

NJDEP Technical Guidance Document Review Form

Document: "FSPM Chapter 11 - Hazardous Sample Shipment "

Comment Period: July 26, 2023 to September 8, 2023

NJDEP Committee Chairperson: Crystal Pirozek

Comment #	Page	Section	Subsection	COMMENTS	RESPONSE
1	1			No mention of GHS compliance and OSHA Haz Com. Add reference to or definition of HMR (49 CFR Part 171.1 - 171.26).	The reference to this document is in the introduction
2	Gen	Gen		While this chapter provides excellent information, it may not belong in a formal NJDEP guidance document that create compliance obligations for LSRPs. This section also uses the language that samples "determined to hazardous (or potentially hazardous)" - the term potentially hazardous is nebulous and also then implies that the subsequent sections must be followed for something that is "potentially hazardous" - this wording should be removed. If an LSRP does something differently than what is in this guidance because of project conditions, that is a deviation and must be documented and explained. The information here is discussed in detail in USDOT and USEPA documents and could create conflicts and confusion if the federal documents are changed, but not the FSPM. Perhaps this information in the this section should be placed in an FAQ that is referenced in the preamble, but not be part of the document.	The FSPM is meant to guide the user. This chapter is not creating compliance obligation. It gives guidance not direction to help the user find useful information pertaining to hazardous sample shipment. The user then reviews the regulation to determine if it applies to the project. Clarified the term potentially hazardous.
3	2	11.1		Is the bolding of "require" and "and" in the 2nd paragraph first sentence necessary	Agreed, removed the bold
4	2	11.1		Reference of CFR 49 parts 171 through 180 in the second chapter should be 49 CFR parts 171 through 180	Agreed to change
5	2	11.1		for the reference materials at the end of the section either add colons to the first two or remove colons from the OSHA reference	Added colons
6	2	11.1		Establishing (DGR) as an abbreviation twice, once in the second paragraph and then again in the reference materials	Decided not to change, for clarity
7	2	11.1		2nd Paragraph - In the second sentence, the CFR should be referenced as " 49 CFR Parts... "	Agreed to change

8	2	11.1		2nd Paragraph - The end of the paragraph has a reference. Specify what this reference is for: e.g., DOT regulation for transporting hazardous materials by highway, or otherwise.	Agreed to change
9	2	11.1		3rd Paragraph - For flow of reading, the second sentence should be moved to be the first sentence in the paragraph and be edited to specify the following: "The user of this manual should review the applicable websites, guidance manuals and requirements pertinent to the respective task."	Decided not to change. This is a standard paragraph used at the beginning of each chapter in FSPM.
10	2	11.1		CFR is used without defining the acronym.	Agreed to change
11	2	11.1		USEPA is used without defining the acronym.	Agreed to change
12	2	11.1		CFR 49 is used - should it be 49 CFR? Or does it matter?	Agreed to change
13	2	11.1		Add colons after guidance manuals: IATA - DGR, and Quality Assurance Project Plan Technical Guidance and before website links. OSHA is good.	Agreed to change
14	2	11.2		Does the quote end after "according to" or should it end after "the UN hazard classes"?	The quotes should end after according to...
15	2	11.2		Remove the word respectively from first sentence	Agreed that respectively is needed
16	2	11.2		USDOT is listed as "US DOT"; be consistent in how acronyms are presented.	Agreed to change
17	2	11.2		Definition of Dangerous Goods includes "UN" without first defining the acronym.	Agreed to change
18	2	11.2		"The definition of HAZARDOUS MATERIALS includes those materials designated by the Secretary of the US Department of Transportation (DOT)..." should have been presented as "The definition of HAZARDOUS MATERIALS includes those materials designated by the Secretary of the USDOT..."; be consistent with how acronyms are presented.	Removed acronym
19	2	11.2		Definition of Hazardous Materials - "A substance or material which has been determined by the Secretary of Transportation to be capable of posing an unreasonable risk to health, safety, and property when transported in commerce, and which has been so designated. The term includes hazardous substances, hazardous wastes, marine pollutants, and elevated temperature materials..."; This part of the definition is duplicative of the expanded definition below and is unnecessary. The definition should be replaced by the expanded definition below. The quote does not add value.	Removed the first definition and made more clear
20	2	11.2		Dangerous Goods Definition - When looking up the definition of dangerous goods as per IATA, the following was found: "articles or substances which are capable of posing a hazard to health, safety, property or the environment and..." Add the environment also to this definition?	Agreed to change
21	2	11.2		Dangerous Goods Definition - The second sentence must be updated. Should each of the listed items be plural as are the first two terms (i.e., flammables, toxics, infectious agents , oxidizing agents , etc.) or flammables, toxic substances , infectious materials , oxidizers , radioactive substances , corrosives , and multiple hazard material?	Agreed to change

22	2	11.2		Hazardous Material Definition - Can the second part of the definition, starting with "The definition of HAZARDOUS..." be included in the main definition? Remove the quotations on the main definition and condense into one flowing definition. There is repeated information in the second part of the definition.	Agreed to change
23	2	11.2		Inconsistent use of USDOT and US DOT between the first section and this section	Made all USDOT
24	2	11.2		Establishing the abbreviation for DOT in the end of the definition of hazardous waste, but using USDOT in 11.1	Agreed to change
25	3	11.3		"Additionally, 1.5.0.3 states," in the beginning of the 2nd sentence should this be italic	Removed italics
26	3	11.3		49 CFR or CFR 49?	Agreed to change
27	3	11.3		In the second sentence, "Additionally, 1.5.0.3 states," should not be italicized. Also, it is recommended to ensure that the quotes being used are still applicable in the current DGR. This also applies to the quotes used throughout this document.	Removed italics
28	3	11.3		The CFR reference should be updated to " 49 CFR Part... "	Agreed to change
29	3	11.3		Take out DGR definition as regulation text can change. Add regulation citation only and refer to DOT and IATA websites.	Agreed to not remove
30	3	11.3		Change italization in between quotes - "Additionally, 1.5.0.3 states," should not be italicized.	Agreed to change
31	3	11.3		CFR 49 or 49 CFR?	Changed to 49 CFR
32	3	11.4		Acronym DOT is used in this section; 11.6 has "USDOT"; acronym use is inconsistent throughout the document. No additional comments will be made regarding USDOT, US DOT, or DOT.	Changed to USDOT
33	3	11.5		The 1st sentence of the section appears to be using Dangerous Goods and Hazardous Materials as one; but later in the paragraph they are only listed as Dangerous Goods. Are they being used interchangeably? If so, there should be a disclaimer in the definitions that they are treated as the same except where noted and then the language may need to be revised throughout to support that claim.	Clarified to indicate both are applicable, not interchangeable
34	3	11.5		When looking for the DGR list of dangerous goods or hazardous materials list - I was hit with a paywall on the DGR website. Is this the only resource for this information? Or is there a free resource that can be referenced? The DGR only allows a free download of the full table of contents + 15 sample pages, and the full version is >\$300 to purchase.	That is the only source
35	3	11.5		Take out DGR definition as regulation text can change. Add regulation citation only and refer to DOT and IATA websites.	Agreed to not remove

36	3	11.5		The CFR reference should be updated to " 49 CFR Part... "	Agreed to change
37	3	11.5		In the second to last sentence, an "a" should be added prior to "forbidden item".	Agreed to change
38	3	11.5		CFR 49 or 49 CFR?	Agreed to change
39	3	11.5		underline of the word nine	Removed underline
40	3	11.5		"Accoring to DGR 4.1.2.2" should it be "the DGR" like in section 3 above	Agreed to change
41	3	11.5		49 CFR or CFR 49?	Agreed to change
42	3	11.6		USDOT or DOT?	USDOT
43	3	11.6		49 CFR or CFR 49?	Agreed to change
44	3	11.6		CFR 49 or 49 CFR?	Agreed to change
45	3	11.6		First sentence in section - The Dangerous Goods Regulations has been termed "DGR" throughout this chapter. Update to DGR instead of spelling it out in this sentence.	Agreed to change
46	3	11.6		First sentence in section - The CFR reference should be updated to " 49 CFR Part... "	Agreed to change
47	3	11.6		DGR, 5.0.1.2 Quote - "(a)" is missing for the list of things that shippers must do. Also, "..." is missing before list item (e), as list items (c) & (d) are not referenced.	Added "..." before b and e.
48	3	11.6		Take out DGR definition as regulation text can change. Add regulation citation only and refer to DOT and IATA websites.	Agreed to not remove
49	4	11.7		Remove specific subparts reference as additional sections may also apply (e.g. Subpart G, I).	Agreed to remove specific subparts
50	4	11.7		CFR 49 or 49 CFR?	Agreed to change
51	4	11.7		The CFR reference should be updated to " 49 CFR Part... "	Agreed to change
52	4	11.7		Change second sentence to something along the lines of: "Additionally, the requirements in 49 CFR Part 173 - Subparts D, E and F must also be complied." or , "Additionally, shippers must also comply with the requirements in 49 CFR Part 173 - Subparts D, E and F."	Agreed to change

53	4	11.8		Is the "Shipper's Declaration for Dangerous Goods" an official document or statement? If so, place in quotations?	Changed to include specific document name
54	4	11.8		Within the Documentation section, I did not see a Record Keeping and Retention notice. How long must these documents be maintained?	Agreed to not add record keeping and retention in this chapter
55	4	11.8		Shipper's Declaration for Dangerous Goods is referenced, but not that the source of this is the IATA DGR. Please clarify.	Agreed to change
56	4	11.8		Add reference to 49CFR Part 172.200 - 172.205 - a Shipper's Declaration for Dangerous Goods is IATA specific.	Agreed to change
57	4	11.9		Add reference for weight percentages. The weight percentages differ from this document: https://www.epa.gov/hw-sw846/departments-transportation-dot-letter-regarding-samples-preserved-according-epa	Added reference
58	4	11.9		To purchase a copy of the Determination of Corrosivity of Preserved Environmental Samples go to http://www.catalystinforesources.com . - I was not able to find this document on this website.	Removed reference
59	4	11.9		Reword: Again, any sample of known waste or product that falls into a defined classification, prior to or after the addition of preservative, must be shipped according to regulatory requirements.	Agreed to change
60	4	11.9		Use of the USDOT and USEPA abbreviations and issues with their establishment in prior sections	Previously defined
61	4	11.9		Change 'viable life' to viability	Agreed to change
62	4	11.9		Paragraph 2 - Ensure that the link at the end of the paragraph is still valid. I tried to search the document name on this website and it did not bring back any results.	Removed link
63	5	11.9	Table 11.1	If this hasn't been performed already, ensure that the information in the table is still current.	Table has been updated
64	5	11.9	Table 11.1	Upon quick review, it appears that the Division 1.4 description has updated a little bit. Review and update descriptions accordingly.	Table has been updated
65	5	11.9	Table 11.1	Formatting differences of Class 5 and 6; be consistent with formatting.	Formatting fixed
66	5	11.9	Table 11.1	Capitalization inconsistent - either capitalize EVERY significant term or only the first term.	Agreed to change
67	5		References	Add space between 49 and CFR	Agreed to change
68	5		References	The link for the IATA DGR brings you to the purchasing page. Why not reference the actual document's information instead of providing the weblink for purchasing?	The document is only available for purchase

69	5		References	No space between 49CRR in the last reference	Agreed to change
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