitor for any developments and report to the membership.

UN DELAYS ACTION ON “WASTE” PACKAGING ISSUE

The United Nations Sub-Committee of Experts postponed until December a decision on the need for a new UN entry for emptied packagings containing residues of dangerous goods. The Experts were divided on the global need for such an entry, its impact on existing container reconditioning and recycling systems, and whether such packagings should be labeled wastes.

At the June UN meeting, the Expert from France submitted an informal proposal on waste packaging, INF.19, on behalf of the RID/ADR/ADN Joint Meeting working group. It described concerns within some European Union nations that emptied packagings containing residues of dangerous goods are being transported in the EU in a manner that is not considered safe. However, the paper did not cite any incidents involving such packagings.

Importantly, INF.19 did recognize that empty residue packaging transported to reconditioning facilities should be exempted from any new regulation. Both the UN Model regulations and numerous national standards (e.g. United States, Japan, Canada) have for many years authorized the transport of empty packaging that previously contained dangerous goods to reconditioning facilities under specified conditions.

In their comments on the French proposal, ICCR and several international trade associations representing packaging manufacturers emphasized the safety record of the industry. “The global reconditioning industry and the companies that utilize its services have compiled a superb transportation safety record over the years,” they said.

ICCR also noted that many countries around the world, including the U.S., Canada and Japan, have long-standing regulatory schemes in place exempting emptied packagings containing residues of dangerous goods from certain classification and documentation requirements when transported for reconditioning or re-use facilities. And while the various regulatory schemes may not be fully harmonized since they have been in place for, in some cases, 30 years or longer, what they do have in common “...is a structure that ensures containment of residue and requirements that health and safety information about the product residue remains on the container.” For these reasons, the ICCR urged the UN to not further regulate the movement of these items, said the associations.

The group also asked the UN to not label as “wastes” empty packaging transported to recycling or waste management facilities. “These packagings have value if recycled and, under many national statutes, are not considered wastes,” said ICCR Delegate Paul Rankin. Additionally, he noted, “ISO has just adopted seven new standards for packagings in which the term “waste” has been removed from the description of an empty packaging.

The UN Experts are expected to take up this issue again at the December meeting. RID/ADR/ADN will also discuss the matter again at its September session. Copies of all documents are available from RIPA.

DGAC CREATES PACKAGING WORKING GROUP

A working group has been established by the Dangerous Goods Advisory Council to examine packaging testing issues. The group is primarily concerned about container testing by DOT at its Tobyhanna facility.

The Group plans to review data compiled by DOT since it initiated container testing at Tobyhanna more than a decade ago. They will also examine why packaging design type tests performed successfully at a manufacturers’ locations often result in failures at Tobyhanna.

Addition, the Group will review data obtained from Tobyhanna testing provided on the PHMSA website in an effort to determine if the data is sufficient and complete. DGAC also wants to establish a forum for information exchange among and between companies that perform testing and those that use hazmat packaging.

Importantly, DGAC plans to open and maintain a dialogue with PHMSA on packaging testing issues to ensure all parties fully understand the purpose of Tobyhanna testing and the value of the data published by the Agency.

RIPA President Paul Rankin and Howard Skolnik, Skolnik Industries, Inc. are members of the DGAC working group. “I believe the DGAC effort will compliment well all the work that RIPA has done on this issue over the years,” said Skolnik. It is important that DOT understands that a wide range of packaging producers and users are concerned that Tobyhanna test results do not reflect the real-world capabilities of hazmat packagings, and we want to know why. This effort may help us all better understand what is going on.”



HazMat News		Wine Making News
<p>DGAC Creates Packaging Working Group</p> <p>A working group has been established by the Dangerous Goods Advisory Council (DGAC) to examine packaging testing issues. The group is primarily concerned about container testing by DOT at its Tobyhanna test lab. Group members include packaging manufacturers and shippers of hazardous materials. The Group plans to identify a strategy for working with DOT to use the information gathered at Tobyhanna as a research tool to improve the safety of packaging. The group will review data compiled by DOT since it initiated container testing at Tobyhanna more than a decade ago. They will also examine why packaging design type tests performed successfully at a manufacturers' locations often result in failures at Tobyhanna. In addition, the Group will review the accuracy data obtained from Tobyhanna and posted on the PHMSA website. DGAC also wants to establish a forum for information exchange among and between companies that perform testing, and shippers that use hazmat packaging domestically and internationally. DGAC plans to open and maintain a dialogue with PHMSA on packaging testing issues to ensure all parties fully understand the purpose of Tobyhanna testing and the value of the data published by the Agency.</p> <p>As a founding member of this Working Group, I believe the DGAC effort will compliment the work that other organizations have done on this issue for more than 15 years. It is critical that DOT recognize that a wide range of packaging producers and shippers are concerned that the Tobyhanna test results do not reflect the real-world performance experience of hazmat packagings (steel drums). In-field transport of our packagings is successful globally and we want to understand why DOT is focusing on a problem that, statistically, does not exist.</p> <p>— Howard Skolnik</p>	<p>Reverse Logistics Regulation to be Examined by PHMSA</p> <p>US Pipeline of Hazardous Materials Safety Administration (PHMSA) has kicked off a possible rulemaking on reverse logistics. Under the current HMR, consumer products that are no longer suitable for retail sale are still considered fully regulated. This presents a problem to retail outlets in that many may not have the necessary training or resources to handle fully regulated hazardous materials. As a result, these reverse movements are often con-compliant with the appropriate hazardous materials regulations. According to the Reverse Logistics Association, the process of reverse logistics represents 3-15% of the Gross Domestic Product, which is estimated between \$360 billion and \$1.8 trillion. Retail outlets often accept returns of hazardous materials from customers that are ultimately shipped back to distribution centers. In addition, online transactions are causing the quantity of reverse logistics shipments to increase and purchases of hazardous materials online have increased. PHMSA is concerned that customers may often return opened or damaged packages containing hazardous materials without any regard for the HMR. PHMSA is looking to identify ways to potentially reduce the regulatory burden associated with the return of these hazardous materials in the "reverse logistics" supply chain, while at the same time ensuring their safe transportation.</p> <p>This Advance Notice of Proposed Rulemaking seeks comment on whether additional language is needed to clarify how returns of hazardous materials purchased online should be handled.</p> <p>— Howard Skolnik</p>	<p>A New Twist On An Old Concept</p> <p>Co-ops in one form or another have been around for centuries. But a new twist on this old concept is making waves in the American wine business. Several talented independent wine makers recently were charged with a simple task: Make the best wine possible and leave the sales and marketing to us. The message came from Rowan Gormley, who launched the U.S. arm of Naked Wines. Naked Wines lets consumers buy wine online from award-winning, independent winemakers. Customers become angel investors in up-and-coming wine talent with a monthly \$40 subscription. Visitors to the website can buy one or more bottles of wine or a monthly subscription. The \$40 monthly subscription fee goes directly to new winemakers, and the customer receives a \$40 credit for wine. Customers buying wine are essentially becoming wine angel investors.</p> <p>The store selections include champagne, white wine, red wine, rose and sparkling. The fees help self-employed winemakers get started. In turn, members receive free bottle samples and earn a say in how wines should taste (in addition to their store credit). Winemakers take suggestions like "it has too much oak" or "needs more fruit" to heart. The winemakers are sharing the former Blackstone Winery in Kenwood, CA and along with it all of the necessary equipment; bottling equipment, tanks and Skolnik's Stainless Steel Wine Barrels. The winemakers can focus on what they do best, make wine and leave the marketing to someone else. Naked Wines, which makes a gross margin on its sales, has seen huge success since its founding three years ago. Last year, the company sold 5 million bottles worldwide from over 100 winemakers. Naked Wines' 12 founders are mostly veteran entrepreneurs who set out to change the wine industry. The UK-based company has expanded to the United States with an office in Napa, Calif. The company has secured funds to open an outpost in Australia, another location where Skolnik's Stainelss Steel Wine Barrels are in wide usage.</p> <p>— Dean Ricker</p>

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