

APPROVAL OFFICE FUNCTIONS

The Hazardous Materials Regulations provide authorizations or relief from the requirements through special approvals or competent authority approvals when specifically cited in the Regulations. Currently there are approximately 290 specific cites. If there is not a specific approval cite, the relief must be given in the form of an exemption. In order to help in deciding if an authorization can be given in the form of an approval, look for the words “may be used when approved by the Associate Administrator for Hazardous Materials Safety” or “when approved by the Competent Authority of the United States.”

The Approvals Office also performs the function of registering members participating in a defined activity when required by the Regulations. The registration process related to the approvals program is separate from the registration and fee requirements of 49 CFR 107.601.

The following is a listing and explanation of some of the larger approval or registration functions:

Domestic:

- Classification of explosives
- Classification of organic peroxides and self-reactive materials
- Approval of cylinder retest facilities
- Approval of third-party performance oriented packaging labs
- Approval of cigarette lighters and packaging
- Registration of cargo tanks
- Registration of manufacturer's symbols
- Approval of repair and rebuild cylinder facilities
- Approval of equivalent packagings and selective testing

Foreign:

- Approval of foreign cylinder manufacturers
- Approval of foreign inspectors
- Approval of foreign cylinder retest facilities

Classification of Explosives:

49 Code of Federal Regulations (CFR) 173.56 requires that “new explosives” must be examined and approved before they can be transported in commerce. A “new explosive” means an explosive produced by a person who “(1) Has not previously produced that explosive; or (2) Has previously produced that explosive but has made a change in the formulation, design or process so as to alter any of the properties of the explosive.” Each manufacturer must have its explosive or explosive device examined and approved. Each person requesting approval of a new

explosive must submit a copy of a recommended hazard class issued by one of the approved laboratories cited in 173.56 and must receive written approval and an EX-number from the Associate Administrator for Hazardous Materials Safety before offering that explosive for transportation.

The Department of Defense (DOD) can classify their own explosives as per 49 CFR 173.56 and the Department of Transportation (DOT) will enter the classification in our data base and issue an EX-number if the DOD provides a statement signed by the Chairman of the Defense Explosives Safety Board as to the proper classification. In essence the DOT accepts DOD classifications for filing.

The Department of Energy (DOE) can also classify their own explosives as per 49 CFR 173.56. The DOE requests are handled differently than DOD classifications in that DOT does review the paperwork and classification and does not issue an EX-number unless they agree with the DOE's classification.

An explosive or explosive device that has been classified by the DOD or DOE must be reclassified and assigned a new EX-number when no longer being produced by or for the DOD or DOE.

The classification document assigns an EX-number and provides the United Nations classification name, number, compatibility group, and serves as a competent authority approval needed when shipping under international regulations.

Competent Authority Approvals:

Competent Authority Approvals are documents issued to 49 CFR, International Civil Aviation Organization Regulations and the International Maritime Dangerous Goods Code. The documents can provide classification information only or provide stipulations on how to package, mark, test and/or a variety of other special provisions to follow when shipping domestically or internationally.

Classification of Organic Peroxides and Self-Reactive Materials:

In accordance with 49 CFR 173.128 an organic peroxide that is not listed in the Table in 173.225(b) or which may be shipped as a sample must not be shipped unless approved. Persons applying for an approval must submit all relevant data concerning physical state, temperature controls, and test results or an approval issued for the organic peroxide by the competent authority of a foreign government. In accordance with 49 CFR 172.124 a self-reactive material that is not listed in the Table in 173.224(b) or which may be shipped as a sample must not be shipped unless approved. Persons applying for an approval for a self-reactive material must submit all relevant data per 173.124(a)(1)(iii)(D) or an approval issued by the competent authority of a foreign government.

Approval of Cylinder Retest Facilities:

In accordance with 49 CFR 173.34 each cylinder bearing a DOT specification marking must be inspected, retested and marked in conformance with this section. No person may mark a cylinder with a test date or retester identification number unless that person holds a current retester identification number issued by the Associate Administrator for Hazardous Materials Safety. Effective October 1, 1996, any applicant seeking approval to retest DOT cylinders must contact a DOT authorized Independent Inspection Agency for procedural information and arrange for the required audit. There are currently 7 Independent Inspection Agencies authorized to perform inspection of cylinder retesters. They are: Arrowhead Industrial Services, Inc.; Authorized Testing, Inc.; T. H. Cochrane Laboratories, Ltd.; Steigerwalt Associates; Cylinder Services, Inc.; Professional Services, Inc.; and Robert W. Hunt Company.

Anyone who wants to be an authorized retester of cylinders must arrange for an inspection by one of the 7 authorized inspection agencies. After the inspection, the person seeking approval must submit an application, a letter of recommendation from the independent inspection agency and a completed inspection report. The applicant is issued a retester identification number upon a finding that the facility and qualifications are adequate. Unless otherwise provided the number expires five years from the date of issuance. An approved retester shall apply for retester identification number renewal in a timely manner. A new inspection, a new report, and a new recommendation by the independent inspection agency are required for each renewal.

Anyone who wants to test acetylene cylinders must indicate such in their approval request and must also be inspected and demonstrate knowledge of the parts and construction details of acetylene cylinders and the degree of accuracy in the visual inspection required by the regulations.

Approval of Third-Party Performance Oriented Packaging Agencies

Under the present performance-oriented packaging regulations, packagings used in transporting hazardous materials must be tested and marked as conforming to the United Nations Standards. 49 CFR currently allows self-certification markings provided all test and construction requirements are met. The Office of Hazardous Material Safety has also established a procedure by which testing agencies may be approved for the purpose of certifying conformance of packaging designs with UN standards. 49 CFR Part 107 provides procedures to be used in applying to become a DOT Approved Third-Party Agency. Each agency must submit an application in writing, provide a test plan giving details on each step they will follow in completing the required tests, and provide a complete personnel qualification plan including a resume for each person who is involved in the testing. In addition, the facility where testing takes place must be inspected by a DOT representative. The inspection should include the testing of a number of UN packagings to establish applicant's capabilities and knowledge of the Hazardous Materials Regulations. If the agency is approved they are given a "+" marking designation to be used.

If a packaging manufacturer becomes an approved DOT lab they cannot certify their own

packagings and use their “+” mark. If any part of the packaging is produced by the third-party agency they must test and use a self-certification marking per the Regulations.

A DOT approved third-party performance-oriented packaging agency is subject to all of the Hazardous Materials Regulations and is subject to enforcement if the terms of the approval or any requirements of the regulations are not met.

Approval of Cigarette Lighter and Packaging

The Hazardous Materials Regulations require under 49 CFR 173.21(i) that a cigarette lighter or similar device and its packaging must be examined and approved before being transported in commerce. In order to receive an approval the applicant must submit the lighter and its packaging to Dr. W. S. Chang, Explosives Bureau, for an examination and recommended approval. The recommendation report must then be submitted to the Approvals Office for issuance of a T-number. Subsequent packagings and/or lighters must be examined and if approved the applicant is given an updated approval letter issuing the same T-number but including the new lab reports covered.

Registration of Cargo Tanks

No person may engage in the manufacture, assembly, certification, inspection or repair of a cargo tank or cargo tank motor vehicle manufactured under the terms of a DOT specification unless the person is registered with the Department of Transportation. The Approvals Office presently handles this registration program. In order to receive a cargo tank registration one must apply and address all of the 7 areas set forth in 49 CFR 107.503.

Foreign Cylinder Manufacturer and Independent Inspection Agency Approvals:

In accordance with Section 173.300b and under a program designated as the HM-74 program, any cylinder manufacturer outside the United States and its required independent inspection agency must be approved by DOT to manufacture DOT specification cylinders for the purpose of qualifying the cylinders for use in the transportation of hazardous materials to, from, or within the United States. To assure capability and compliance, inspections are conducted before start-up and periodically after approval is granted. Initially, the manufacturer and independent inspection agency must submit applications, technical documentation including cylinder design drawings, a quality control procedure and inspection plan. These documents are reviewed by a staff member and if found satisfactory, an advanced deposit is requested to be forwarded to the FAA accounting office to cover all expenses of a required on-site inspection. At that time, an on-site inspection is scheduled for the applicants confirmation. During the inspection, the manufacturer must produce a group of cylinders to the specification for which approval is sought. During the production, the required inspections and testing for new manufactured cylinders are performed with the independent inspector performing the duties as required by the specification. If all test results obtained during the inspection comply with the specification requirements, test sample cylinders are selected at random for shipment to a contract test lab in the United States for verification testing, at the expense of the manufacturer. If the verification testing performed by

the contract lab in the United States complies with the specification requirements and corroborates the testing performed during the inspection, approvals are issued to the manufacturer and the independent inspection agency. All direct costs of each inspection are the responsibility of the manufacturer, with no costs to the US Government.

DOT Cylinder Retesting Approvals issued to Foreign Facilities:

Since 1989 there has been a demand by facilities outside the United States, some of which are US companies, to operate DOT approved retest facilities for DOT specification cylinders in use outside the US. In accordance with Section 173.34, any facility that chooses to hydrostatically retest DOT cylinders must be approved by DOT. Before a retester is approved and issued a registration identification number (RIN), a review and inspection of DOT retest procedures, knowledge of DOT cylinder regulations, and calibration of testing equipment is required. Initially, the applicant must submit an application including specific information about their testing equipment, procedures and knowledge. A staff member reviews all submitted documents and if found satisfactory, an advanced deposit is requested to be forwarded to the FAA accounting office to cover all expenses of an on-site inspection. At that time, an on-site inspection is scheduled for the applicants confirmation. If the on-site inspection reveals that the company has the required knowledge, capabilities and equipment, an approval and registration number is issued to that facility to retest DOT cylinders. All direct costs of each inspection are the responsibility of the applicant, with no costs to the US Government.