

# REUSABLE PACKAGING TODAY

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## IN THIS ISSUE

Ultrasonic.....	1
IBC Symposium.....	1
Packaging Papers.....	1
President's Message...	2
HTMA Legislation.....	3
Climate Change.....	5
Transport Canada.....	6
Skolnik Service.....	6

## Did You Know...?

The first president of RIPA was Ray Cabrey, General Cooperage, Philadelphia. Cabrey opened the first RIPA office in January, 1944 in the Pennsylvania Railroad Building. Rent was \$47.50 per month.

## UPCOMING EVENTS

RIPA Board Meeting  
July 26, 2011  
Chicago, IL

Petroleum Packaging Council  
August 21 – 23, 2011  
Park City, Utah

RIPA IBC Symposium  
September 13 - 14, 2011  
Hyatt Regency  
St. Louis, MO

Chemical Packaging Committee  
September 19 - 21, 2011  
Alexandria, VA

RIPA Annual Conference  
October 12 - 15, 2011  
Vinoy Hotel  
St. Petersburg, FL

## **RIPA MEETS WITH DOT ON ULTRASONIC LEAKPROOFNESS TESTING**

On June 1, 2011, RIPA met with several top DOT / PHMSA officials to discuss how the process of approval for new, safer technologies could be improved. In particular, RIPA and DOT discussed recent events in several member companies' quest for approval to utilize ultrasonic leakproofness testing for steel and plastic drums.

Present with RIPA staff and counsel at the meeting was Peter DeWitt from DeWitt Barrels in Grand Rapids, MI. Mr. DeWitt's company was the first member company to receive an approval for ultrasonic testing. The approval came in January 2011 only after a full site investigation had been conducted by DOT enforcement personnel the previous month. Significantly, no violations were found and the tester performed as described in the application for approval.

...See "DOT" page 3

## **RIPA'S IBC SYMPOSIUM SET FOR SEPTEMBER 14<sup>TH</sup> IN ST. LOUIS**

As part of ongoing efforts to offer more training for member companies' personnel, RIPA is conducting September 13 - 14, 2011 a symposium dedicated to the reprocessing of IBCs.

Questions frequently arise as to how an IBC must be reprocessed in full accordance with regulatory requirements and customer expectations. Indeed, the question is often asked: how do "reprocessing", "routine maintenance", "repair", and "remanufacturing" all relate to one another? And what do these regulatory terms mean for personnel working in the plant to reprocess units?

The IBC Symposium is tailored specifically, but not exclusively, for plant personnel overseeing IBC operations. Additionally, sales personnel will benefit greatly from a thorough rendering of the rules for cleaning, repairing, testing, marking, re-bottling, and recycling.

...See "Symposium" page 5

## **PACKAGING PAPERS FRONT AND CENTER AT UN**

The UN Sub-Committee of Experts will be spending a lot of time dealing with packaging issues in the next biennium. Nearly half of the twenty-one formal papers that will be considered by the Experts in Geneva this month address packaging and related issues, such as marking and labeling.

The International Confederation of Container Reconditioners (ICCR) is following closely several of these papers, and has submitted an Information (INF) paper on a proposal from the United Kingdom dealing with vibration testing of large intermediate bulk containers. Other papers of interest include two German proposals focusing on electrostatic discharge and the testing of salvage packagings, as well as a paper from the International Confederation of Plastics Packaging Manufacturers (ICPP) on "date marking" of plastic drums and IBCs.

...See "Papers" page 4

# **PRESIDENT'S MESSAGE**

- It's vacation time!

The kids are out of school; the days are growing longer; and, the weather is turning balmy. Summer has arrived.

Have you made plans for a summer vacation yet? If you haven't, will you?

According to a recent survey by Harris Interaction and Expedia, 36 percent of all U.S. business managers don't plan to use all their vacation days during the year, and 37 percent never take more than a week off at a time. Contrast this to the European point of view, where vacations are considered a very important part of the "work contract," and are nearly always taken in full – as many as six weeks, in some countries!

There are many theories about why European vacations are so much longer than those in the U.S., but the prevailing theory seems to be that Europeans tend to place a high value on time spent with friends, family or just relaxing, whereas Americans tend to have a more deep-seeded work ethic and often value things like SUV's and large homes over time-off.

Interestingly, the American attitude towards shorter vacations is beginning to change. Many physicians and even some top corporate managers now believe in the work- and health-related benefits of time away from the office.

So, if you are looking for reasons to take a much-needed break, here's a short-list of how vacations can benefit your health and mind.

## **Live longer**

A State University of New York survey found that individuals who took annual vacations reduced their risk of death by 20 percent. Individuals who didn't take any vacations in five years had the highest death rate and incidence of heart disease than others surveyed.

## **Improve your mental health**

A study by Wisconsin Medical Journal found that women who took frequent vacations were less likely to become depressed, tense, or tired. Women who rarely took vacations were likelier to have stress at home and sleep less.

## **Perk up your personal relationships**

There aren't any fancy studies to back this one up, but it makes sense that a vacation is the ideal time to reconnect and revitalize relationships that have taken a toll from an on-call, always-on, and work-obsessed culture.

## **Learn to be creative, again**

Most of the year, we live on a schedule. We eat at the same restaurants, see the same people, and experience the same environment. This monotony reduces the opportunities for inspiration and for new ways of thinking. By traveling to a foreign environment – even if it's just to the beach - we put ourselves in a new situation, and allow our brains to think differently.

## **Become more productive**

What? You can be more productive by not working? Yes. By scheduling several weeks of vacation a year, you force yourself to make your work weeks more efficient. Your schedule becomes an award for a job well done, and offers an incentive to eliminate distractions and work more efficiently.

There, you have it – five good reasons to take a break. Have fun!

*(Editors note: If you were wondering: I have not yet made plans yet for my summer vacation!)*



*Paul Rankin*

Paul Rankin



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At the June 1<sup>st</sup> meeting, PHMSA officials described their commitment to innovative technologies that provide equivalent or greater safety. In turn, RIPA described all the steps taken, first by the association and later by DeWitt Barrels, in seeking an Approval for a new leakproofness testing system. Mr. DeWitt voiced his frustration with the process and the series of requirements that kept coming from the agency.

PHMSA's officials, lead by Dr. Magdy El-Sibaie, said they intend to expedite the Approval process while still preserving the agency's authority to inspect and verify testers that receive approvals. Additionally, the agency retains its existing authorities to conduct a site investigation at its discretion. However, a full site investigation would not be a continuing prerequisite for the ultrasonic approval.

PHMSA also described how, in the long term, the ultrasonic method could be added to the regulations alongside helium testers and pressure differential. The officials asked for the industry's patience with the approval's recordkeeping and marking requirements, explaining that these measures would help establish a record of safety that would be necessary to codify the test method in the regulations.

RIPA thanked the agency for its time and cooperation. RIPA staff will work with the various member companies that are interested in receiving approval. Several applications for approval have lapsed or been withdrawn. RIPA will be providing more information shortly.

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## **ADMINISTRATION RELEASES HMTA REAUTHORIZATION LEGISLATION**

The U.S. Department of Transportation has released proposed legislation to update the federal hazardous materials transportation law. The new provisions will likely be included in a massive highway reauthorization bill that is expected to be introduced in June. It is common practice at the federal level to include two or more bills in a larger "omnibus" proposal dealing with several related legislative matters.

The legislation would:

- Give DOT authority to issue Special Permits and Approvals without first establishing rules regarding "fitness;"
- Double fines for civil penalties;
- Create an enforcement training program for inspectors and investigators; and,
- Establish new authorization for the "opening" of packagings that are suspect.

The Interested Parties group is opposing several of DOT's proposals, including the fine increase and the new Special Permit and Approval sections. "The fact is that DOT doubled hazmat fines just six years ago, and has offered no justification to impose another increase," said RIPA President Paul Rankin. "The IPs are also unhappy that DOT is unwilling to issue a rulemaking that would establish practical and understandable boundaries for fitness determinations," he noted.

The IP's have created their own "model bill," which contains several dozen amendments to the federal HazMat law. Among the key changes the IPs would like Congress to adopt are:

- A requirement forcing DOT to issue a rulemaking on fitness criteria;
- Limits on the number and cost of background checks drivers need when delivering hazmat;
- Limitations on carrier liability for shipper infractions;
- Clarification that PHMSA is the lead agency with regard to U.S. representation in international regulatory agencies; and,
- Clarifications to DOT authority to open and inspect hazmat packaging in transportation.

"It is still too early to tell if Congress will reauthorize the federal HazMat law this year," said Rankin. "If this issue drags into next year, it is likely that nothing will happen," he said.

The UK proposal on vibration testing (2011/7) is a "discussion" document that seeks input from other government Experts and Observer groups regarding the advisability of exempting IBCs greater than 1,500 kg gross mass from vibration test requirements. Although the US has long required IBCs of all sizes to be vibration tested in the design phase, Europe governments only recently began to require such testing, following acceptance of the test by the UN several years ago. The UK asserts that facilities to test smaller IBCs are available, but this is not the case for the larger units. The UK has already exempted the large IBCs from vibration testing requirements and has asked other European nations to do the same.

The UK paper offers three options for discussion:

- (1) Eliminate vibration testing for all IBCs,
- (2) Eliminate vibration testing for IBCs "not suitable for stacking," or
- (3) Retain vibration testing for IBCs up to 1,500 kg gross mass, and exempt larger IBCs.

ICCR has teamed up with the International Confederation of Plastics Packaging Manufacturers to submit an "Information" paper (INF 40) opposing the elimination of vibration testing for smaller IBCs, while seeking further information about the costs and availability of test facilities for the larger units. "ICCR strongly supports vibration testing for IBCs as a matter of safety," said ICCR President Brian Chesworth. "For this reason, we would not want to see this requirement eliminated from the Orange Book," he noted. Chesworth appreciates, however, that as a practical matter, if industry cannot access test facilities some accommodations may be required.

ICCR/ICPP believe that the UK may have inadvertently included 1,000 L and 1,250 L (275 gallon and 330 gallon) IBCs in their paper. "According to our research," said RIPA President Paul Rankin, "virtually all 275 and 330 gallon composite IBCs are marked to a gross mass greater than 1,500 kg. We know there are plenty of vibration test facilities for these units globally and would not want to see these commonly used units exempted from testing." However, said Rankin, if the UK is targeting IBCs with capacities greater than 1,500 kg's, that would be an issue worth discussion.

The U.S. and France agree that agree that vibration testing is an appropriate way to identify construction flaws in IBC designs and plan to oppose the UK paper if it also includes IBCs with marked gross masses equal to or greater than 1,500 kg's. According to U.S. delegation leader Duane Pfund, "Our position is that the vibration test is a pivotal test for identifying design issues and ensuring the integrity of the IBC."

### **Other papers**

Germany has presented several papers for UN review. Document 2011/12 would require all packagings of any size to employ "measures to prevent dangerous electrostatic discharge." Germany is concerned that static discharge presents a safety concern in the filling and discharge environments. This requirement currently applies to IBCs.

ICCR is concerned that no evidence of safety problems has been presented by Germany. "Tens of millions of packagings are shipped every year and we have found no problems in the field," said RIPA President Paul Rankin. Therefore, ICCR does not support the paper.

Document 2011/13 would add a note to the testing provisions for salvage packaging designed to "clarify" the manner by which salvage packaging is tested. ICCR opposes this idea, arguing that salvage packagings are tested under a unique set of provisions because these containers are used for a wide range of ladings in emergency situations. The German paper would revise testing procedures with a "note," which is a mechanism usually reserved for clarifying the meaning of existing text. "ICCR believes that the testing provisions for salvage packagings are adequate, and that the use of "note" to revise test requirements is improper," said Rankin.



## **SUPREME COURT THROWS OUT STATE CLIMATE CHANGE SUIT**

The Supreme Court has decided that although global warming is a problem, the Environmental Protection Agency should take the lead in dealing with the issue. The unanimous decision blocked state governments and others from going to federal court to file a claim of “public nuisance” in order to get judicial limits imposed on electric power plants’ release of “greenhouse gases” that may warm up the atmosphere.

EPA, the Court noted, has promised a final ruling by May of next year on whether it will set controls on greenhouse gas emissions from power plants. But, the decision added, even if EPA eventually decides that it is not going to impose such limits under the federal Clean Air Act, the courts still would not be free to hear “public nuisance” claims under a general common-law theory.

The decision in *American Electric Power Co., et al., v. Connecticut, et al.* was the Court’s second foray into the burgeoning global debate over whether human beings are the primary cause of “climate change.” As in the first ruling in 2007, the Court again declined to take sides in that scientific and political debate. “The Court,” Justice Ruth Bader Ginsburg wrote in the main opinion, “endorses no particular view of the complicated issues related to carbon-dioxide emissions and climate change.”

The Court did, however, reinforce its earlier opinion (in the case of *Massachusetts v. EPA*) that the EPA has been told by Congress to treat greenhouse gas emissions as an “air pollutant” under the Clean Air Act, and is obliged to do something about it. So far, EPA has taken steps to regulate emissions from some cars and trucks, and is considering doing so for medium- and heavy-duty vehicles, and has begun “phasing in” some equipment changes at facilities that emit such gases, in addition to its plan to put out a proposed rule by next month (and a final rule by May 2012) to curb emissions at coal-fired electricity-generating plants.

By prohibiting “public nuisance” lawsuits, the Court has decided that the federal Clean Air Act “occupies the field” in this area of law and, therefore, ended a spreading series of state and public interest lawsuits, that have been designed to attack not only global warming, but other perceived threats to the environment. When Congress steps in to pass a law to deal with a problem with which the courts had formerly dealt under common-law theories of liability, Justice Ginsburg wrote, the need “disappears” for courts to engage in the unusual exercise of fashioning remedies themselves. Congress, the opinion added, is better equipped to get to the bottom of such problems, and find solutions.

Paradoxically, the opinion could serve as a prod to EPA to go ahead and impose some curbs on carbon-dioxide emissions from power plants. The Court said that it believes that the Clean Air Act directly addresses the problem of emissions of carbon dioxide from such facilities. And, since the opinion bars the state courts from action, this could be a “green flag” for action by EPA.

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*continued from page 1 “Symposium”*

RIPA’s IBC Symposium will be held Wednesday, September 13 - 14, 2011 at the St. Louis Hyatt Regency Hotel, located right downtown and across from the iconic Archway to the West. St. Louis is centrally located, affordable and vibrant with local attractions. The room rate is a thrifty \$125. Preceding the symposium on Tuesday evening, RIPA will host a special reception at the hotel so that newcomers will get acquainted.

A form to register personnel for the symposium will be sent to all member contacts soon. The fee for attending will be noted on the form.

Meanwhile, you can make room reservations by contacting the hotel at 314-655-1234. Ask for the RIPA room rate. You can also visit the hotel’s website at:

[HyattRegencyStLouis.com](http://HyattRegencyStLouis.com).

Plan now to send your key personnel for whom this program will answer many questions.



## **TRANSPORT CANADA CLARIFIES RECONDITIONING RULE**

Transport Canada has given formal authorization to Canadian reconditioners to recondition UN drums that have been remanufactured. Specifically, the authorization deals with tight head drums the heads of which have been removed and then replaced.

In a detailed letter to Rod Stewart, General Manager, Can-Am Containers, Inc. (recently purchased by Great Western Containers), Small Means of Containment Superintendent Stephane Garneau said that all drums, including those that have been “remanufactured, which meet the national reconditioning standard, may be reconditioned. The Canadian reconditioning standard (CGSB 43.126-2008) was recently revised and includes minimum thickness and marking requirements.

The letter was issued in response to a question from Mr. Stewart regarding the reconditionability of 1A1 to 1A1 remanufactured drums. This process is authorized by the UN and has long been a part of both U.S. and Canadian rules for drum reuse.

Garneau noted that reconditioners can rely upon the mark that appears on the remanufactured drum. “Unless the reconditioning facility has reason to believe otherwise the markings on the drums received at the facility should be considered an accurate compliance mark,” he said.

According to Stewart, the letter clears up an issue that has bothered Canadian reconditioners for some time. “We greatly appreciate Transport Canada’s prompt response to the inquiry and the clarity of the response,” said Stewart. “Many of us believed that remanufactured drums could be reconditioned if they also met the CGSB reuse requirements, but since the rules do not specifically address this issue, we wanted to be certain of our position,” he said.

A copy of the letter may be obtained from RIPA.

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## **SKOLNIK HOSTS PARTNERSHIP FOR PUBLIC SERVICE**

Small businesses are often limited in their ability to access the latest information regarding emerging technological and industrial trends, as well as domestic and global regulatory changes. By hosting a meeting of the “Partnership for Public Service” Skolnik Industries has found a great way to stay current with all these issues and mingle with other area business leaders.

The Partnership for Public Service is a nonprofit, nonpartisan organization that works to revitalize the federal government by inspiring a new generation to serve and by transforming the way government works. The Partnership is well known for its *Best Places to Work in the Federal Government*® rankings.

Over the course of three decades, Skolnik Industries’ participation in various industry organizations has yielded a “coalition” of government agencies, industrial associations and local government connections, all of which funnel information in to the company. In turn, Skolnik is able to share this information with its customers and use it to better position the firm for the future.

Recognizing these efforts, and understanding the benefits of building such coalitions, last month, Mr. Billy Hines, Acting Director, Field Operations and Enforcement for the U.S. Department of Transportation chose to host a Coalition Event for the Fellows for the Partnership for Public Service at Skolnik. Mr. Billy C. Hines, Jr., and Howard Skolnik made presentations on establishing and building coalitions which facilitate safety in hazardous materials transportation. The Fellows then toured Skolnik’s manufacturing facility and witnessed a UN Drop Test.

“All of us at Skolnik were delighted to host this event, and we were particularly pleased that Mr. Hines was able to join us,” said Skolnik. “I believe strongly that public/private partnerships are the wave of the future and, in the field of hazmat safety, will better ensure a safe transportation system,” he noted.



**HazMat News**

**What is FDA doing to assess the situation in Japan?**

FDA's screening at U.S. borders will remain vigilant and will be augmented with radiation screening of shipments. On March 22, 2011, in order to complement the measures taken by the Government of Japan and to strengthen the global food safety net regarding certain products, [FDA issued Import Alert 99-33](#) regarding the importation of all milk and milk products and fresh vegetables and fruits produced or manufactured from the four Japanese prefectures of Fukushima, Ibaraki, Tochigi and Gunma. Based on current information, there is no risk to the U.S. food supply. FDA is closely monitoring the situation in Japan and is working with the Japanese government and other U.S. agencies to continue to ensure that imported food remains safe. FDA already has a very robust screening process for imports and has staff in place at the ports to monitor incoming products. FDA does not have concerns with the safety of imported food products that have already reached the U.S. and that are in distribution. Imports from Japan include human and animal foods, medical devices and radiation emitting products, cosmetics, animal and human drugs and biologics, dietary supplements, and animal feeds. The most common food products imported include seafood, snack foods, and processed fruits and vegetables. Foods imported from Japan make up less than 4 percent of foods imported from all sources and 60 percent of all products imported from Japan are foods. (Food products from Canada and Mexico each make up about 29 percent of all imported foods.) Please see the joint fact sheet with the U.S. Department of Agriculture (USDA) and the National Oceanic and Atmospheric Administration (NOAA) for additional information on this developing situation.

— Howard Skolnik

**Roaming Reptile Curtails Federal Operations!**



No, this is not an April Fool's joke!. On Sunday, March 27, the Government Printing Office (GPO) announced that a 27-foot Bolivian python &mdash; an endangered species &mdash; escaped from the National Zoo and slithered into the underground vault holding the official copies of the Code of Federal Regulations (CFR). Before it was incapacitated by numerous darts filled with strong sedatives, the snake managed to swallow Titles 33 and 46 of the CFR. It took veterinarians 12 hours to extract the important documents. In the interim, the US Coast Guard, Maritime Administration (MARAD), St. Lawrence Seaway Development Corporation, Federal Maritime Commission, and US Army Corps of Engineers had to curtail operations for lack of authority. (March 31 &mdash; Bryant's Maritime Blog!)

— Howard Skolnik

**Wine Making News**

**Taking Care of your Stainless Steel Wine Drums**

One of the primary benefits of a stainless steel wine barrel is that they can last a lifetime. However, the attractive and hygienic surface of stainless steel cannot be maintained without proper care and protection. To achieve maximum corrosion resistance to the surface of the stainless steel it must be kept clean and protected from deep scratches. Proper storage, usage, and regular cleanings will ensure good performance and a long life. One of the most common causes of damage that we observe is caused by the storage of stainless steel barrels on carbon steel wine racks. Stainless steel can be contaminated by the pick-up of carbon steel ("free iron") and this is likely to lead to rapid localized corrosion (rusting) on the barrel. This often happens when the barrels are rotated on the wine racks causing friction between the stainless steel barrel and the carbon steel wine rack. To prevent contact between stainless and carbon steel, we recommend covering either the wine barrel in a durable fabric; a food grade plastic; or a rubber padding to prevent scratches and direct metal to metal contact. The ultimate and best solution is to store your stainless steel wine barrels on stainless steel wine racks like those available from [Western Square](#). Also, keep in mind that the handling tools such as mixing paddles, rakes and shovels should also be made of compatible materials like food grade plastic or stainless steel. This will also help to maintain the life your stainless steel barrels and tanks. With proper care your Skolnik stainless steel wine barrels will last for generations

— Dean Ricker

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