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ARBITRATOR'S DECISION ON PAINT AND RELATED MATERIALS AFFIRMS THE CCSB DISPOSITIONS ON SUBJECTS 13 AND 14 OF DOCKET 2008-3

Neutral arbitrator rendered his decision on the National Paint & Coatings Association's challenge to the Commodity Classification Standards Board Dispositions on Subjects 13 and 14.

Alexandria, VA --- On January 22, 2009, a neutral arbitrator whose services were jointly agreed to by the National Paint & Coatings Association (NPCA) and the Commodity Classification Standards Board (CCSB), rendered his decision affirming the CCSB's Dispositions of Subjects 13 and 14 of Docket 2008-3.

Subject 13, a proposal by the CCSB, sought to reclassify paint and related materials based on their densities and whether or not they are regulated by the U. S. Department of Transportation as a combustible (in bulk containers holding 119 gallons or more), flammable or corrosive. Subject 14, a proposal by NPCA, sought to classify paint and related materials based on their densities, without regard to their hazardous materials status.

Subject 13 was approved as modified by the CCSB at its public meeting on October 21, 2008; Subject 14 was concurrently disapproved.

"The classifications of paint and related materials approved as modified in CCSB's Subject 13 of Docket 2008-3 are supported by substantial evidence, and their application to the products was reasonably explained. The challenged classification action, accordingly, is affirmed." – was the decision rendered by arbitrator Fritz R. Kahn, Esq. of Transportation Arbitration and Mediation, P.L.L.C.

This was the first arbitration proceeding since the National Motor Freight Traffic Association (NMFTA) implemented its new organizational structure and procedures, which allowed for the continued development and maintenance of the National Motor Freight Classification (NMFC) in response to the Surface Transportation Board's (STB) termination of antitrust immunity for the National Classification Committee's (NCC) classification-making activities. The CCSB was established as the new autonomous classification-making board. One of the safeguards to ensure the autonomy and objectivity of the CCSB's classification-making process is the provision that allows for parties of record to appeal CCSB decisions to an arbitrator who is independent of NMFTA.

About NMFTA

Founded in 1956, NMFTA's mission is to serve as a research and development organization providing the transportation industry with the necessary information to advance and improve their interests and welfare. NMFTA is committed to helping the industry meet the transportation challenges through research, education, and publication of specifications, rules, transportation codes and the preparation and dissemination of studies, reports and analyses.

On behalf of participating member motor carriers, NMFTA's autonomous CCSB maintains the NMFC. NMFTA also assigns and publishes the Standard Carrier Alpha Codes (SCAC), and the Standard Point Location Codes (SPLC). For more information on NMFTA and its products/services, contact us at 866.411.NMFC (6632), customerservice@nmfta.org, or visit www.nmfta.org.
