



When Trucks Spill Their Load

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Michael Wilson was driving his semi on Interstate 55/74 near Bloomington, Ill. when he clipped an Illinois Department of Transportation (IDOT) truck parked in the center lane. The truck, which had a signboard trailer attached, was there to warn drivers of roadwork ahead.

Wilson's truck overturned and skidded onto the concrete barrier between the lanes. The trailer was completely torn open and his load of pudding cups littered the highway. The highway was closed for several hours while cleanup crews used a snowplow to scoop up the mess.

Pudding is not a dangerous spill; it is simply a nuisance as were the 14 million honeybees that escaped when the truck carrying them overturned. It took almost 15 hours for bee keepers to round up the bees and for crews to clean the sticky honey off the highway.

When the products involved are not dangerous, a single call to 911 brings responders who are usually local law enforcement, the fire department or department of transportation. More serious and dangerous spills such as fertilizer, pesticide, soil amendment or fuel used and transported by farmers require specialized assistance.

The Federal Hazardous Materials Regulations, (FHMR) found in title 49 of the Code of Federal Regulations, applies to all commercial transportation including farmers. While Section 173.5 provides some relief for farmers transporting hazardous materials within the state, travel outside Michigan boundaries must comply with all the regulations. And regardless of where you are traveling, even if over local roads between your fields, packages have to be secured in the truck and containers must be free of leaks.

Accidents happen and if the accident results in a hazardous waste spill, it must be reported to the local authorities (call 911), and:

- Michigan State Police Operations Desk (517-241-8000) available 24 hours a day, and

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PRACTICE AREAS

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- Agriculture Pollution Emergency Hotline (Michigan Department of Agriculture, 800-292-4706), or
- Pollution Emergency Alerting System (Department of Natural Resources & Environment, 800-406-0101)

Control of chemical spills should only be attempted by qualified and equipped personnel. The first step, if it can be done safely, would be to control the spill by turning off nozzles, or by plugging puncture type holes with a wooden plug, putty, or a bolt. Next, the mess is cleaned up following specific procedures for the type of material spilled provided by the hazardous materials investigator assigned by the Michigan State Police.

Foster Swift has an Emergency Response Team available 24/7 to assist you at the scene of the accident and resultant spill. The team consists of experts in accident reconstruction, a forensic photographer/videographer to take photos at the scene, an investigator to take statements from witnesses and an experienced defense lawyer.

For more information please contact Dirk H. Beckwith at dbeckwith@fosterswift.com or 248.539.9918. Dirk is a past president of the Transportation Lawyers Association and a member of the Trucking Insurance Defense Association.

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