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## **SAVE THE DATES: April 26—28** **RIPA SPRING TECHNICAL CONFERENCE!**

Mark your calendars now for **RIPA’s Spring Technical Conference** April 26-28 in the charming river city, Memphis, Tennessee. The hotel will be the legendary Peabody Hotel.



There will be several important sessions including the Steel Drum, Plastic Drum and IBC Product Groups. Also, a Product Group Plenary Session and a Suppliers Showcase Panel are being planned. *(There are no tabletop displays at the spring meeting.)*

The conference will feature two outstanding speakers talking about crucial issues affecting the industry. **Alan Karickhoff**, Economic Analyst at the American Trucking Associations, will discuss the national truck driver shortage. **David Williamson**, an expert with the scrap industry association, will talk about issues affecting the scrap industry and offer insights into scrap metal markets.

The conference will also feature a Plant Tour, this year at EarthMinded - Container Life Cycle Management.

The Technical Conference is traditionally planned as a forum for not only owner/operators, but for plant managers and other plant personnel as well. So, give some thought to how you and your colleagues will benefit by attending.

Memphis is a centrally located destination with many amenities and cultural attractions. The food, the music, the river. We will make sure your visit is remarkable.

FYI: The conference will begin with a Suppliers’ Welcome Reception Sunday evening and conclude with the plant tour Tuesday, with transportation provided to the plant and the airport thereafter.

**To register and make room reservations**, simply go [HERE](#). See you in Memphis!

## **BATTLE BREWING OVER “USA” MARK ON PACKAGINGS**

The Reusable Industrial Packaging Association has filed comments with DOT opposing a petition (P-1720), which was recently filed with the U.S. Department of Transportation seeking authorization for package testing laboratories in the U.S. to assign the “USA” mark to manufacturers of industrial packagings located outside the United States. Currently, this mark may only be assigned to companies headquartered in the U.S.

RIPA is concerned that the request, if granted, would negatively affect transportation safety not only in the U.S., but also other countries in which the packagings are sold, filled and shipped.

*Continued p. 3*

## CHAIR'S MESSAGE

Hello Friends,

I am honored to be writing to you as the Chairman of our association. Amazingly, 2020 marks the fifth decade touched by my span of service on the Board of Directors. As my friend, Elliot Pearlman, recently observed, "You are the youngest member of the old generation."



*Chair Mike Bank*

I am pleased to tell you that our association is in a strong place, particularly given the increased emphasis corporations are placing on sustainability and the Circular Economy. Despite the fact that many changes have taken place during the past 20 years, both in our own industry and those that we serve, I strongly believe that the future of the reconditioning industry is bright.

I want to thank former Chairman Brian Evoy for a remarkable term as RIPA's leader. Frankly, he is really a tough act to follow, but I'll do my best. In fact, I would not be in the position I am in today without the mentorship of people like Brian and many others in the group. But the person who has done the most for me is my father, Eliot Bank, who instilled in me a deep understanding of the value of belonging to RIPA and the many benefits – both personal and professional – that come from participating actively in the organization.

I've been fortunate to work for several past-Chairs of the group, including Sidney Blatt, Elliot Pearlman and Calvin Lee. Talk about a group of great leaders! I could not help but learn a lot about leadership and I hope it pays benefits now.

RIPA has a lot going for it with Paul Rankin, CL Pettit, and Rick Schweitzer working every day on our behalf. I fully appreciate that my job as Chair is to represent every member of the association and do all I can over the next two years to ensure that RIPA serves the entire industry.

I look forward to seeing everyone at the Technical Conference in Memphis. Please feel free to contact me directly if there is any issue you want the association to address.

Grateful as always,  
Mike Bank



## *“USA” Mark from p.1*

The issue directly impacts U.S. manufacturers of packagings, such as drums and intermediate bulk containers, but reconditioners are also affected because labs could also assign the “USA” mark to remanufactured packagings. In addition, packagings bearing the “USA” mark that are produced outside the U.S. would invariably be filled and transported to customers in the U.S. After being emptied, these packagings would be available for reconditioning and reuse

The petitioner, HazMat Safety Consultants, LLC, seeks to allow DOT “recognized” laboratories “...to assign a specification marking that includes “USA” and the “+” designation regardless of where [a packaging] is manufactured.” HSC believes foreign-based packaging manufacturers are competitively disadvantaged by not having access to a “USA” mark and that since US-based labs are overseen by DOT, packaging safety might be improved.

RIPA believes that except in very rare cases, manufacturers operating outside the U.S. already have access to a test laboratory with authority to authorize use of that nation’s mark and other appropriate identification information. In addition, RIPA believes that the petition would allow any of dozens of U.S.-based “third-party” test labs to issue the “USA” mark. Lastly, RIPA is deeply concerned that PHMSA’s enforcement program is already stretched to the breaking point. Adding new requirements involving foreign travel and packaging testing would simply mean that the Agency would be less capable of fulfilling its existing obligations in the United States.

RIPA and several other groups representing packaging manufacturers and shippers have been advised by HSC that it plans to pare back its proposal by limiting it to combination packagings. In order to do this, the firm will have to withdraw and re-file its petition with DOT.

RIPA will keep members apprised of further activity as the issue progresses.

Copies of RIPA’s comments can be found [here](#); a copy of the HSC petition can be found [here](#).

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## **CGSB BEGINS REVIEW OF INTERMEDIATE BULK CONTAINER STANDARD**

The Canadian General Standards Board recently began a comprehensive review of its national standard governing the manufacture and reconditioning of intermediate bulk containers. The thirteen member drafting committee includes two representatives from the reconditioning industry.

When completed, the standard will be the fourth edition published by CGSB and is expected to be incorporated by reference in the *Transportation of Dangerous Goods Regulations* (TDG). The primary purpose of the work is to align Canadian IBC regulations with the 21<sup>st</sup> Edition of the United Nations *Recommendations on the Transport of Dangerous Goods - Model Regulations*.

CAN/CGSB-43.146, *Design, manufacture and use of intermediate bulk containers for the transportation of dangerous goods*, contains requirements for –

- Design and manufacture of UN standardized IBCs;
- Registration and use of IBC design types and production facilities; and,
- Testing requirements.

Working in cooperation with RIPA’s Canadian members, the association provided extensive comments to Working Draft 01 of CAN/CGSB-43.146. The association noted that the UN Model Regulations present a basic, yet flexible, scheme of regulatory provisions that are used throughout the world to ensure the safe transportation of dangerous goods and to facilitate the

free-flow of these products in commerce. And, because both the US Hazardous Materials Regulations and TDG regulations seek to harmonize with the UN, RIPA's comments include references to key provisions in both sets of requirements.

RIPA has asked CGSB to revise its draft to fully incorporate all applicable UN definitions for key terms, including "remanufacture", "repair" and "routine maintenance." RIPA believes this will both streamline the TDG and ensure that Canadian reconditioners, who already use these terms in their training programs, will be able to smoothly transition to the updated regulatory scheme.

RIPA also made what it believes would be beneficial revisions to the standard's "closure notification" requirements. "It was not clear to us in the proposal that a single, initial closure notice is all that is needed if an IBC producer sells a customer the same IBC design on multiple occasions," said RIPA President Paul Rankin. RIPA has offered language to ensure multiple notices for the same design type are not required.

RIPA also offered several suggestions intended to clarify the types of recycled plastic material that can be used in the manufacture of new IBC inner receptacles. Transport Canada has already jumped ahead of the UN in this area of the regulations by clearly indicating that it will authorize the use of recycled plastic material in newly produced IBC bottles.

"The association will work closely with CGSB, Transport Canada and industry throughout the development of the new IBC standard," said Rankin. "It is our goal to ensure that the final Standard is responsibly drafted in a manner that ensures transportation safety and limits unnecessary regulatory burdens on industry," he concluded.

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## **HOUSE DEMS OUTLINE MASSIVE INFRASTRUCTURE BILL: CONSIDERING HMTA REAUTHORIZATION**

Despite the often bitter disagreements that now divide Congressional Democrats and Republicans, some progress is being made to find bipartisan solutions to address ongoing infrastructure and transportation problems.

The House Committee on Transportation and Infrastructure, chaired by Congressman Peter DeFazio (D-OR), is drafting legislation that would provide \$434 billion over five years to states and localities to improve existing and build new infrastructure projects. As part of this effort, staff on both sides of the aisle are considering ideas related to the reauthorization of the federal hazardous materials transportation law. The Hazardous Materials Transportation Act (HMTA) expires in 2020 and must either be formally reauthorized or extended by Congress this year.

Representative DeFazio has released a "white paper" outlining Democrat ideas for infrastructure development. Topping the list of his spending proposals is \$319 billion to repair on highways and bridges, which includes funding for research on "smart infrastructure." DeFazio also wants to channel \$105 billion into the development of zero emission busses; \$10 billion for "transformative safety investments"; and \$30 billion for airport improvements.

In anticipation of a bill to reauthorize the HMTA, the Interested Parties for Hazardous Materials Transportation ("the IPs") is working on a series of amendments they believe will improve the nation's hazmat law. IP Chair Paul Rankin believes the IP proposals, when final, will help clarify and streamline the law.

According to Rankin, "The IPs believe the basic framework of the HMTA is sound and not in need of a fundamental overhaul." However, he hopes Congress will adopt the IP proposals, which are designed to ensure greater coordination among agencies with hazmat regulatory responsibilities and expand the number of Special Permits that are incorporated into the hazmat regulations on a regular basis.

## **CHEMICAL PACKAGING COMMITTEE (CPC) MEETS IN FLORIDA**

The Chemical Packaging Committee (CPC) held its winter meeting February 6-8, 2020 in Treasure Island, Florida near Tampa-St. Pete.

CPC is comprised of packaging specialists from a number of chemical manufacturers and distributors, as well as packaging manufacturers and trade groups such RIPA and IPANA. RIPA's Technical Director, C.L. Pettit, attends all CPC meetings and currently serves as CPC's Secretary / Treasurer. For a list of attendees, go [HERE](#).

At this most recent meeting, Mr. Pettit showed both of the RIPA videos developed recently: "No More Direct-to-Scrap" and "Understanding the RCRA Empty Container Rule". The subject of emptying, in particular, generated a substantive discussion. CPC members understood and supported RIPA's efforts to increase awareness and boost regulatory compliance.

Mr. Pettit also conducted HazMat Employee Training which everyone seemed to appreciate and enjoy. All trainees scored very high on the written test with about a third of the "class" racking up a perfect score. Everyone received a personalized training certificate which will serve them for 3 years until refresher training is required.

Another highlight of the meeting was the presentation by, and the discussion with, Mr. Carey Davis, the new PHMSA Associate Administrator for Field Operations. Before taking questions from attendees, Mr. Davis first responded to a series of questions on enforcement issues submitted in advance. For a transcript of that basic Q&A discussion, go [HERE](#).

CPC is currently looking to locate one of its two annual meetings alongside another conference and/or an exposition as a means to boost attendance and raise the group's profile. Anyone engaged with chemical packaging would gain a lot from the collective knowledge shared at CPC events.



*Mr. Carey Davis (I) with CPC leaders*



**FMCSA REDUCES TRUCK REGISTRATION FEES**

The Federal Motor Carrier Safety Administration has published a final rule reducing the fees for the Unified Carrier Registration Plan for 2020 and later years. [85 Fed. Reg. 8192](#) (February 13, 2020).

For the 2020 registration year, the fees will be reduced by 14.45 percent below the 2018 registration fee level to ensure that fee revenues collected do not exceed the statutory maximum, and to account for the excess funds held in the depository. The fees will remain at the same level for 2021 and subsequent years unless revised in the future. The reduction of the current 2019 registration year fees (finalized on December 28, 2018) range from approximately \$3 to \$2,712 per entity, depending on the number of vehicles owned or operated by the affected entities.

The UCR fees are collected by the States from motor carriers, motor private carriers of property, brokers, freight forwarders, and leasing companies to fund motor carrier safety enforcement efforts under the Unified Carrier Registration Plan and Agreement. The total revenue target for all States in 2020 is \$111,777,060.

The fees are generally based on the number of vehicles in a registrant’s fleet (brokers and leasing companies pay the lowest tier fee):

| Number of Vehicles | 2020 Fees |
|--------------------|-----------|
| 0-2                | \$59      |
| 3-5                | \$176     |
| 6-20               | \$351     |
| 21-100             | \$1,224   |
| 101-1,000          | \$5,835   |
| 1,001 and above    | \$56,977  |

Companies may now register and pay their 2020 fees online at [ucr.gov](http://ucr.gov).



## **FMCSA CLARIFIES CARRIER ACTIONS WHEN CLEARINGHOUSE IS INACCESSIBLE**

The Federal Motor Carrier Safety Administration has provided guidance on its website for its [Drug and Alcohol Clearinghouse](#) on how carriers must respond when they are unable to access the clearinghouse database due to technical issues:

### **What actions should an employer take if unable to conduct required pre-employment queries?**

*On January 6, 2020, FMCSA posted a notice on the Clearinghouse home page that the system was experiencing technical issues, which made it difficult for employers to conduct pre-employment queries. These technical issues have been addressed. For those drivers that were hired without a pre-employment query, employers must now access the Clearinghouse to conduct pre-employment queries as required by § [382.701\(1\)](#). The driver may continue to perform a safety-sensitive function pending the result of that query. At this time, no new drivers may be used to perform safety-sensitive functions without a negative Department of Transportation (DOT) drug test result, and a negative result from a full query of the Clearinghouse.*

*If the Clearinghouse experiences a recurrence of this issue, a notification will be placed on the home page informing employers that you may hire a driver using solely the procedures set forth in 49 CFR [391.23\(e\)](#). If no such notification is on the home page, the requirement to conduct pre-employment queries prior to engaging a driver in safety-sensitive functions are in effect.*

*Last Updated : January 24, 2020*



## **CHEMICAL SAFETY BOARD'S NEW ACCIDENTAL RELEASE REPORTING REQUIREMENT**

Under a new rule issued by the Chemical Safety and Hazard Investigation Board (the CSB) many industrial facilities, including a limited number of reconditioners and packaging manufacturers, are facing another federal chemical release reporting requirement – this one requires reporting of releases to the CSB, an independent agency that was established in 1990. Under the new “[Accidental Release Reporting Rule](#),” the CSB is requiring facilities to report accidental chemical releases which result in a fatality, serious injury, or substantial property damage.

The new rule will apply to owners or operators of “stationary sources,” which are defined very broadly as “any buildings, structures, equipment, installations, or substance-emitting stationary activities which belong to the same industrial group, which are located on one or more contiguous properties, which are under the control of the same person and from which an accidental release may occur.” Reporting would be required only if a harmful chemical substance was released into the surrounding air (indoor or outdoor) and caused a fatality, serious injury or significant property damage.

The Rule defines “accidental release” as an “unanticipated emission of a regulated substance or other extremely hazardous substance into the ambient air from a stationary source.” It limits the definition of “serious injury” to “any injury or illness that results in death or inpatient hospitalization,” and defines “substantial property damage” as “estimated property damage at or outside the stationary source equal to or greater than \$1,000,000.”

Within eight hours of an accidental release, the facility owner or operator must notify and submit a report to CSB either by email or telephone. If a facility has already reported the release to the National Response Center (NRC), pursuant to another emergency release notification scheme such as CERCLA § 103(a), the facility may satisfy its CSB reporting obligation by submitting its NRC identification number to the CSB. The facility, however, must submit its NRC identification number within thirty minutes of submitting a report to the NRC

RIPA has analyzed the rule and believes it likely does not apply to the vast majority of member companies because a regulated substance must be released into the ambient air and cause substantial property damage or human injury. Since most spills at a reconditioning or packaging manufacturing facility would be liquids or solids released from a non-stationary source (e.g. drum or IBC) onto the ground, these would not constitute a reportable release.

However, it is possible in a fire situation that regulated chemicals would be released into the air and cause worker injuries requiring hospitalization or more than \$1 million in property damage. In these situations, the company would likely be responsible for reporting the release to the CSB.

For additional information about the rule, please contact RIPA.







**Drum It Up!**

**February 2020**

|                       |                        |
|-----------------------|------------------------|
| <b>PACKAGING NEWS</b> | <b>WINEMAKING NEWS</b> |
|-----------------------|------------------------|

|                                      |  |                               |
|--------------------------------------|--|-------------------------------|
| <b>PACK IT RIGHT! SHIP IT RIGHT!</b> | <b>GET READY TO RECEIVE A DOT INSPECTION</b> | <b>THE THREE R'S IN WINE?</b> |
|--------------------------------------|--|-------------------------------|

A compliant shipment of dangerous goods has never been more critical, more complex and more expensive if done improperly. In addition to lives at risk, planes, ships, trains, trucks and all public right-of-way can be severely impacted when an incident does occur. In order to educate shippers on how to identify, pack and ship hazardous materials, many agencies and industry partners are developing resources to provide the latest in safety regulation as well as videos and tools on how to transport products safely. The Council on Safe Transport of Hazardous Articles (COSTHA), has gathered this information and created a web page that is an outstanding resource for learning about compliant shipping of dangerous goods / hazardous materials. Check out [the webpage](#) and learn how you can help to ensure that regulated shipments in commerce are properly prepared.

—Howard Skolnik

If you are shipping or receiving any type of dangerous goods or hazardous materials, it is likely that one day, when you are in the midst of a special project, a DOT inspector could show up at your front door and begin the formal Inspection process. The inspection will include validation of your hazmat employee training, tool calibration, product certification testing and much more. Some people believe that if this happens, you are to try to evade the inspector, say you are on vacation or just lie and say you are not there. In fact, this is the worst thing that you can do, and frankly, if you have prepared for the visit, you should be able to confidently welcome the inspector into your company. To be prepared, the Council on the Safe Transport of Hazardous Articles (COSTHA) is offering a NEW and REVISED free booklet of suggestions that will help you prepare for the visit. Before an inspection, all companies should establish and define procedures for dealing with any regulatory inspector when they arrive.

For a free copy of the revised booklet, [Click Here](#).

—Howard Skolnik

The three R's in wine are not "Rose, Riesling, and Rioja". Rather, I have been interested in how the traditional three "R's" of the environmental movement: "Reduce, Reuse, Recycle", are being addressed by the wine industry. For years, winemakers have been touting sustainability initiatives in their vineyards and fields, and through energy-saving efforts in their facilities. But now consumers want more, especially as they begin to understand how much of wine's carbon footprint stems from packaging and shipping. When it comes to wine's impact on the environment, glass bottles contribute 29 percent to its total impact, according to a 2011 carbon footprint assessment of the California wine industry commissioned by the Wine Institute and conducted by sustainability consultant PE International.

A similar assessment in Oregon, conducted by the Center for Sustainable Systems at the University of Michigan, found packaging contributes 23 percent to a wine's carbon footprint. In comparison, planting and growing grapes contributes 24 percent, and transporting the bottled wine to retailers accounts for 13 percent.

Many winemakers have switched to at least partially organic and sustainable growing practices in recent decades; some have also moved to reign in wasteful packaging practices. In California, Paso Robles' Tablas Creek Vineyard grows its grapes biodynamically and organically, so it's no surprise that sustainable packaging is a priority. The winery has always used soy-based inks, eliminated Styrofoam in direct shipments in favor of recycled (and recyclable) pulp inserts, and in 2012, switched away from bottling some wines in 6-bottle cases in favor of 12-bottle cases (because the 12-bottle case uses significantly less than twice the packaging material of the 6-bottle case). In addition to the immediate environmental benefit of producing a lighter bottle, the winery also sends out fewer trucks for delivery (22 pallets can fit in one, versus 19 pallets previously). "We send about 10,000 cases of wine

*cont. on page 2*

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

Drum It Up!

February, 2020

**THE THREE R’S IN WINE? (CONT.)**

per year to wine club members and for DTC orders that we receive,” says Jason Haas. “Those are all sent via UPS, FedEx, or GSO. Each case weighs between two and 11 pounds less than it would have with the old bottles. That’s a big footprint—and cost—savings.” So are the days finally gone, when heavy bottles are equated with wealth and luxury? “I would say there’s more room in the marketplace for quality wines in lighter-weight bottles, as well as a backlash against some of the heavy ones,” says Tablas Creek’s Haas.

He continues: “We thought the heavy bottles we were using were the equivalent of a luxury SUV, signifying solid respectability. But we came to believe they were more like a Hummer—with that same overlay of environmental tone-deafness. Particularly for a winery like us, which works so hard to farm the right way, it felt like the wrong choice.”

Here at Skolnik Industries, we know that people like the reusability of our stainless steel wine barrels. Note that our stainless steel wine barrels are easy to clean, and recyclable at the end of their service life. Check out the [full line of our Stainless Steel Wine Drums here](#).

—Jon Stein

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