

# REUSABLE PACKAGING TODAY

January 2010  
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## **RIPA SPRING TECHNICAL CONFERENCE SET FOR LITTLE ROCK, AR, APRIL 18-20, 2010**

The stage is set for this year's spring Technical Conference, April 18-20 in Little Rock, AR. The conference will be held at the beautiful Peabody Hotel, located in the city's convenient downtown area.

In addition to the usual Product Group meetings, Technical Program and social events, this year's conference features a tour of the recently opened Drumco of AR facility in nearby Arkadelphia. A big "Thank You" to Barry Wingard and his crew for making this tour possible!



.....See "Conference" page 3

## **CLIMATE CHANGE UPDATE: REUSE AND RECYCLING AMENDMENT ADVANCES IN SENATE**

The most recent version of the Senate reuse and recycling amendment, sponsored by Senator Thomas Carper (D-DE), now includes virtually all of the reuse provisions RIPA has been advocating for the past year with the exception of a mandatory funding provision.

"Our successes so far can be attributed to a lot of hard work by staff and legislative counsel, coupled with strong support from key association members," said RIPA President Paul Rankin. "However," he cautioned, despite recent successes, the association still has a great deal of hard work to do to gain full parity with recycling interests in the climate change legislation."

.....See "Climate" page 4

## **FMCSA'S PUBLIC FORUM ON DRIVERS' HOURS-OF-SERVICE RULES (HOS)**

The Federal Motor Carrier Safety Administration (FMCSA) held an open forum January 19, 2010 in Arlington, VA to discuss its drivers' "Hours of Service" rules (HOS). Present at the forum were representatives of public interest groups, safety advocates, state inspectors, individual trucking firms, and industry associations such as RIPA.

HOS rules were last amended in 2005, extending driving time and implementing the "34-hour restart" provision. The "restart" allows a 6- or 7-day cycle (each with limits on driving hours) to begin again after 34 consecutive hours off duty.

The 2005 rules were challenged by safety advocates who criticized the scientific data used to justify the changes. Under a judicial settlement agreement, FMCSA agreed to gather comments, propose HOS rules again, accept additional comment, and then issue final HOS rules by next year. Meanwhile, the HOS rules from 2005 remain in effect.

.....See "FMCSA" page 3

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### UPCOMING EVENTS

**Chemical Packaging  
Committee**  
February 10-12, 2010  
Sarasota, FL

**Petroleum Packaging  
Council**  
March 14—16, 2010  
The Woodlands, TX

**RIPA Technical  
Conference**  
April 18—20, 2010  
Little Rock, AR

**RIPA 2010 Annual  
Conference**  
October 20-23, 2010  
Orlando, FL Ritz Carlton

## Chair's Message

In this, my first message to the membership of RIPA since becoming Chair, I want to begin by expressing my gratitude and deep appreciation to the Board of Directors and all RIPA members for giving me this opportunity to serve the association for the next two years. I can assure you that there is no shortage of work to be done, and to help I have a wonderful and knowledgeable group of individuals serving as officers, members of the Board, and as Committee and Product Group Chairs, that will make sure this organization is well served.

I particularly want to thank outgoing Chair Calvin Lee for his service to the association. Calvin steered RIPA through some choppy waters these past two years, and did so with grace, wit and a seriousness of purpose that made it all seem easy. I only hope I will be as successful in this work as he was.

In the coming months the association will be focusing on a number of important issues that affect every member of the organization. Topping the "to accomplish" list is our continuing effort to secure acceptance of an amendment to the federal climate change legislation that ensures parity for reuse and recycling activities. (See *related story page 1.*) RIPA has been working tirelessly on this issue and we have made extraordinary progress so far. Recently, RIPA President Paul Rankin and our legislative counsel Brian Fitzgerald secured an agreement with Senate Recycling Caucus Chair Thomas Carper to: 1) create State Recycling and Reuse Programs in every state, 2) establish funding opportunities for *both* recycling and reuse facilities, and 3) work cooperatively to secure substantial funding for these programs and facilities.

RIPA staff met recently with new PHMSA Administrator Cynthia Quarterman, as part of a delegation from the "Interested Parties" group (a broad coalition of industry groups co-chaired by RIPA). Ms. Quarterman has extensive experience in pipeline issues, but is still getting up to speed on many other hazmat transportation issues. She put her stamp on the Agency quickly when, after just days on the job, she announced a reorganization of the office. She is focusing early attention on enforcement, data management and the Special Permits and Approvals programs.

RIPA has nearly completed work on a new industry survey that will give us an interesting look at our production figures, as well as other important data. Additionally, we are updating the RIPA "Responsible Packaging Management" brochure along with the ICCR International Code of Operating Practice. ICCR is one of the few industry organizations in the world to have adopted an international code of practice for its members, so completion of this update, which now includes plastic drums and intermediate bulk containers, is much anticipated.

I have opened up a very productive dialogue with my counterparts in IPANA and SSCI. Both Bob Harding and John Dergentis, key leaders in the organizations, are eager to continue working with RIPA on issues designed to benefit everyone. Mr. Dergentis and I both want the good work of the Steel Drum Council to continue, and Mr. Harding has expressed strong interest in scheduling concurrent RIPA and IPANA conferences again this fall.

With regard to our international activities and commitments, I am planning to attend the ICCR Annual Business Meeting this spring in Thailand, along with several RIPA members and staff. This will be my first occasion as RIPA Chair to meet formally with my colleagues from JDRA and SERRED, and I am very excited about this opportunity. I believe strongly that ICCR plays a vital role in representing the global reconditioning industry in various regulatory, standards and other international organizations throughout the world.

In conclusion, I am looking forward to the next two years as RIPA Chair, and I urge everyone to get active and stay active in this outstanding organization. RIPA may be the glue that holds this industry together, but it is your support that enables RIPA to serve effectively.



A handwritten signature in black ink that reads "Dennis Long".

Dennis Long



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Landover, MD 20785-2224

Chairman.....Calvin Lee  
President.....Paul Rankin  
Editor.....C.L. Pettit

The conference begins with a cocktail reception on Sunday evening, followed by the Product Group meetings the following morning. RIPA will host another reception on Monday evening. On Tuesday, we'll get started with our Technical Program at 8:00 a.m. sharp, so that we have time to make our way to and from the Drumco plant in Arkadelphia (buses provided).



**IMPORTANT:** For flight planning purposes, buses will leave from the plant at 2:45 p.m. sharp to ensure an airport arrival time of approximately 4:15 p.m.

RIPA has been able to obtain a low room rate of just \$129.00 per night. When calling the hotel for reservations, be sure to ask for the rate applicable to the RIPA Technical Conference. For room reservations: call (501) 906-4000 or (1-800) Peabody (1-800 732-2639). A conference registration form is included with this edition of "Reusable Packaging Today". Look for more information on the conference coming from RIPA soon.

At the FMCSA forum, trucking companies and trucking associations generally spoke in support of the 2005 version of HOS rules. They felt safety was well served by the 11-hour driving limit in 14 hours time on duty. (The driving limit previously had been 10 hours). They also supported the 34-hour restart provision. However, they did take exception with a change made in 2005 regarding the use of sleeper berths. They believe it is impractical to require those that use a berth to take 8 **consecutive** hours off. Trucking companies and their associations asked that drivers be offered some allowance to break up the 8-hour requirement.

Safety advocates spoke at the forum in opposition to the 2005 HOS rules. They did not believe the changes were backed up by science regarding sleep issues and driver fatigue. They also voiced concerns about drivers who operate only at night. These drivers, they said, present a significant risk as they likely go back and forth between a nighttime workweek and weekends enjoyed primarily during the day.

A representative for state roadside inspectors generally supported the 2005 rules, but suggested measures be adopted to ensure maximum compliance. For example, it was suggested that "Electronic Onboard Devices" be made mandatory. These devices would monitor and record driving times, making the handwritten driver logs unnecessary. However, it was quickly noted by the FMCSA panel that these devices cost anywhere from \$1000 to \$2000, and thus would be opposed by large segments of industry. (Nevertheless, FMCSA is conducting separate proceedings to judge the technology and the merit of the devices.)

In a recent survey, RIPA members reported "9" as the average number of drivers they employ, and "4" as the average number of drivers with hazmat endorsements. The average number of tractors **owned** was reported as "10".

When FMCSA publishes its written proposal on HOS, RIPA will respond with official written comments submitted to the docket. In preparation for submitting comments, some time at the upcoming spring Technical Conference will be set aside to discuss how members typically operate as trucking concerns, and how well they operate within the existing HOS rules. Meanwhile, RIPA members with any questions, concerns or comments regarding the issue should contact Technical Director, C.L. Pettit, at the RIPA office.

#### MEMBERSHIP REPORT

RIPA is pleased to announce the receipt of an application for membership as a Supplier / Associate Member from:

CPP-LM Ltd.  
38 Swaisland Drive  
Grayford, Kent UK DDA1 4HS  
+ 44 (0) 1322551940 [www.CPP-LM.com](http://www.CPP-LM.com)  
Mr. Adrian Youseman, Director

A 30-day period of review began with a notice emailed to members January 22nd.

RIPA is concerned that the Carper amendment guarantees a minimum level of funding for recycling facilities, but does not establish an equivalent funding mandate for reuse facilities. "RIPA sees no policy argument in support of this position," said Rankin. "Reuse reduces greenhouse gas emissions more efficiently than recycling in every industrial example," he said.

For this reason RIPA will continue to work with Senate and House leaders to ensure guaranteed funding for reuse and recycling facilities, Rankin said.

The Carper amendment has been sent to Senators Kerry, Lieberman and Graham, who are taking the lead in drafting the new Senate version of the climate change bill. These Senators hope to produce a bipartisan bill for Senate consideration by spring.

"There is no question that the recent election in Massachusetts has thrown a wrench into President Obama's legislative agenda," said Rankin. As a result, he noted, the climate change bill may be put on the back burner for the time being. "However," said Rankin, "it is absolutely crucial that RIPA finish its work on this amendment because no matter when the Congress resumes serious work on climate change – and they will - they will use this provision as the starting point on reuse and recycling."

More detailed information on this issue is available to members by calling RIPA.

## **FMCSA TO BAN TEXTING BY CMV DRIVERS**

U.S. DOT and FMCSA (Federal Motor Carrier Safety Administration) announced January 26<sup>th</sup> a new ban on "texting" by drivers while operating a commercial motor vehicle (CMV). During a press conference in Washington, DOT Secretary Ray LaHood and FMCSA Administrator Anne Ferro discussed new "regulatory guidance" that applies to all interstate drivers of CMVs currently subject to FMCSA's safety regulations.

Although the current safety regulations do not include an *explicit prohibition* against texting while driving, FMCSA believes that an existing general restriction against the use of "*additional equipment and accessories*" that decrease safety applies to the use of electronic devices for texting. This general restriction is found in 49 CFR Part 390.

FMCSA defines "texting" as the review of, or preparation and transmission of, typed messages through a handheld device or the engagement in any form of electronic data retrieval or electronic data communication through any such device.

FMCSA acknowledges the concerns of motor carriers that have invested significant resources in electronic dispatching tools and fleet management systems and clearly states that the Agency's new guidance should not be construed to prohibit the use of such technology. FMCSA states further that its new regulatory guidance should also not be construed to prohibit the use of cell phones for purposes other than texting.

## **RIPA ADVISES U.S. EPA ON IBCs in AGCHEM SERVICE**

RIPA sent a letter to U.S. EPA on January 28, 2010 asking that IBC cages be deemed reusable even if the IBC unit is not refillable as a pesticide packaging. The letter reads in part:

"Under EPA's pesticide regulations, many containers are intended to be used only once. According to most label instructions and/or industry practice, the containers are to be "triple rinsed" and then collected by organizations approved for the recycling of plastic pesticide packaging.

"Regarding IBCs, EPA should make clear that "cages" for composite IBCs are reusable even if the bottle is not defined as such. Used cages should not be subject to rules that require destruction of a non-refillable container (in this case, the IBC bottle). Cages do not have contact with the bottle's contents (except perhaps for *de minimus* amounts). They can be cleaned, inspected for integrity, repaired if necessary, and reused as a component of a compliant, environmentally sound packaging available to a broad range of industries. The reuse of cages has the added benefit of saving energy and, importantly, reducing greenhouse gases as compared to their unnecessary scrapping."

Meanwhile, RIPA has been contacted by the Ag Container Recycling Council (ACRC) to provide input to their discussions regarding composite IBCs in agchem service. ACRC is funded by major chemical companies that produce pesticides. The group's charter is to collect HDPE pesticide packagings up to 55-gallons and direct them to approved recycling. Composite IBC's are now receiving the group's attention.

## **INTERNATIONAL STANDARDS FOR PACKAGING AND ENVIRONMENT BEING DEVELOPED**

A new subcommittee of the International Organization for Standardization (ISO) Technical Committee (TC) 122 on "Packaging and Environment" has been created to develop proposed environmental standards for packaging based on established European Norms (EN) and proposed Asian guidelines.

The purpose of the ISO/TC 122/SC4, "Packaging and Environment" committee is to develop a series of ISO standards to provide guidance on how to best utilize packaging resources while maintaining packaging functionality and considering environmental effects. The seven standards currently included in the series address general requirements, source reduction, reuse, recycling, energy recovery, chemical recovery, and organic recovery. It is likely the standards will be approved by 2012.

The first meeting of SC 4 was held in December 2009 in Stockholm, Sweden. Seventy experts were present from 15 nations. Twelve of the representatives were from the U.S. with Marilyn Baker of Coca-Cola serving as head of the U.S. delegation. The meeting resulted in the election of a Chair plus the formation of seven work groups (WGs) to develop the seven standards proposed. Each WG has a Convenor and Project Leader positions. U.S. representatives will be serving in three of those leadership roles.

U.S. work on the standards will be coordinated by a newly formed committee, MH10.4 Packaging and Environment that will act as the U.S. Technical Advisory Group (USTAG) to SC 4. RIPA President Paul Rankin is a member of the MH10.4 Committee.

## **RIPA SEEKS DOT CONSIDERATION OF IBC ISSUES**

The Reusable Industrial Packaging Association has asked the Department of Transportation to propose a rule addressing the definition of "repaired IBC." The request comes on the heels of a notice of proposed rule-making issued by the Agency last fall (HM-215K), which seeks to harmonize the U.S. Hazardous Materials Regulations with the U.N. Model Regulations.

The provision in question affects inner receptacle replacement activities and would not become effective in domestic or international commerce until sometime after 1 January 2012, when the various international modal organizations, e.g. International Maritime Organization, implement the new requirement. Generally, the U.N. provision specifies that the definition of "repair" applies to a replacement inner receptacle that conforms to the "original design type from the same manufacturer."

RIPA believes that DOT should adopt the UN provision in the next HM-215K notice of proposed rulemaking, but only if voluntary compliance is authorized on or after 1 January 2011 and the implementation date is delayed until at least 1 January 2012. This will provide U.S. companies time to implement the provision, and also ensure that U.S. IBC reprocessors are not economically disadvantaged with respect to their international counterparts.

RIPA has also asked the agency to open a public discussion regarding the manner in which IBCs are defined in domestic and international regulations. Currently, the UN exempts IBCs from the definition of "bulk container," but the HMR employs a different term – "bulk packaging" – which encompasses IBCs. This difference is important for several reasons, one of which is that empty IBCs must be transported "as if full" in the U.S. This means that empty IBCs transported in the U.S. are subject to a range of transport requirements intended for tank cars and tank trucks, including placarding. By contrast, the European Road and Rail Regulations (ADR/RID), which follow more closely the UN Model Regulations, do not define empty IBCs as bulk packagings and, therefore, do not require placarding for their movements after emptying.

According to RIPA President Paul Rankin, "In most key respects, the HMR follows the UN Model Regulations. However, in this case, without notice or comment, DOT decided to go its own way."

"The fact is that more than a million composite IBCs with capacities of 500 gallons or less are reused annually in the U.S.," said Rankin. For all practical purposes, they are used just like drums, and should be treated as such in transportation," explained Rankin. "Therefore, we have asked DOT to open this issue for public discussion in the next international harmonization docket," he said.

Copies of RIPA's comments to HM-215K are available on the association's web page.



**HazMat News**

**Wine Making News**

**Looking Back to Our Future — 2009 Improvements Substantial**

As an independent company we can be responsive to sudden changes in the economy. In 2009, we proceeded cautiously to find new markets and we pursued them with high quality and a welcoming spirit. A New Years tradition at Skolnik, last week our staff gathered to toast a farewell to 2009 and welcome 2010. We looked back at the achievements accomplished in the past 12 months – and even we were impressed with the changes.

We started the year by electing to completely rewrite our Quality Assurance Program (NQA-1) and expand the reach of QA throughout the company. Within manufacturing, we are nearing completion of an MRP (Manufacturing Resource Planning) implementation which will allow us to track incoming orders, inventory, scheduling and shipping. Like on-line ordering, we will have 5-point order tracking to give customers accurate delivery status information.

Mechanically, we installed new interior lining equipment to further improve our application process, we began the installation of a new paint booth, installed new ovens for curing our interior linings, fabricated new “360 Degree” testers for our leakproofness testing and expanded the tool capacities for all our machines. We rethought our web site (<http://www.skolnik.com/>) and rolled out a new format that easily leads visitors to buy our products, or research packaging information. Our web site continues to be the #1 industry resource for steel drum packaging. The new web site lead to an increase in special requests and services which translated into new and varied products.

Customer audits were plentiful, all with positive outcomes. As a corporation, I am very grateful for the integrity that we share with our employees. We continue to creatively seek out new opportunities, develop new products, new processes, and focus on customer retention through improved quality and accuracy. As we begin 2010, you can bet that we already have a list of projects to keep the energy “glowing.”

— Howard Skolnik

**Gasket Integrity Critical to Proper Closing of Open Heads**

One of the most critical components of proper drum closure is the cover gasket. Since the adoption of Performance Oriented Packaging (POPS), new gasket styles, materials and profiles are used to increase drum integrity and performance. Steel drum manufacturers and reconditioners are free to use any gasket they choose when creating a drum to be compliant with the UN and DOT test requirements. Therefore, drum fillers and shippers must be aware that in accordance with a specific manufacturers, or reconditioners, [closure instructions](#), all gaskets need to be inspected prior to sealing or closing a drum.

Whether it's the first time closed, or a repeated closure, check the gasket for any irregularities including, but not limited to: crumbling, cracking, slicing, tearing, and most importantly, that it is properly seated into the cover groove. In some cases the gasket fits on top of the bead, and in this case, be sure to verify that the bond to the metal is intact. Also, as a result of long term compression, gaskets will exhibit memory and should be replaced if they do not appear capable of a secure seal. In the event that a user should believe the gasket to be in need of replacement, or is questionable, the original equipment manufacturer should be contacted in order to purchase a replacement. It is critical that a replacement gasket be the same as the original gasket with which the drums were tested. A substitution gasket will invalidate the UN/DOT certification.. — Howard Skolnik

**Red Wines in The Winter Served Best from Skolnik Drums**

There are many things that are wonderful about wintertime. Fresh snow, warm comfort food, and roaring fireplaces are just a few. Another one of the best things about the weather in the winter months is the opportunity to “switch up” your wine routine and move to wines that savor the season. Arguably the best wines for these winter days are red, full bodied, and spicy. Shiraz and Syrah of course, immediately come to mind. Both wines arrive from the same grapes, with Shiraz originating in Australia and South Africa, and Syrah hailing from France. Fortunately neither of these two fine wines has to cost a fortune. There are plenty of top rated, high-end Shiraz and Syrah labels, but many can be found for about \$25.00 and under.

These wines are a few of the reds that are being aged in our stainless steel drums. Later this month, we will be demonstrating the unique properties and benefits of [Skolnik stainless steel drums](#) at the Wine Symposium at the Sacramento Convention Center in Sacramento, CA. The exhibition dates are Jan 26 to 29, 2010. Come see the very drums in which quite a few reds are aged. Our booth is #341, and we have free entry vouchers. Please contact me if you're interested in attending and would like a free pass..— Jason Snow

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