

## II.—LIST OF FREQUENTLY CITED VIOLATIONS—Continued

Violation description	Section or cite	Baseline assessment
Issuing a certification that directs the packaging manufacturer to improperly mark a packaging (e.g., steel drum to be marked UN 4G).	171.2(e), 178.2(b), 178.3(a), 178.503(a).	\$500 per item.
<b>B. Packaging Manufacturers (General):</b>		
1. Failure of a manufacturer or distributor to notify each person to whom the packaging is transferred of all the requirements not met at the time of transfer, including closure instructions.	178.2(c) .....	\$2,500.
2. Failure to insure a packaging certified as meeting the UN standard is capable of passing the required performance testing.	178.601(b).	
a. Packing Group I (and § 172.504 Table 1 materials).	.....	\$10,800.
b. Packing Group II .....	.....	\$8,400.
c. Packing Group III .....	.....	\$6,000.
3. Certifying a packaging as meeting a UN standard when design qualification testing was not performed.	178.601(d).	
a. Packing Group I (and § 172.504 table 1 materials).	.....	\$10,800.
b. Packing Group II .....	.....	\$8,400.
c. Packing Group III .....	.....	\$6,000.
4. Failure to conduct periodic retesting on UN standard packaging (depending on length of time and Packing Group).	178.601(e) .....	\$2,000 to \$10,800.
5. Failure to properly conduct testing for UN standard packaging (e.g., testing with less weight than marked on packaging; drop testing from lesser height than required; failing to condition fiberboard boxes before design test):		
a. Design qualification testing .....	178.601(d) .....	\$2,000 to \$10,800.
b. Periodic retesting .....	178.601(e) .....	\$500 to \$10,800.
6. Marking, or causing the marking of, a packaging with the symbol of a manufacturer or packaging certifier other than the company that actually manufactured or certified the packaging.	178.2(b), 178.3(a), 178.503(a)(8) .....	\$7,200.
7. Failure to maintain testing records .....	178.601(l).	
a. Design qualification testing .....	.....	\$1,000 to \$5,000.
b. Periodic retesting .....	.....	\$500 to \$2,000.
8. Improper marking of UN certification .....	178.503 .....	\$500 per item.
9. Manufacturing DOT specification packaging after October 1, 1994 that is not marked as meeting a UN performance standard.	171.14.	
a. If packaging does meet DOT specification .....	.....	\$3,000.
b. If packaging does not meet DOT specification .....	.....	\$6,000 to \$10,800.
<b>C. Drum Manufacturers &amp; Reconditioners:</b>		
1. Failure to properly conduct production leakproofness test on a new or reconditioned drum.	178.604(b), (d), 173.28(b)(2)(i).	
a. Improper testing .....	.....	\$2,000.
b. No testing performed .....	.....	\$3,000 to \$5,000.
2. Marking an incorrect registration number on a reconditioned drum.	173.28(b)(2)(ii).	
a. Incorrect number .....	.....	\$800.
b. Unauthorized use of another reconditioner's number.	.....	\$7,200.
3. Representing, marking, or certifying a drum as a reconditioned UN standard packaging when the drum does not meet a UN standard.	173.28(c), (d) .....	\$6,000 to \$10,800.
4. Representing, marking, or certifying a drum as altered from one UN standard to another, when the drum has not actually been altered.	173.28(d) .....	\$500.
<b>D. IBC and Portable Tank Requalification:</b>		
1. Failure to properly mark an IBC or portable tank with the most current retest and/or inspection information.	180.352(e), 178.703(b), 180.605(k) .....	\$500 per item.
2. Failure to keep complete and accurate records of IBC or portable tank retest and reinspection.	180.352(f), 180.605(l).	
a. No records kept .....	.....	\$4,000.
b. Incomplete or inaccurate records .....	.....	\$1,000 to \$3,000.
3. Failure to make reinspection and retest records available to a DOT representative upon request.	180.352(f), 49 U.S.C. 5121(b)(2) .....	\$1,000.
<b>E. Cylinder Manufacturers &amp; Rebuilders:</b>		