



Association of **HAZMAT** Shippers, Inc.

1101 30th Street, NW, Suite 500
Washington, DC 20007
Tel: 202- 625--8355

The Association of Hazmat Shippers - Be Safe – Ship it Right! -

Many shippers of hazardous materials, in the United States and abroad, have noted that smaller package shipments consume a disproportionate amount of time, attention and resources. The Association of Hazmat Shippers, Inc. (**AHS**) was formed in 2002, and is headquartered in Washington, DC. **AHS** focuses on hazmat shipper's concerns and smaller package shipment issues in particular.

AHS encourages membership by companies and their trade associations who are involved in the shipment of hazardous materials. Today many companies have a global perspective, and the work of **AHS** includes the international regulation of dangerous goods under United Nations-affiliated organizations as well as domestic regulations.



Members buy, produce, distribute, ship, reship, and return smaller and medium-sized packages of hazardous materials. Many members also have an interest in larger package shipments, and the Association addresses those concerns as well, but the primary focus of **AHS** is on smaller package distribution problems.

Examples of materials of interest are medical and dental supplies, pharmaceuticals, automotive parts, flavors, fragrances, paints and coatings, and sample or laboratory sizes of all types of chemical products.

Issues of interest include global harmonization through the UN on limited quantity and excepted quantity relief, markings, and documentation; determinations of air shipment eligibility and marks; appropriate additional regulatory relief for lower hazard items such as alcohol/water mixtures; proposed revisions to compliance inspection policies; maintenance of national regulatory/uniformity; and implementation of major pending changes in federal hazmat legislation.



AHS's membership includes manufacturers, direct shippers, catalogue companies, brokers, forwarders, Internet marketers, and their commercial suppliers and customers. **AHS** provides a forum in which hazmat shippers

are able to learn about evolving regulatory requirements, and to take positions on the issues in time to affect the outcome of those deliberations.

AHS combines the dissemination of timely information and advocacy, through the work of Larry Bierlein as General Counsel and its Board of Directors.

The new association was organized by industry leaders who felt a need for a group with an undiluted shipper focus that could serve as an industry voice for them in federal and state legislative and regulatory arenas. At the federal regulatory level, these include the five operating administrations within the United States Department of Transportation, the Environmental Protection Agency, United States Customs, and the Occupational Safety and Health Administration of the Department of Labor.

Internationally, they include the United Nations, the International Maritime Organization, the International Civil Aviation Organization, the International Air Transport Association, and the rail and highway regulatory authorities in Europe (RID/ADR).

In addition to the offices of the United States government, **AHS** interacts frequently with Transport Canada and the Mexican Ministry of Communications and Transportation. As necessary, particularly under the preemption provisions of U.S. law, various state activities will also be the subject of **AHS** attention.



The Association provides a wide networking base for industry transportation professionals, their suppliers and customers. Members have the benefit of an active website, electronic bulletins, regional and national workshops, advocacy materials and educational opportunities. In addition, **AHS** will host periodic interactive Internet meetings, at which members can learn from **AHS** professionals and their industry colleagues about issues affecting their daily distribution responsibilities.



Mission Statement

The Association of Hazmat Shippers, Inc. provides a forum for the gathering and exchange of information, the determination of industry positions, and the expression of those positions to regulatory bodies throughout the world, as those agencies affect the shipment and distribution of hazardous materials.

Benefits of Membership

AHS --

- * Informs and advises members;
- * Develops and executes industry action plans;
- * Provides an appropriate medium for sharing industry concerns and ideas;
- * Encourages and advocates more globally uniform, consistent and reasonable regulations affecting hazmat distribution;
- * Provides an interactive website with updates on emerging events;
- * Provides compliance guidance and direction;
- * Facilitates compliance evaluations and assessments; and,
- * Hosts meetings on important issues facing hazmat shippers.



Association of **HAZMAT** Shippers, Inc.

Membership

All companies and their trade associations engaged in the shipment and distribution of hazardous materials are eligible for Active-voting membership in **AHS**. Associate non-voting membership is available for carriers in all modes of transportation, training companies, suppliers of packaging, and suppliers of labels, placards, and other materials essential to effective hazmat compliance.

You may join **AHS** by supplying the information requested on the application attached with this information.

Members in **AHS** agree to comply with the Association's By-laws, a copy of which is also included with this material. Please submit this information with payment to the Association of Hazmat Shippers, Inc. for the appropriate dues category.



LAWRENCE W. BIERLEIN

ATTORNEY AT LAW

Larry Bierlein manages his own law firm in Washington, DC. His private practice has been devoted to the regulation of hazardous materials and dangerous goods in the United States and abroad, particularly in transportation and distribution. Before entering private practice, Larry served as counsel on this subject to the U.S. Department of Transportation.

The terms "hazardous materials" and "dangerous goods" in his practice encompass hazardous wastes, hazardous substances, marine pollutants, and any materials for which the Occupational Safety & Health Administration's hazard communication standard requires preparation of a material safety data sheet. As such, Larry's work involves the U.S. Department of Transportation (DOT), the Environmental Protection Agency, the National Transportation Safety Board, and OSHA, as well as their counterparts at the State and local level. He also works on these matters with the UN Committee of Experts on the Transport of Dangerous Goods, the International Maritime Organization (IMO), the International Civil Aviation Organization (ICAO), the International Air Transport Association (IATA), and other national government agencies such as Transport Canada.

Larry provides assistance to a wide variety of industrial chemical manufacturers and consumers, transport carriers, packaging suppliers, and their trade associations. Common activities involve regulatory interpretation, employee training, development of internal procedures and audits, special permit and approval applications, defense of enforcement actions, matters pertinent to domestic and international regulatory consistency, preemption determinations, and related administrative and judicial litigation.

He serves as the general or special counsel to trade associations and companies having interests in this field, including the Association of Hazmat Shippers, the Radiopharmaceutical Shippers & Carriers Conference, the Reusable Industrial Packaging Association, and the International Confederation of Container Reconditioners.

Larry is the author of the [Red Book on Transportation of Hazardous Materials](#) (Van Nostrand Reinhold) and "What to Do When the DOT Inspector Calls," and he writes frequently for trade publications on this subject. He also is a frequent speaker on hazardous materials regulation at industry conferences. He was the 2009 recipient of DGAC's George Wilson Award for outstanding achievement in and contributions to the field of hazardous materials transportation and safety.

J.D., The University of Pennsylvania Law School, Philadelphia, PA.
B.A., The Johns Hopkins University, Baltimore, MD.

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General Counsel JOB DESCRIPTION AND DUTIES

1. Mr. Lawrence W. Bierlein serves as General Counsel to the Association of Hazmat Shippers, Inc.
2. In that role, he is responsible for managing any legal affairs of the association.
3. In addition, he monitors legislative and regulatory activities in North America and through the UN, for any proposals that may impact the membership as shippers of hazardous materials in non-bulk packaging.
4. If the Board of Directors decides comments should be filed on any legislative or regulatory proposals, or if other advocacy should be undertaken, Mr. Bierlein drafts such documents and takes such actions within the guidelines prescribed by the Board.
5. He represents AHS in the UN and before regulatory bodies. He must advise the President of the Board of any potential conflicts of interest with any other of his clients and must get the permission of the President to undertake any such work.
6. He responds to general regulatory questions posed by the membership. If he finds that answering a question would require substantial time or expense (two hours or more), Mr. Bierlein must coordinate his action with the Board. If the question is unique to the member company, e.g., a compliance action against that company, Mr. Bierlein will make separate billing arrangements with that company and will not charge AHS for this work.
7. Mr. Bierlein gives a General Counsel's report at all Board meetings and, as arranged by the President, conducts periodic telephone "chat room" briefings for the membership.
8. Mr. Bierlein bills his time monthly at rates agreed to by the Board. Mr. Bierlein serves at the will of the Board and, upon written notice and payment for work up to that notice, may be discharged at any time without cause.
9. If for any reason it appears to Mr. Bierlein that he may no longer represent AHS, he will so advise the Board and may withdraw as General Counsel upon written notice.



Association of **HAZMAT** Shippers, Inc.

**1101 30th Street, NW; Suite 500
Washington, DC 20007
Tax ID: 04-3668578**

CONFIDENTIAL INVOICE

AHS Initial Membership Dues

Company Name:

July 29, 2011

Address:

City, State, Zip:

Select your dues category and enter the applicable dues.

Select Dues Category	Membership Classification	Dues Rate	Amount Due
Company Membership (Active) (Sales Volume <\$500M Worldwide)	This Active Class Members of this Association shall consist of such individuals and businesses that are actively engaged in the shipping and receipt of hazardous materials in the due course of their business. Includes voting rights.	\$3,000	
Company Membership (Active) (Sales Volume >\$500M Worldwide)	This Active Class Members of this Association shall consist of such individuals and businesses that are actively engaged in the shipping and receipt of hazardous materials in the due course of their business. Includes voting rights.	\$5,000	
Association Membership (Active)	Associations that represent businesses and industries that are actively involved in the shipping and receipt of hazardous materials in the due course of their business. Includes voting rights	\$8,000	
Associate Membership	Association Members shall be such individuals or businesses that do not otherwise qualify for Active membership and who the Board of Directors determine to be able to assist in promoting and carrying out the purposes of the Associations. Associate membership does not include voting rights.	\$1,500	

Total _____

Please return a copy of this invoice with your check to the address shown above.
if paying electronically, please reference the invoice number with your payment.

Amounts paid for membership dues or assessments are not deductible as charitable contributions for Federal income tax purposes. However, these amounts may be deductible as ordinary and necessary business expenses under Section 162 of the Internal Revenue Code.



Association of **HAZMAT** Shippers, Inc.

AHS Initial Membership Application

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How would you like to be contacted in the future regarding association events, meetings and workshops: _____ Fax _____ Email

Comments: _____

If accepted for membership, I/we agree to abide by the By-laws of the Association.

Signature of Applicant: _____

Date: _____ Title: _____

Please return this two-page document, along with your Confidential Membership Dues Invoice and payment made out to the Association of Hazmat Shippers, Inc., to the address shown on the dues invoice.

This sales information will be used for classification purposes only and will be held highly confidential.



Association of **HAZMAT** Shippers, Inc.

Antitrust Policy

- **Don't discuss the prices your company will charge customers**
- **Don't discuss discounts, terms of conditions of sale, warranty terms, profits or profit margins, shares of the market, bids or the intent to bid, rejection or termination of customers, sales territories or markets.**
- **Don't propose or discuss any proposal, in the absence of specific legal guidance that the association sponsors, or engage in any activity which may have the effect of producing an adverse economic impact on some companies.**

THE ASSOCIATION OF HAZMAT SHIPPERS, INC.

BY-LAWS

ARTICLE I Name & Location

The name of this association shall be the Association of HAZMAT Shippers, Inc. (The Association). Its principal office shall be in Washington, DC as designated in the Articles of Incorporation and any amendments thereto. It may have other offices in such places as the Board of Directors may from time to time determine.

ARTICLE II Purposes

The purposes of the Association is to gather and disseminate information on rules and regulations pertaining to the shipment of hazardous materials, and other such purposes as the Board may deem appropriate, as well as organized efforts on behalf of the members to advocate and to obtain balanced and reasonable regulatory treatment both in the United States and around the world for such shipments.

ARTICLE III Membership

Active Membership in this Association shall be open to those companies that ship hazardous materials. There shall be two classes of Active members: Association and Company membership. Association membership is open to trade associations while individual memberships are open to individual companies. In addition, there shall be a category of Supporting Members, which is open to any other business, which in the opinion of the Board of Directors, would advance the general purposes of the Association. The Board shall annually review membership categories.

ARTICLE IV Dues

The Board of Directors shall annually propose dues for each category of membership. The dues and budget for the Association shall be approved by the members at the annual meeting.

ARTICLE V Board of Directors

Section 1 -- Authority and Responsibility:

The governing body of the Association shall be the Board of Directors. The Board of Directors shall have supervision, control and direction of the affairs of the Association, its committees and publications; shall determine its policies or changes therein; shall actively pursue its objectives and supervise the disbursement of its funds.

The Board may adopt such rules and regulations for the conduct of its business, including but not limited to meetings, voting, removal, and vacancies, as shall be deemed advisable. A majority vote of the Board present is required to pass a motion except where exceptions are set forth in these By-laws. The President of the Association is the President of the Board of Directors.

Section 2 -- Election and Terms of Office:

There shall be up to 12 directors who shall be elected by the members for 2-year terms.

Section 3 -- Quorum of the Board:

At any meeting of the Board of Directors, half or more of the members of the Board shall constitute a quorum for the transaction of the business of the Association and any such business thus transacted shall be valid providing it is affirmatively passed upon by a majority of those present, except where otherwise stipulated in these By-laws.

Section 4 -- Vacancies:

If vacancies occur on the Board of Directors between annual meetings, then the Board of Directors shall have the power to fill an unexpired portion of that 2-year term.

**ARTICLE VI
Officers**

Section 1 -- Elected Officers

The elected officers for the Association shall be: the President, the Vice President/Secretary and the Treasurer. Officers will be elected by the Board of Directors. The President of the Board shall preside over meetings of the Board. In the event of the absence of the President, the Vice President/Secretary shall preside.

Duties of AHS Officers

1. President

- a. The President serves as chief elected officer of AHS and shall preside at all meetings of the Board and of the members and generally supervises the business affairs of AHS and may perform such functions as are customary to that position. The President shall appoint chairmen for all committees and any ad-hoc committees and task forces created by the Board.
- b. The Present shall report on AHS' operations to the Board and shall periodically report to the Board on matters of interest.

2. Vice President

- a. The Vice President serves as the second highest elected officer of AHS and assists the President in the performance of his or her duties. The Vice President shall have such powers and perform such duties as from time to time may be conferred by the Board or the President. In the event of the President's absence from a Board meeting, or disability, or at the President's

request, the Vice President shall serve as the acting President, and shall have all of the powers and perform all of the duties other conferred upon the President.

3. Treasurer

- a. The Treasurer serves as the third highest elected officer of the Board and assists the President in the performance of his or her duties. The Treasurer shall ensure the integrity of the fiscal affairs of AHS and is responsible for its financial records, which shall remain at all times the property of AHS, and shall be open to inspection by any Director.
- b. The Treasurer shall report on the financial condition of AHS at meetings of the Board and present other reports as may be directed by the Board or the President. The report shall set forth in appropriate detail: The assets and liabilities, including relevant income funds, of AHS for the fiscal year; the principal changes in assets and liabilities, including money market funds, incurred during that fiscal year, including receipts restricted to any particular purpose; the expenses and other disbursements for that fiscal year; and the number of current members of AHS as of the end of that fiscal year.
- c. The Treasurer shall submit yearly dues renewal invoices to the AHS membership to insure funds are received by February 1 of the following year.
- d. The Treasurer shall post such bond as may be directed by the Board. Unless otherwise directed by the Board or by the President, the Treasurer may utilize the services of the President or other Officers in performing these duties.
- e. The Treasurer shall maintain copies of all financial documents on an external storage drive, purchased by AHS, to prevent loss of information.
- f. At the end of the two-year term, the incumbent will insure that all records, electronic or otherwise, are forwarded to the incoming Treasurer.

4. Secretary

- a. The Secretary assists the President in the performance of his or her duties. The Secretary shall give, or cause to be given, notice of meetings of the Board and of the general membership, and all other notices required by law or these By-laws. The Secretary shall have the responsibility for compiling all official correspondence from the AHS. The Secretary shall have the responsibility for retention of the official minutes and records of AHS. The minutes and records shall at all times remain the property of AHS and shall be open to inspection by any member. The Secretary shall perform other duties as may be assigned by the President.

Section 2 -- Qualifications

Any employee of a Qualified Active Member shall be eligible for nomination and election to any elective office of this Association.

Section 3 -- Election

All officers of the Association will be elected by a plurality of the votes of those Directors present and voting at the first Board of Directors meeting held after the Association's Annual Meeting.

Section 4 -- Term of Office

Directors and officers serve 2-year terms. Each elected officer shall take office on January 1 or immediately upon installation and serve until a successor is duly elected and qualified. Each elected officer shall serve concurrently as a member of the Board of Directors.

Section 5 -- Vacancies

Vacancies in any elective office may be filled for the balance of the term thereof by Board of Directors.

Section 6 – Executive Director

The Board of Directors shall have the authority to retain an Executive Director who shall be responsible for the administration of the Association. The Executive Director shall maintain the minutes, manage the finances, and conduct all of the normal business and operations of the association.

Section 7 – General Counsel

The Board of Directors shall have the authority to retain a General Counsel who will be responsible for providing legal services to the Association.

ARTICLE VII Meetings of Members

Section 1-- Annual Meeting

There shall be an Annual Meeting of the members of the Association for the election of a Board of Directors, for receiving annual reports, and for the transaction of such other business as may properly be brought before it. The Annual Meeting shall be held at such time as the Board of Directors shall set.

Section 2 -- Special Meetings

Special meetings of members may be called by the Board of Directors whenever they deem it necessary. Upon the written request of 25% of the members, the Board of Directors shall call a special meeting of members.

Section 3 -- Quorum

Fifty percent (50%) of the voting members present shall constitute a quorum at all regular and special meetings of the members. Proxies shall be counted in determining whether there is a quorum.

Section 4 -- Notice of Meetings

Notice of all meetings, annual and special, of the members shall be given to each member by mailing the same, postage pre-paid, addressed to the member at the address which appears upon its application for membership or as corrected by the member subsequently by letter received by the Association. Such notice of meeting shall state briefly the purpose(s) of the meeting. Notice of special meetings shall be given at least fifteen (15) days before the time of the meeting; at least thirty (30) days notice shall be given for the Annual Meeting.

Section 5 -- Location of Meetings

The Annual Meeting or special meetings of the members may be held at such location as the Board of Directors shall set.

ARTICLE VIII Rules of Order

The official guide for the officers and members of this Association to be used at all parliamentary procedures shall be the current edition of "Robert's Rules of Order Revised."

ARTICLE IX Dissolution

The Association shall use its funds only to accomplish the objectives and purposes specified in these bylaws as permitted by Section 501(c)(6) of the Internal Revenue Code. No part of the net earnings of the Association shall inure to the benefit of any private individual or member of the Association. Upon the dissolution of the Association in any manner or for any reason, whether voluntary or involuntary, its assets, if any, remaining after the payment or provision for payment of all liabilities of the Association shall be distributed to, and only to, one or more nonprofit charitable, educational, scientific or philanthropic organizations described in Section 501(c)(3) of the Internal Revenue Code as shall be selected by the Board of Directors.

ARTICLE X Amendment of By-laws

These By-laws may be amended at any regular or special meeting of the members, by two-thirds (2/3) vote of the member representatives present and voting at a regular or at a special meeting of the Board. In order to be considered, any member may submit a proposed amendment and an explanation therefore in writing at least fifteen (15) days prior to the meeting. These By-laws may not be amended or repealed by the Board alone.

ARTICLE XI Indemnification

Every Director, officer, and scientific consultant of the Association shall be indemnified by the Association against all expenses and liabilities including counsel fees, reasonably incurred or imposed upon them in connection with any proceeding to which they may have

been made a party, or in which they may become involved, by reason of being or having been a Director, officer or scientific consultant of the Association, or as a representative of the Association on the boards of other Associations, or any settlement thereof, whether the person is a director, officer or scientific consultant at the time such expenses are incurred, except in such cases wherein the director, officer or scientific consultant is adjudged guilty of willful misfeasance or malfeasance in the performance of duties as determined by the Board of Directors. The foregoing right of indemnification shall be in addition to and not exclusive of all other rights to which such Director, officer or scientific consultant may be entitled. The Directors and Officers of the Association are authorized to obtain such directors' and officers' liability insurance as they deem necessary and appropriate.