

I pulsed the HazWasteForum listserv for university hazwaste managers around the country, asking whether any of them had ever heard of a university being fined by the DOT. I received emailed responses from 6 universities, and a phone call from a 7th. Two of the respondents told me that either they or other schools they knew about could not discuss their interactions with DOT.

My most impressive response was the phone call from a state university in the northwest, so I'll start there. The summary of their interactions goes something like this:

- Some years ago, their football team took spray paint cans in carry-on luggage on a flight for a game. I gather they were going to repaint their helmets. They got off with a warning. They discovered later, that a warning counts as a prior incident.
- Some years later, a PI doing HIV research in Africa packaged up some materials for shipment to Nairobi. As the pallet passed through Heathrow, an odd package marking that indicated a non-hazardous unregulated material caught the eye of the inspector. They opened the packaging and discovered several undeclared items that qualified as hazmat under international regs. Since the university had a previous violation, and this new violation was considered multiple and gross, the PI's department was fined \$40K. They were not able to negotiate out of this fine. They did institute a training program.
- At some later date, a researcher from this same university packaged a sample in a dry shipper.

{A dry shipper, when properly prepared, is not regulated. It is a double-walled refrigeration device like a specialized thermos bottle. Between the walls, you pour in liquid N2. There is an absorbent that absorbs the liquid N2. Then you remove any free liquid that has not been absorbed. This keeps the sample, such as bull semen, at liquid N2 temp without the possibility of spilling liquid N2. Unless you fail to drain off all the free liquid}.

So this researcher's dry shipper is bouncing merrily down the cargo ramp in Arizona, when about a tablespoon of liquid N2 splashes out. This is how you go from 0 to 30,000 in one tablespoon. A cargo handler saw it fizzing, boiling, and vaporizing on the ramp. Phone calls, investigations, letters, interviews, and a \$30K fine followed. This time they were allowed to negotiate, because they had started a DOT hazmat training program. The settlement was a \$1K fine and \$15K in corrective actions. This package went from unregulated to fully-regulated hazmat in a single tablespoon. At that point, the university had multiple violations, including untrained shipper, improper packaging, improper markings, improper labels, improper documentation, etc. Each violation had to be addressed separately, and the DOT starting position is that, as specified in the regs, every day is a separate recurrence of each of the violations.

- That school now does a 4-hour mandatory training class, and charges \$25 fee for every hazmat shipment.

Now I'll summarize some of the other responses from the listserv:

- A famous medical training university was fined last year for an improperly-marked package of an infectious substance.
- One of the universities that isn't talking got busted at a DOT check station when the inspector found improper paperwork for one of their packages on the truck.
- FedEx requires that shipping papers be typed, not handwritten. This is their requirement and not a federal reg. One of my email respondents wrote: "A handwritten package containing 6.2 material was kicked backed to us. The lab tech gave it to an UNTRAINED departmental secretary to type up the form. The package contained Dry Ice, a Packing Group III material, which she recorded on the DG form as Packing Group 111. ... we were cited for EIGHT violations including improper marking, improper documentation, and

having an untrained person package the shipment. Each violation theoretically could have cost us \$27.5K. Our lawyers talked with the FAA's lawyers and we paid \$7500".

- A central US university said that a PI shipped a 2-part epoxy paint - flammable liquid. The box was found to be leaking when unloading plane at destination. Instant airport hazmat response and Dangerous Goods inspection. Traced it back to the campus and PI. FAA followed up with an investigation. Negotiated out of a fine by implementing a training program. Now they have a "prior".

**Regards,**

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