

# **U.S. Adopts Global Transportation Standards**

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New proposed shipping rules that harmonize with international standards will require some study.

On Aug. 24, 2010, the Department of Transportation's Pipeline and Hazardous Materials Safety Administration (PHMSA) proposed to harmonize the Hazardous Materials Regulations (HMR) with international standards – 75 Fed. Reg. 52069. The proposed rule revises several proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations and vessel stowage requirements. Importantly, the proposal would also amend several key components of the HMRs and to the shipping requirements for several hazardous materials.

## **Background**

PHMSA states that these revisions are necessary for the HMRs to be consistent with recent changes made to the International Maritime Dangerous Goods Code (IMDG), the International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods by Air (ICAO TI), and the United Nations' Recommendations on the Transport of Dangerous Goods – Model Regulations.

The proposal would amend the Hazardous Materials Table to add, revise or remove certain proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, bulk packaging requirements, passenger and cargo aircraft maximum quantity limitations, and vessel stowage provisions.

The proposal would revise the "limited quantity" exception. Amendments for the highway, rail and marine transportation of limited quantities are based on the recently adopted limited quantity provisions in the U.N. Model Regulations and IMDG Code. Amendments for the air transportation of limited quantities are based on the 2011–2012 revision of the ICAO TI. PHMSA is proposing a transition period for alignment of the HMR limited quantity eligibility (including consumer commodities) when transported by all modes (domestic and international), in accordance with HMR requirements that are based on international standards for limited quantities and consumer commodities.

The proposal would incorporate by reference the 2011–2012 ICAO TI, Amendment 35–10 to the IMDG Code, and the Sixteenth Revised Edition of the U.N. Model Regulations. PHMSA is also proposing to update its incorporation by reference of the Canadian Transportation of Dangerous Goods Regulations to include recent amendments to the Canadian regulations. This incorporation by reference supplements the broad reciprocity provided in 49 C.F.R. Section 171.12 where the HMR allow the use of the Canadian TDG Regulations under certain conditions when transporting hazardous materials to or from Canada by highway or rail.

PHMSA states that the transportation of sour crude oil "may pose risks due to its inherent potential of evolving hydrogen sulfide." Based on the risk of toxic vapors, the U.N. Model Regulations were amended by assigning a new identification number and shipping description for sour crude oil with a flammable primary hazard and a toxic subsidiary hazard. Additionally, a new special provision was added, specifying the assignment of a Packing Group based on the degree of danger presented by either the flammability or toxicity hazard of the sour crude oil among other provisions pertinent to sour crude.

PHMSA is not proposing to adopt all of the changes from the amendments made to various international standards. The agency believes addressing certain changes may be better accomplished through current or future rulemakings.

On the whole, the proposed rule makes a lot of sense. Stakeholders may wish to monitor it and/or engage, as appropriate. PE

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