UK SEeks NEW RULES FOR TRANSPORT OF EMPTY PACKAGING CONTAINING RESIDUE

The Expert from the United Kingdom introduced a last-minute “informal” proposal to the UN Sub-Committee of Experts seeking regulation of empty, uncleaned packaging that is being transported for recycling or disposal. INF. 24 was published on November 23, just days before the start of the most recent meeting of the Sub-Committee in Geneva, Switzerland.

In response, ICCR and four other international trade associations – ICPP, ICIBCA, ICDM and EMPAC – introduced INF. 43 objecting to the UK proposal and called for further consideration of the issues raised by the UK. “The implications of [the proposal] on industry could be significant and…will vary from continent to continent,” said the group. Moreover, they pointed out that such packaging is currently moved safely all over the world for reuse under nationally approved procedures.”

EXTENSION OF TIME TO CARRY PAPER CDL MEDICAL CERTIFICATES

The Federal Motor Carrier Safety Administration (FMCSA) has decided to keep in effect until January 30, 2014, the requirement that interstate drivers subject to the Commercial Driver's License (CDL) retain paper copies of their medical examiner's certificate. Interstate motor carriers also are required to retain copies of their drivers' medical certificates in their driver qualification files.

This action is being taken to ensure the medical qualification of CDL holders until all states are able to post the medical self-certification and examiner's certificate data onto the new “Commercial Driver's License Information System” (CDLIS). This rule does not, however, extend the compliance dates for states to begin collecting and posting to the CDLIS data from CDL holders’ medical self-certification and medical examiner's certificate.
CHAIR’S MESSAGE

As you probably know, at year’s end my term as Chair of RIPA comes to a close. It has been a privilege and a high honor for me to have served. I am humbled by the support I received from our Board of Directors, the Executive Committee, the Product Group Chairs and general membership throughout these last two years.

Paul and C.L. are talented pros and make the Chair’s position uncomplicated and easy by doing all of the “heavy lifting”. RIPA is indeed blessed to have their services. The Chair’s position has given me a unique perspective on how the association serves its members, their customers and the packaging industry in general. We absolutely get our money’s worth and then some, in my opinion.

As I think about the value of being a member of RIPA, the foremost thought in my mind is the importance of advocacy conducted by a full-time staff. Our industry needs an authoritative voice to help protect our interests in Washington, DC, Ottawa and at the UN, and we certainly have one in RIPA.

This past year, for example, RIPA was able to defeat an air pollution regulation proposed by U.S. EPA that would have cost RIPA members millions of dollars in compliance costs. If RIPA did not exist, where else would a member turn for such support? Our association is well known among regulators, shippers, manufacturers and user groups. RIPA provides an essential forum for member companies to convey their needs to government to ensure that our industry remains sustainable and robust.

Another extremely important benefit of membership is our own members’ support and participation. During my watch, one member took on the DOT single-handedly and helped gain approval of ultrasonic testing that had been dragging on for years. This kind of active participation is not often seen in industry associations, and it should be a point of pride for all RIPA members, knowing every member figuratively has your back.

Another reason RIPA works well for its members is compliance. As industrial businesses, we are continually hit from all sides with regulations and standards with which we must comply. RIPA members obtain a wealth of information from staff and legal counsel on how best to meet these requirements. Meetings and presentations at RIPA conferences are filled with useful guidance that you just can’t get anywhere else. A great example is the recent RIPA-sponsored IBC seminar for blue-collar workers and management, where member-experts in the field of IBC remanufacturing and reconditioning, along with staff, taught valuable lessons to those of us who attended.

A positive public image or “brand” is another benefit of membership. Our industry has a positive message to convey to governments, packaging users and the public: The reuse of industrial packagings is a “plus” for our customers and for the environment. And with RIPA, we have created a “brand” that more and more customers are demanding. They know that membership in RIPA means that your company is serious about its business and doing its level best to provide top-of-the-line service every single day.

Our staff, while small, is highly efficient and very professional and I want to thank Paul, CL, Larry and Mark for great support and leadership, always making me look good (or as good as they possibly could.)
I want to thank my fellow officers, Spencer Walker, Mike Bank and Joe Wirth for their service during my tenure. We have an outstanding slate of officers to guide us in 2012 and beyond, led by our new Chair, Spencer Walker. We are in very good hands.

In closing, I would like to express my belief that our association must look very closely at the ever changing makeup of our industry and plan accordingly. Consolidation, buyouts and attrition are and will be the model going forward to a greater or lesser extent. Also, I optimistically look forward to the prospect that RIPA will keep a dialog open with other trade associations who may be interested in a closer relationship with RIPA, where common interests and goals may be pursued in a joint effort.

I want to urge everyone to continue participating in the association that works for you! As with many things in life, the more you can put in, the more you can take out.

Thanks again for the opportunity to serve as RIPA’s Chair! Have a safe and relaxing holiday season and a Happy New Year!

---

RECYCLERS GET PAT-ON-THE-BACK FROM THE SENATE

The U.S. Senate has passed a resolution (S. Res. 251) expressing “support for improvement in the collection, processing and consumption of recyclable materials. The non-binding resolution does not have the effect of law nor does it compel any federal agency or other arm of the government to take any specific action.

Sponsored by Senate Recycling Caucus Chair Senator Thomas Carper (D-DE), the resolution notes that recycling plays an important business and environmental role in the U.S., and that more than 10,000 communities have institute residential recycling programs. The Resolution expresses support for expanded collection and increased trade of recyclable materials, and support for policies that promote recycling efforts over combustion or landfill.

The Senate and House Recycling Caucuses were formed in 2006 and serve as a clearinghouse for information about recycling to legislators and the public. A copy of the resolution can be obtained from the association.
The United Kingdom appears to be interested in regulating small packagings, such as tin containers and spray cans, that have been emptied by the consignee, but which still retain residues of dangerous goods. Many such packagings are collected “en mass and placed in a bin, box or bulk container” for transport to a site where sorting, recycling or disposal takes place, says the UK Expert. Such mixed loads of smaller containers may be of varying hazard classes, so the question of how to properly classify these combined shipments is uncertain.

“ICCR appreciates the UK Expert’s concern regarding the transport of mixed loads of smaller packagings,” said ICCR Chairman Brian Chesworth. “However, the proposal elaborated by the UK appears to include all emptied packagings, including drums and intermediate bulk containers, and no provision is made to exempt packagings being transported to reconditioning or reprocessing facilities,” he noted. Chesworth believes the impact of INF 24 as currently written could severely and negatively impact the global reconditioning industry, and impose significant new costs of firms that ship empty packagings.

This issue was recently taken up by the “Joint Meeting of the RID Committee of Experts,” a regional regulatory authority governing road and rail transport in Europe. Unfortunately, the Joint Meeting failed to achieve consensus on the matter. Nevertheless, the UK elected to bring the unresolved issue to the UN Subcommittee for discussion.

The proposed solution is to add a new UN entry for “Packaging Wastes, Empty, Un-Cleaned for Disposal, and two packing instructions for drums and combination packagings and large packagings. The proposal does not address packaging size or make allowance for packagings shipped to reuse facilities. As a result, all emptied packagings including containing residue, including drums or IBCs, could be required to be placed into outer packagings.

“This proposal was submitted to the UN Sub-Committee very late and as a result industry had no time to vet this paper or prepare a full response,” said Chesworth. “We look forward to working with the UK and other interested Experts to address the transport safety issues raised in INF 23,” he concluded.

**EARTHMINDED PARTNERS WITH RECONDITIONERS TO CREATE NEW COLLECTION SERVICE**

EarthMinded™ Life Cycle Services (EarthMinded LCS) has established partnerships with four North American reconditioning companies to create a comprehensive container collection network. In addition to its existing joint venture partners IndyDrum and Drumco of Arkansas, the new EarthMinded LCS network in North America includes Container Management Services covering the western United States, West Texas Drum Company covering the Gulf Coast, Mid-America Steel Drum Co., Inc. covering the Upper Midwest and Great Western Containers covering Canada.

EarthMinded LCS recently purchased pack2pack (p2p) with eight reconditioning sites in seven countries across Europe, making the firm one of the largest reconditioners in the world. EarthMinded LCS intends to expand its network globally with service providers who meet its strict standards for industry-leading expertise and stewardship practices. It also expects to expand through acquisitions and green field development.

“We bring greater simplicity, efficiency, flexibility and world-class quality in reconditioning services and related products to customers,” said EarthMinded LCS President Dano Lister. “We also help customers compete more effectively in an increasingly resource-constrained and regulated world.”

EarthMinded LCS is committed to operating responsibly, protecting the environment as well as the health and safety of its people. The business is building on its aggregate history of developing and employing transformative technologies to redefine what constitutes environmentally responsible reconditioning, remanufacturing and recycling practices.

“Another core benefit is time savings for our customers,” Lister said. “EarthMinded LCS provides one-stop convenience, giving each customer the ability to manage the industrial packaging needs of one or multiple sites, from the collection of used to the delivery of reconditioned and new industrial packaging.”
AMERIPEN TAKES NEXT ORGANIZATIONAL STEP

This year saw the launch of a new packaging trade organization, the American Institute for Packaging and the Environment, or AMERIPEN. AMERIPEN was formed as a resource to promote the interests of member companies from across the industry, including raw material producers, packaging manufacturers, packaging users and fillers, retailers and material recovery organizations. Modeled after EUROPEN and INCPEN, the European and British counterparts, respectively, AMERIPEN will advocate packaging policy developments in North America focusing on measures that are environmentally and economically sound, as well as socially responsible.

AMERIPEN plans to partner with thought leaders in the packaging industry to represent the total value chain of the consumer packaging industry in the North American market.

Earlier this year, AMERIPEN convened its first annual meeting of members in Chicago and established three strategic priorities for the immediate attention of the Institute. These priorities include (1) increasing understanding and communicating the value of packaging; (2) increasing the recovery of used packaging; and (3) analyzing varied approaches and alternatives to extended producer responsibility for packaging. During recent months, teams have been formed to begin collecting the facts and scientific evidence that will form the basis of any policy recommendations that may come from AMERIPEN related to these priorities.

OSHA LOOKING AT STEEL SHOT DUST

The U.S. Occupational Safety and Health Administration (OSHA) has focused recently its attention on various kinds of dust in the workplace. Metal, wood and food dust generated in an industrial setting can fuel a dangerous, explosive event if conditions are just right. As an example, an explosion of dust in a sugar factory in 2008 resulted in 14 fatalities.

RIPA knows of at least one case where OSHA inspectors focused on shot blast dust at a steel drum reconditioning operation. In that case, ventilation was deemed to be adequate and no corrective actions were requested.

Generally, if dust is present on floors and surfaces such that footprints are left behind, some corrective action would likely be warranted.

There are currently no federal standards or protocols for dust levels (other than for grain elevators). Thus, where OSHA inspectors have serious concerns about dust, they rely on certain of their broader authorities to effect changes at a facility.
RIPA RESPONDS

RIPA recently submitted a statement to the journal “Recycling Today” in response to an article in the October 2011 issue describing EPA’s new rules governing recycling of “hazardous secondary materials”. The statement was submitted in reaction to an unflattering and unrepresentative photo of some improperly handled steel drums used to illustrate the article (see photo at right).

In its statement, RIPA described the great lengths to which the reconditioning industry goes in handling drums and other containers. RIPA explained how reconditioners accept only “RCRA-empty” drums, and that meeting those thresholds for every packaging assures that the facility is not accepting hazardous wastes.

RIPA spoke with the editor and he agreed that it was not the best choice of photo. We were advised that RIPA’s statement will appear either as a “Letter to the Editor” or as a “sidebar” in the January issue. The full statement is presented here.

The October 2011 edition of “Recycling Today” included an article describing the U.S. Environmental Protection Agency’s new rules for defining “solid waste” and the “legitimate” recycling of hazardous secondary materials. Alongside the article --- entitled “Waste Redefined” --- is a photo of what appears to be a haphazardly piled assortment of steel drums. The Reusable Industrial Packaging Association (“RIPA”) takes exception with this depiction of steel drums as casually handled hazardous waste. Significantly, once emptied of their contents, small residues in emptied drums and other containers are excluded from hazardous waste regulations (40 CFR 261.7). More generally, some 55 million steel drums per year are handled with care and are safely used and reused to transport billions of gallons of valuable product from fillers to users in the U.S. and around the world.

RIPA is an international trade organization for companies that recondition steel drums, plastic drums, fiber drums and other types of industrial packagings. Each year, more than 30 million steel drums are carefully “reconditioned” (i.e., cleaned, tested, labeled and offered for reuse to shippers of chemicals and myriad other goods). The reuse of these packagings contributes significantly to the sustainability goals of manufacturing concerns and other types of businesses. When drums and similar packagings can no longer be reconditioned for reuse, they are typically cleaned, scrapped and recycled into similar packagings or other products.

The safety of these packagings for shipping hazardous materials is strictly controlled and monitored by the U.S. Department of Transportation (DOT). Additionally, reconditioners of drums and other packagings operate facilities that are strictly controlled for environmental impacts by state environmental agencies and the federal EPA. Finally, worker safety at reconditioning plants is highly regulated by both DOT and the U.S. Occupational Safety and Health Administration (OSHA).

Additionally, RIPA member companies operate reconditioning plants according to detailed Codes of Operating Practice. Under these industry codes, the reconditioning process is very specific and at no point are drums or other packagings piled haphazardly. In fact, under U.S. DOT rules for hazardous materials, all emptied drums must be securely closed and marked as if ready for transportation of the original lading.

U.S. EPA has had for many years a regulatory threshold that must be met for an emptied container and its residue to escape designation as hazardous waste. This threshold is referred to as “RCRA Empty” and it essentially means that all flowable material must be removed. Drums that meet this threshold are not waste, but rather valuable packagings ready to be cleaned and reused, or cleaned and recycled outside EPA’s rules for hazardous secondary materials. The reconditioning, reuse and recycling of these packagings provides a significant environmental benefit by ensuring proper environmental management of emptied containers, and by reducing energy and raw material demands associated with new container manufacturing.

RIPA appreciates U.S. EPA’s interest in identifying clearly what constitutes “legitimate” recycling of “hazardous secondary materials” and what is more appropriately deemed “hazardous waste management”. While some steel drums and similar packagings may be used to ship certain wastes and hazardous secondary materials, the drums themselves are more likely to be emptied to EPA’s empty standard, reconditioned, reused and eventually cleaned and recycled as scrap.

The process of steel drum production, filling, emptying and reuse is one of the great environmental success stories of the last century. Hopefully, “Recycling Today” can devote some time soon to highlight this aspect of steel drums and similar packagings.
INTERSTATE COMMERCIAL DRIVERS ARE BANNED FROM USING HAND-HELD MOBILE PHONES

Effective January 3, 2012, commercial drivers in interstate commerce who possess CDLs (Commercial Drivers Licenses) are banned from using hand-held mobile telephones while operating a commercial vehicle. Both the Federal Motor Carrier Safety Administration and the U.S. DOT’s hazmat authority, PHMSA, have jointly published amendments to their regulations that put the ban into place. The two agencies already had jointly instituted a ban on “texting” while operating.

Significantly, the new regulations also implement new driver disqualification sanctions for those who fail to observe the telephone ban, and for those who are found to have multiple violations of the federal ban and/or state and local bans. Drivers could lose their CDLs and thus, much of their current livelihood. Also, maximum fines for a single citation can be as high as $2750 for the driver and $11,000 for the motor carrier.

RIPA recently issued to all members a “model”, written “Driver Distraction Policy” that member companies could use “as is” or amend as necessary to reflect particular business operations.

Regarding the use of phones while idling, the ban stays in effect if the driver is essentially in traffic and on the road (e.g., at stop lights or accident delays). However, as long as the driver has moved the vehicle to the side of, or off, a highway or road, and has halted the vehicle in a location where it can safely remain stationary, use of the phone is allowed.

RIPA members should begin now informing their drivers of these new restrictions. Members should contact RIPA with any questions or concerns.

END OF AN ERA

For many years, RIPA members awarded with the Morris Hershson Award of Merit received as part of that recognition a crystal glass Eagle made by Steuben, inscribed with their name on a base pedestal.

As some RIPA members may know well, Steuben (pronounced stew-BEN) has been around a long time. Its crystal glass figurines and other creations have been presented as gifts to kings, queens, retiring executives and even the Pope.

Sadly, though, the company is closing after 108 years. Its manufacturing shop in upstate New York will close in late November, and its retail shop on New York City’s 5th Avenue will close once inventory is sold.

Steuben had been part of Corning, the glass company that made many household glassware items for generations. However, Corning recently moved into more high-tech glass applications, and consumers’ tastes have shifted more towards electronics and other types of gifts. Adding to the company’s misfortunes, Steuben was sold by Corning in 2008, just as the current economic downturn was taking shape.

It is unclear just yet when the next Hershson Award will be bestowed. In recent years, RIPA’s Board has chosen to schedule the awards at two-year intervals. In 2011, an award was bestowed to Peter DeWitt of DeWitt Barrels, Inc. in Michigan.

A decision on the next award will be made by the RIPA Nominating Committee and the Board of Directors. In the meantime, RIPA will endeavor to find a suitable replacement for the Steuben Eagle.

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<td>RIPA is pleased to announce the formal acceptance of an application for membership as a Reconditioner Member from:</td>
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<td>Chesser Container</td>
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<td>Mr. Dale Chesser, Owner</td>
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<td>704-399-6766</td>
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<td>704-399-4772 Fax</td>
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<td><a href="http://www.chessercontainer.com">www.chessercontainer.com</a></td>
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A Holiday Question – Are you As Good as your Dog?

Of all the items ever published in this Newsletter, I am repeatedly asked about "Are you as Good as your Dog?" I hope you will find in it, a special message for this Holiday season. – Howard Skolnik

"If you can start the day without caffeine, if you can get going without pep pills, if you can resist complaining and boring people with your troubles, if you can eat the same food everyday and be grateful for it, if you can understand when your loved ones are too busy to give you any time, if you can overlook it when something goes wrong through no fault of yours and those you love take it out on you, if you can take criticism and blame without resentment, if you can ignore a friends limited education and never correct him, if you can resist treating a rich friend better than a poor friend, if you can face the world without lies and deceit, if you can conquer tension without medical help, if you can relax without liquor, if you can sleep without the aid of drugs, if you can honestly say that deep in your heart you have no prejudice against creed, color, religion or politics, then my friends, you are almost as good as your dog!"

Wishing all of our NEWSLETTER readers the Happiest of Holidays!

— Howard Skolnik

2012 Unified Wine & Grape Symposium in Sacramento

On January 25th-26th we will, once again be exhibiting our stainless steel wine drums at the Unified Wine & Grape Symposium in Sacramento, CA. This event has been extremely successful for us, as it is one of the most popular wine making events of the year. The Symposium provides us the opportunity to personally demonstrate the features and options of our wine barrels. Being an annual show for Skolnik, we have established trusted relationships with many winemakers and as always, we will have various sizes and styles of our stainless steel wine barrels for attendees to view. Please stop by and see us at Booth # 543. If you are planning to attend, please be our guest! We have a number of free entry vouchers that we would be happy to send to you and/or your colleagues. Click here for more specific information about the Symposium. If interested, contact us immediately at 773-884-1513, or email jason@skolnik.com.

— Jason Snow

SKOLNIK – Our History

We’re very proud of the Skolnik web site. In addition to listing more than 400 types of steel drum packagings manufactured in Chicago, Skolnik.com is the best resource for facts and regulations dealing with steel drums being used worldwide for hazardous materials storage, transport, and disposal. Of special interest, Skolnik.com also offers some insight into the unique personality of our company. As we approach nearly 85 years of presence in the steel drum community, we have compiled a pictorial history of our company with photos, product brochures, and news events that date back as far as 1943. “Skolnik and Son”, Abraham and his son Sol, originally started circa 1925 as peddlers of wooden barrels. In 1940, with the loss of their father, Sol and brother Jack took the company into steel drum reconditioning and as of 1960, solely manufacturing new steel drums. In 1985, the company was sold to Howard Skolnik, son of Jack, and Edward Elins and the focus was to develop the niche or “boutique” markets which were not being served by conventional 55 gallon steel drum manufacturers. During these last 25 years, Skolnik has continued to aim for the highest levels of quality manufacturing with a vast array of products and services. We participate in the global regulatory arena to “save lives” by helping to prevent hazardous material accidents. If you would like to see what we’ve been doing for these past 82 years, check out OUR HISTORY at Skolnik.com. We’re proud of our past, working hard in our present, and looking forward to a stimulating future...

— Howard Skolnik

2012 Unified Wine & Grape Symposium in Sacramento

No More Hand-Held’s for CMV Drivers

Last week, the Pipeline and Hazardous Material Safety Administration (PHMSA) and the Federal Motor Carrier Safety Administration (FMCSA) published a final rule in the Federal Register (76 FR 75470-75488) prohibiting the use of hand-held cell phones by drivers of commercial motor vehicles (CMV). The FMCSA portions of the rule apply to CMV operators in interstate commerce and the PHMSA portions apply to both interstate and intrastate transportation of placarded loads of hazardous materials. The use of hands-free phones is not covered under this rule.

A commercial motor vehicle can be defined as: a vehicle with a gross vehicle weight rating of 26,001 or more pounds; a vehicle designed to transport 16 or more passengers, including the driver; a vehicle designed to transport 11 or more passengers, including the driver, and used to transport students under the age of twenty-one years of age to and from school; or any vehicle transporting hazardous materials which is required to be placarded.

Using a hand-held mobile phone is defined under 49 CFR 390.5 as: using at least one hand to hold a mobile telephone to conduct a voice communication; dialing or answering a mobile telephone by pressing more than a single button; or reaching for a mobile telephone in a manner that requires a driver to maneuver so that he or she is no longer in a seated driving position, restrained by a seat belt that is installed in accordance with 49 CFR 393.93 and adjusted in accordance with the vehicle manufacturer's instructions. Click here to view the final rule in the Federal Register.

Personally, I hope that this law will eventually include tax drivers and law enforcement personnel!

— Howard Skolnik

HazMat News

Wine Making News

SKOLNIK is a "specialized" manufacturer of 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.
We don’t just lead our industry, WE CONTAIN IT.

Stainlez is an industry-leading manufacturer of container components. From valves to caps and lids, our products make containers safer, easier, more reliable, and working in perfect harmony with one another. And just because we design and custom-build some of the most trusted container parts on the market doesn’t mean we’re standing still. Stainlez is always moving, innovating, and creating - striving to make our container parts and container systems the most technologically advanced in the world.

Stainlez Provides
• UN Testing for IBC’s
• Recertification of IBC’s
• Reconditioning IBC’s
• New IBC’s and Cages
• All Parts and Components

Designing custom components is just part of what makes us a whole lot better. We offer real world solutions that are practical and simple, helping you to keep costs low.

We offer all major OEM replacement parts for every IBC and Drum at a value, count on Stainlez to deliver Innovation, Quality, and Service.

IBC POLY BUNG & LIDS - We have everything for your brand IBC, choose from our expanded variety of lids or find the threading you need and choose a bung.

NEW VALVES - Stainlez has worked closely with the IBC OEMs over the years to develop the latest technology in IBC ball valves.

REBUILT VALVES - This is where Stainlez got our start! We have the valve you need! Call and tell us what IBC brand you have and we’ll find the right one for you.

VALVE ADAPTERS AND COUPLINGS - Adapters are built to fit and ship, while couplings help you get the job done without worrying about parts coming loose.

IBC VALVE CAPS - We offer a variety of fittings and thread types. Some available without a thread, they just lock into place.
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Tuck Roll Shafts

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We offer complete rebuild kits.

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