

Harmonizing DOT International Standards

By

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On August 25, 2014, the U.S. Department of Transportation's (DOT) Pipeline and Hazardous Materials Safety Administration (PHMSA) issued a proposed rule seeking to harmonize the hazardous materials regulations (HMR) with international regulations and standards. The rule would revise proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations, and vessel stowage requirements. The key changes to this HMR proposed by PHMSA are summarized below.

Background

PHMSA proposes to incorporate by reference the most recent versions of various international hazardous materials standards, including the 2015-2016 International Civil Aviation Organization (ICAO) Technical Instructions for the Safe Transport of Dangerous Goods by Air; Amendment 37-14 to the International Maritime Dangerous Goods Code (IMDG Code); the International Atomic Energy Agency (IAEA) Safety Standards for Protecting People and the Environment; Regulations for the Safe Transport of Radioactive Material, No. SSR-6 (IAEA Regulations), 2012 Edition; and the 18th Revised Edition of the United Nations Recommendations on the Transport of Dangerous Goods (UN Model Regulations). PHMSA also proposes to update by reference the Canadian Transportation of Dangerous Goods Regulations and to adopt updated International Standards Organization (ISO) standards.

PHMSA proposes amendments to the Hazardous Materials Table (HMT) at 49 C.F.R. Section 172.101 to add, revise, or remove certain proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, bulk packaging requirements, and passenger and cargo aircraft maximum quantity limits.

PHMSA proposes an exception from the HMR for marine pollutants up to 5 liters (1.3 gallons) for liquids or 5 kilograms (11 pounds) for solids when these materials are packaged in accordance with the general packaging requirements of 49 C.F.R. Sections 173.24 and 173.24a. The proposed amendment would exempt small packages of hazardous material from the HMR that are regulated only because of the presence of one or more marine pollutants as PHMSA believes such materials pose little transport risk.

PHMSA is proposing to modify the list of marine pollutants in Appendix B to the HMT. PHMSA periodically updates its list based on changes to the IMDG Code and evaluation of listed materials. PHMSA is also proposing to add minimum sizes for the OVERPACK and SALVAGE markings. These markings would be characters at least 12 mm (.47 inches) high.

PHMSA is proposing to revise and add vessel stowage codes listed in column 10B of the HMT and segregation requirements in 49 C.F.R. Section 176.83 consistent with the IMDG Code. PHMSA also proposes to increase the required segregation distances between Division 4.3 dangerous when wet materials, Class 3 flammable liquids, and Division 2.1 flammable gases.

Consistent with amendments adopted into the UN Model Regulations, PHMSA is proposing to revise the HMT to include 17 new entries for adsorbed gases. PHMSA also proposes to add into the HMR a definition for adsorbed gas, authorized packagings, and safety requirements, including but not limited to quantity limitations and filling limits.

PHMSA proposes harmonization with the latest version of the ICAO Technical Instructions to ensure that information currently authorized by the HMR to be provided by means of an alternative document be included on a shipping paper for batteries transported under the provisions of 49 C.F.R. Section 173.185(c)(4)(v), the equivalent of Section IB ICAO Packing Instructions 965 and 968. PHMSA also proposes requiring a “CARGO AIRCRAFT ONLY” label on packages containing small lithium metal batteries not packed in or with equipment.

PHMSA states that if the amendments are not adopted in the HMR by January 1, 2015, the date most of the international standards above take effect, U.S. companies will be at an economic disadvantage. These companies will be forced to comply with a dual system of regulations, a result to be avoided.

The proposal is an important step in ensuring harmonization. Readers with interest in these issues should review it carefully.

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