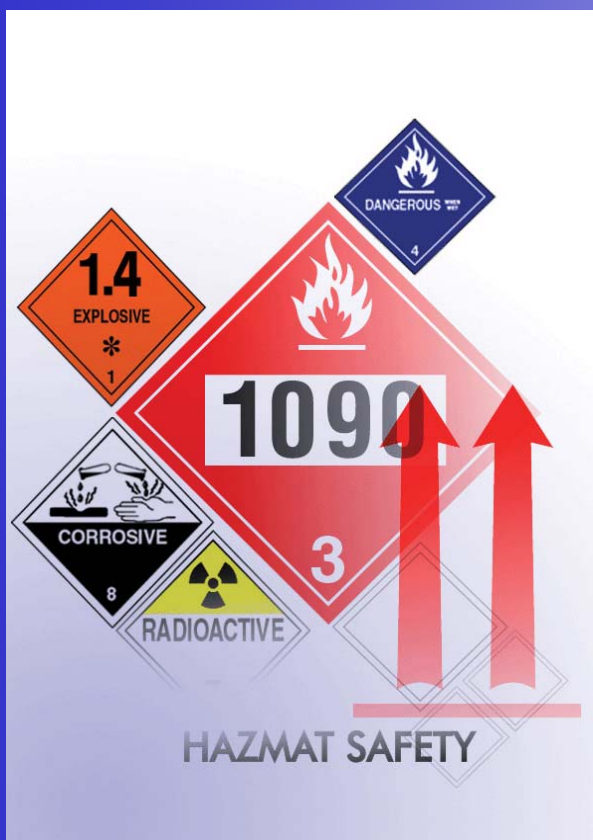




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Pipeline and Hazardous Materials Safety Administration



Regulations Update

Office of Hazardous Materials Standards

Presented by:

T. Glenn Foster



U.S. Department
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**Pipeline and
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Rulemaking
Update

Regulations Development

ACTIONS THAT INITIATE RULEMAKINGS:

- **Safety problem(s) identified by PHMSA, NTSB, regulated community, or others**
- **NTSB recommendation**
- **Petitions for rulemaking**
- **Harmonization**
- **Congressional mandate**
- **Regulatory review**
- **YOU**



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Rulemaking
Update

Rulemakings



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Rulemaking
Update

HM-224E – Prohibition on the Transportation of Primary Lithium Batteries and Cells Aboard Passenger Aircraft – Final Rule; Correction

- **Published on 9/28/06**
- **Purpose**
 - **Corrects an error in the December 15, 2004 final rule.**
- **Summary**
 - **Special Provision A101 imposed gross weight limitation of 5 kilograms for primary lithium batteries packed with equipment that were excepted from the prohibition for transportation aboard passenger-carrying aircraft**
 - **Intent was for this limit to be based on net weight**
 - **Gross weight limitation applies to the total weight of the packaging plus its contents (i.e., the weight of the equipment, battery and the packaging)**
 - **Net weight limitation applies only to the weight of the lithium batteries packed with the equipment.**



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Rulemaking
Update

HM-224E – Prohibition on the Transportation of Primary Lithium Batteries and Cells Aboard Passenger Aircraft....

- **Interim final rule published 12/15/04**
- **Purpose:**
 - Prohibits the offering for transportation and transportation of primary lithium batteries and cells and equipment containing or packed with large primary lithium batteries as cargo aboard passenger-carrying aircraft





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Rulemaking
Update

HM-224E (contd.)

Things to Remember:

- Does not affect the carriage of lithium batteries in passenger carry-on or checked baggage**
- Does not apply to equipment containing or packed with small primary lithium batteries**
- Does not apply to the transport of secondary lithium ion batteries**



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Rulemaking
Update

HM-189Z – Minor Editorial Corrections and Clarifications

- **Final Rule published 9/14/06**
 - Final Rule Correction published 9/20/06
 - Effective date 10/1/06
- **Purpose**
 - To correct editorial errors, make minor regulatory changes, and improve clarity of certain provisions in the (HMR)
- **Summary:**
 - Minor edits/revisions throughout the HMR



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Rulemaking
Update

HM-220F – Aluminum Cylinders Made of Alloy 6351-T6 Used in SCUBA, SCBA, CO₂, and O₂ Service....

- **Final Rule published 8/29/06**
 - Effective date 1/1/07
- **SNPRM published 10/26/05**
 - Comment period closed 12/27/05
- **NPRM published 9/10/03**
 - Comment period closed 11/10/03





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Rulemaking
Update

HM-220F (cont.)....

- **Additional requalification requirements**
 - **Additional examinations with visual inspection**
 - **Cylinder must be rejected if examination reveals a crack of two thread lengths or more**
 - **Cylinders successfully passing requalification must be marked with “VE” in association with the requalification marking**



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Rulemaking
Update

HM-226A – Infectious Substances; Harmonization with the UN Recommendations....

- **Final rule published 6/1/06**
 - Effective date 10/1/06
- **Purpose:**
 - Amends the HMR to maintain alignment with corresponding provisions of international standards for the transport of infectious substances





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Rulemaking
Update

HM-226A (cont.)....

- **Summary:**
 - **Establish a two-tiered Category A and Category B classification system for Division 6.2 materials based on UN and ICAO standards**
 - **“Diagnostic Substance” replaced by “Biological substance, category B”**
 - **Adopt new packaging requirements for Division 6.2 materials consistent with the revised UN and ICAO standards**



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Rulemaking
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HM-226A (cont.)

- **Category A (§ 173.196)**
 - Rigid outer packaging
 - External dimensions not less than 100 mm
- **Category B (§ 173.199)**
 - Similar to current diagnostic substances
 - Rigid outer packaging
 - At least one surface must measure 100mm by 100mm
 - Pass drop test at 1.2 meters (3.9 feet)
 - Marked UN3373 in square-on-point adjacent to proper shipping name
- **Regulated Medical Waste (§ 173.197)**
 - Closure requirements for sharps containers



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Rulemaking
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HM-220E – Requirements for UN Cylinders....



- **Final rule published 6/12/06**
 - Effective date 9/11/06
- **Purpose:**
 - Adopt design, construction, and testing requirements for UN pressure receptacles and Multiple Element Gas Container (MEGCs)



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Rulemaking
Update

HM-220E (cont.)

- **Summary:**

- Requires each new design type to be approved and marked with “USA”
- Requires each facility that manufactures UN pressure receptacles for use in the US to be approved by the Associate Administrator
- Broadens the scope of Independent Inspection Agencies (IIAs) to include UN pressure receptacles
- Approves MEGCs in the same manner as UN portable tanks
- Require UN pressure receptacles to meet PRD requirements



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Rulemaking
Update

HM-213B – External Product Piping on Cargo Tanks....

- **Final rule withdrawing NPRM published 6/7/06**
- **Purpose:**
 - **Restriction of flammable liquids from transportation in unprotected product piping on DOT specification cargo tank motor vehicles**





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Rulemaking
Update

HM-213B (cont.)

- **Summary:**
 - PHMSA is closing this rulemaking proceeding
 - Due to public comments and additional data and analysis, PHMSA has concluded that further regulation would not produce the level of benefits originally expected and therefore, would not justify the corresponding costs





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Rulemaking
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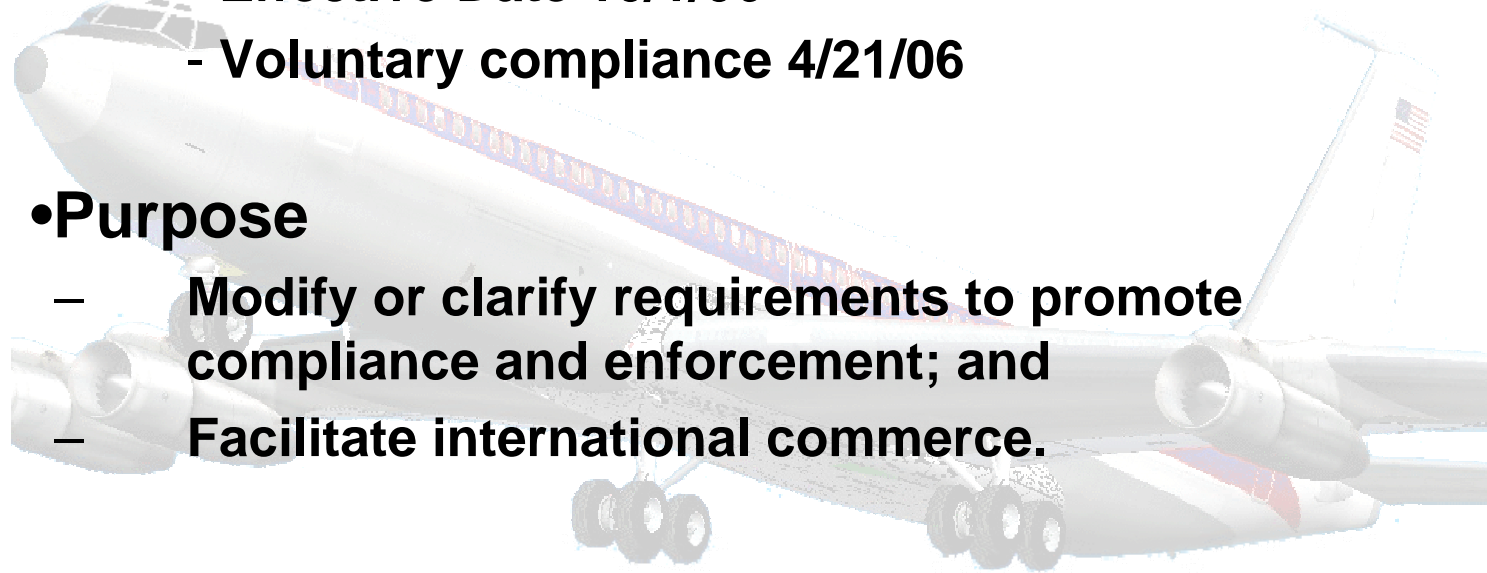
HM-228 – Revision of the Requirements for Carriage by Aircraft....

Final Rule published 3/22/06....

- **Effective Date 10/1/06**
- **Voluntary compliance 4/21/06**

•Purpose

- **Modify or clarify requirements to promote compliance and enforcement; and**
- **Facilitate international commerce.**





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Rulemaking
Update

HM-228 (cont.)

- **Summary:**
 - Clarify applicability of part 175
 - Clarify exceptions for operator equipment and supplies, special aircraft operations, and passengers and crewmembers
 - Revise separation distances for shipments of radioactive materials by cargo aircraft; and
 - Update HMR to comply with security requirements for explosive special permits





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Rulemaking
Update

HM-240 – Incorporation of Statutorily Mandated Revisions to the HMR

- **Final Rule published 12/09/05; effective date 1/9/06**
 - Final rule correction published 8/8/06
- **Purpose**
 - Amend HMR for consistency with the Hazardous Materials Safety and Security Reauthorization Act of 2005
- **Summary:**
 - **Exemptions to Special permits transition**
 - Office of Hazmat Special Permits and Approvals (OHMSPA)
 - specialpermits@dot.gov
 - **Shipping paper retention**
 - 2 yr. (shipper) / 3 yr. hazwaste manifest
 - 1 yr. (carrier)
 - **Include maintenance-of-way and railroad signalmen as hazmat employees**
 - **Except farmers from security plans**



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Rulemaking
Update

HM-223A – Person Who Offers or Offeror

- **Final Rule published 7/28/05**
 - Effective date 10/1/05
- **Purpose:**
 - To provide a definition for “person who offers or offeror” based on long-standing interpretations and administrative determinations





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Rulemaking
Update

HM-223A

- **Summary:**
 - Adds a definition for “persons who offer or offeror”
 - Clarifies that there may be more than one offeror of a hazardous material
 - Permits an offeror or carrier to rely on information provided by a previous offeror or carrier



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Rulemaking
Update

HM-215I Harmonization Rule

- **NPRM published on 8/31/06**
- **Purpose**
 - To amend the HMR to maintain alignment with international standards
- **Summary**
 - Proposes to incorporate various amendments, including changes to proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations and vessel stowage requirements
 - Revisions are necessary to harmonize the HME with recent changes to the International Maritime Dangerous Goods Code, the International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods by Air, and the United Nations Recommendations on the Transport of Dangerous Goods.



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Contact Us!



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Public Comments

- **Submit written comments to:**
Dockets Management System
US DOT
400 Seventh Street, SW
Washington, DC 20590-0001
- **Submit electronic comments to:**
<http://dms.dot.gov>
or
<http://www.regulations.gov>



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Rulemaking Update

PHMSA World Wide Web

Welcome to HAZMAT SAFETY...

<http://hazmat.dot.gov>



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Hazmat Information Center

- **(800) HMR-4922 or (202) 366-4488**
- **Hours: 9 AM to 5 PM EST**
- **Purpose:**
 - Obtain answers to HMR questions
 - Request copies of documents
 - Report HMR violations
 - Fax on demand
 - Training materials
- **E-mail: infocntr@dot.gov**



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