



Aviation Group Client Update

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PHMSA PUBLISHES ANPRM REGARDING TRANSPORTATION OF HAZMAT IN REVERSE LOGISTICS

Today, the Pipeline and Hazardous Materials Safety Administration (PHMSA) published an advanced notice of proposed rulemaking (ANPRM) to identify ways to reduce the regulatory burden on retail outlets that ship consumer products containing hazardous materials (HAZMAT) in the reverse logistics supply chain.

PHMSA is considering a regulatory definition for “reverse logistics” and a possible new section in the Hazardous Materials Regulations (HMR) that will identify the regulatory responsibilities of the shipper. PHMSA believes the section should address: 1) classification of HAZMAT under the definition of reverse logistics; 2) training requirements for employees who handle HAZMAT under reverse logistics; and 3) packaging approved for the shipment of HAZMAT under reverse logistics.

In addition, PHMSA developed a set of fifteen (15) questions to solicit comments on key issues, including:

- What are the types of HAZMAT and quantities that are frequently returned?
- What is the volume of returns and whether there is a rule-of-thumb metric of retail sales returned? What is the current volume returned by private citizens or other businesses and what are the most widely used methods of return?
- Are returns directed to a disposal facility of the original manufacturer?
- Should returns be the responsibility of the manufacturer?
- To what extent should retail employees who package HAZMAT for shipments back to the distribution centers be subject to the training requirements in 49 CFR Part 172, Subpart H? Are retail employees currently being trained for the shipment of HAZMAT under 49 CFR Part 172, Subpart H?
- Are HAZMAT being properly segregated as required by Section 177.843 of the HMR when being shipped from retail outlets to their distribution centers? How are they being segregated?
- Should certain hazard classes/divisions be excluded when considering regulations for reverse logistics?

- Should PHMSA define specification packages for materials shipped under reverse logistics?
- Are shipping and distribution companies assuring the safety of their employees and the public when allowing drop-box hazardous material returns?
- What precautions, if any, are these companies taking to avoid the mixing of HAZMAT and contamination of other packages that might contain HAZMAT and/or NON-HAZMAT?
- What role(s) do 3rd party logistics providers play in the reverse logistics process?
- Have any specific safety risks been observed in returns of HAZMAT products that need to be addressed through rulemaking?
- How does the regulated community currently handle HAZMAT that is imported and must then be shipped back in the reverse logistics supply chain?
- What data is available regarding the current and anticipated future number of reverse logistic shipments for HAZMAT? and
- Should PHMSA define reverse logistics shipments?

PHMSA is also interested in the potential costs of modifying the existing regulatory requirements pursuant to the commenter's suggestions and potential quantifiable safety and societal benefits, impacts on small businesses, and environmental impacts.

Comments are due on or before **October 3, 2012**. After review, PHMSA anticipates publishing an NPRM proposing to simplify the regulations for reverse logistics shipments. We will continue to monitor any future activity. If you have any questions regarding HAZMAT in reverse logistics or would like help in preparation or submission of comments, please contact our office.

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