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Transportation/Hazardous Materials: Pipeline and Hazardous Materials Safety Administration Advance Notice of Proposed Rulemaking Addressing Modernizing Regulations

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The Pipeline and Hazardous Materials Safety Administration (“PHMSA”) published an Advance Notice of Proposed Rulemaking (“ANPRM”) in the July 5th Federal Register soliciting stakeholder feedback on initiatives it is considering to:

- Modernize the Hazardous Materials Regulations (“HMR”)
- Improve efficiencies
- Simultaneously maintain or improve a current high level of safety

The ANPRM solicits comments/inputs on questions related to 46 distinct topics that PHMSA is considering.

The federal Hazardous Materials Transportation Act authorizes the Secretary of Transportation to:

. . . prescribe regulations for the safe transportation, including security, of hazardous materials in intrastate, interstate, or foreign commerce.

The HMR are found at 40 C.F.R. Parts 171-180.

This authority has been delegated to the PHMSA.

The HMR’s primary objectives have been articulated by PHMSA to include:

1. Ensure that hazardous materials are packaged and handled safely and securely during transportation.
2. Provide effective communication to transportation workers, emergency responders, and the general public of the hazards of the materials being transported.
3. Minimize the consequences of an accident or incident should one occur.

The ANPRM’s preamble notes that:

- Because of the advent of new technologies, the risk inherent in the transportation of hazardous materials can change.

- New technologies may provide new opportunities to improve packaging, hazardous communication, and incident minimization.
- New technologies/techniques may reduce costs/burdens to society (while continuing to focus on protecting people/the environment by advancing safe transportation of hazardous materials).

As a result, PHMSA states it is soliciting comments on the safety, environmental, and economic impact of regulatory modernization initiatives suggested by the regulated community and other stakeholders.

The ANPRM lists 46 topics for which it is soliciting input. They include:

- A. Evaluation of Carrier Maintenance of Emergency Response Information
- B. Non-Bulk Packaging, Intermediate Bulk Container, and Large Packaging Periodic Retest Extension
- C. Use of Non-Bulk Package Test Samples for Multiple Tests
- D. Aerosol Classification Alignment
- E. Residue IBC Exceptions
- F. Requirements for Damaged, Defective, or Recalled Lithium Cells and Batteries
- G. Sampling and Testing Program for Unrefined Petroleum-Based Products
- H. Oil Spill Response Plan Applicability
- I. Standards Incorporated by Reference Update
- J. EX-Number Display Requirements
- K. Section 173.150 Ethyl Alcohol Exception
- L. Limited Quantity Training Exception
- M. Exceptions for Small Quantities of Division 4.3, PG I Material
- N. Recycling Safety Devices
- O. Creation of Basic Description and Shipping Description Definitions
- P. Removal of the 60-Day Renewal Requirement for Approvals and Special Permits
- Q. Design Certifying Engineer Experience
- R. Oxidizing Gases by Air
- S. Part 176 Vessel Requirements Update
- T. LTD QTY Shipping Paper Exception by Vessel
- U. Convention for Safe Containers Data Plate and Inspection Requirements
- V. Identification of Freight Containers in Rail Transportation
- W. Exceptions for Rail Transport of Lithium Batteries for Purposes of Recycling and Disposal
- X. Tank Car Manway Inspections
- Y. Acid Resistant Manways for DOT 111A100W5 Tank Cars
- Z. Tank Car Thermal Protection Standard
- AA. Unoccupied Locomotive Train Placement
- BB. Offering a Tank Car After Qualification Expiration
- CC. Non-Destructive Examination
- DD. Updating Requirements for Transporting Hazardous Materials on Passenger Carrying Motor Vehicles

EE. EPA 27 Test Method for Cargo Tanks

FF. Mounting Pads for Cargo Tank Damage Protection Devices

GG. Cargo Tank Hydrostatic Test Medium

HH. Cargo Tank Thickness and Corrosion Inspection Requirements

II. Remove Exceptions for Cargo Tank Inspections

JJ. Segregation of Detonating Explosives for Highway Transportation

KK. Cargo Tank Reflectivity

LL. Cargo Tank Registered Inspector Training and Qualification

MM. Cargo Tank Design Certifying Engineer Training and Qualification

NN. Cargo Tank Registered Inspector Verification and Documentation

OO. Cargo Tank Design Certifying Engineer Verification and Documentation

PP. Cargo Tank Registered Inspector Revised Definition

QQ. Cargo Tank Design Certifying Engineer Revised Definition

RR. NTSB Safety Recommendations R- 20-1 to R-20-4

SS. Placard Display on Intermediate Bulk Containers

TT. Emerging Technologies

A copy of the Federal Register Notice can be found [here](#).