



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

Hazardous Materials/Transportation: Shipper Coalition Petitions U.S. Pipeline and Hazardous Materials Safety Administration to Establish Uniform National Tank Car Standards

Arkansas Environmental, Energy, and Water Law Blog

08/17/2016

A coalition of shipper organizations submitted an August 12th Petition to the Pipeline and Hazardous Materials Safety Administration ("PHMSA") asking for rulemaking relating to tank car standards.

The coalition of shippers includes:

- American Chemistry Council
- American Fuel & Petrochemical Manufacturers
- American Petroleum Institute
- Chlorine Institute
- National Association of Chemical Distributors
- National Industrial Transportation League
- Society of Chemical Manufacturers and Affiliates
- Sulphur Institute
- U.S. Clay Producers Traffic Association, Inc.
- Fertilizer Institute

The shippers are requesting that the PHMSA amend 49 C.F.R. Part 107 and 49 C.F.R. Part 179:

...to commence a rulemaking proceeding to modify existing rules and to adopt new rules that explicitly prohibit any person from requiring compliance with tank car specifications that are different from those in applicable regulations, except as authorized by a special permit.

The shippers submit that such proposed rules would:

...remove any doubt that PHMSA has fully exercised its statutory authority to establish national tank car safety standards to the exclusion of all other entities, including the Association of American Railroads ("AAR"), which has in the past and may in the future attempt to impose standards that deviate from PHMSA's regulations. The overarching purpose of this Petition is to establish unequivocally that DOT, not AAR, has been vested with the exclusive authority to determine what tank car standards are in the public interest and that the AAR has no authority to require compliance with different standards.

[A copy of the Petition can be downloaded here.](#)

