



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

Hazardous Materials Regulations Proposed Rulemaking: Pipeline and Hazardous Materials Safety Administration Adoption of Miscellaneous Petitions/Updating Regulatory Requirements

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The United States Pipeline and Hazardous Materials Safety Administration (“PHMSA”) issued a Notice of Proposed Rulemaking (“NPRM”) that includes amendments to the federal Hazardous Materials Regulations (“HMR”). See PHMSA-2020-0102.

PHMSA states that the amendments to the HMR are intended to update, clarify, improve the safety of, or streamline various regulatory requirements.

The HMR are found at 49 CFR Parts 171-180.

The NPRM is stated to respond to 18 petitions for rulemaking submitted by the regulated community between May 2018 and October 2020.

PHMSA regulations provide that a person may petition to add, revise, or remove a regulation in the HMR through a petition for rulemaking. Such petition must contain adequate support for the requested action.

The petitions are stated to address a variety of HMR provisions involving packaging, hazardous communication, and incorporation by reference of certain documents.

By way of summary, PHMSA states that the NPRM:

- Allows for appropriate flexibility of packaging options in the transportation of compressed natural gas in cylinders.
- Streamlines the approval application process for the repair of specific Department of Transportation (“DOT”) specification cylinders.
- Provides greater clarity on the filling requirements for certain cylinders used to transport hydrogen and hydrogen mixtures.
- Facilitates international commerce and streamlines packaging and hazardous communication requirements by harmonizing the HMR with international regulations to allow the shipment of de minimis amounts of poisonous materials.

- Provides greater clarity by requiring a specific marking on cylinders to indicate compliance with certain HMR provisions.
- Streamlines hazard communication requirements by allowing appropriate marking exceptions under certain conditions for the transportation of lithium button cell batteries installed in equipment.
- Provides greater flexibility and accuracy in hazard communication by allowing additional descriptions for certain gas mixtures.
- Increases the safe transportation of explosives by updating certain Institute of Makers of Explosives (“IME”) documents currently incorporated by reference.
- Modifies the definition of “liquid” to include the test for determining fluidity (penetrometer test) prescribed in the agreement concerning the International Carriage of Dangerous Goods by Road.
- Incorporates by reference a Compressed Gas Association publication (“CGA”) C-20-2014, “Requalification Standard for Metallic, DOT and TC 3-series Gas Cylinders and Tubes Using Ultrasonic Examination.” Second Edition
- Incorporates by reference the updated Appendix A of CGA publication C-7-2020, “Guide to Classification and Labeling of Compressed Gases.” Eleventh Edition
- Incorporates the CGA publication C-27-2019, “Standard Procedure to Derate the Service Pressure of DOT 3-series Seamless Steel Tubes.” First Edition
- Incorporates by reference the CGA publication CGA C-29-2019, “Standard for Design Requirements for Tube Trailers and Tube Modules.” First Edition
- Incorporates by reference the CGA publication CGA V-9-2019, “Compressed Gas Association Standard for Compressed Gas Cylinder Valves.” Eighth Edition

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