



# National Association of Chemical Distributors

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Docket Management Facility  
U.S. Department of Transportation  
West Building, Ground Floor, Room W12-140  
1200 New Jersey Avenue, SE  
Washington, DC 20590

**RE: DOCKET NO. FMCSA-2007-27748**

Dockets Section:

These comments respond to the *Federal Register* notice published December 26, 2007, regarding Docket Number FMCSA-2007-27748, Minimum Training Requirements for Entry-Level Commercial Motor Vehicle Operators. The National Association of Chemical Distributors (NACD) appreciates the opportunity to comment on the notice.

NACD is a trade association headquartered in Arlington, Virginia, with more than 250 chemical distribution companies throughout North America. These companies represent between 80% and 90% of the chemical distribution facilities in the nation and more than 90% of the industry's gross revenue. Members of NACD operate in every region of the country through more than 1500 facilities. The membership includes small businesses as well as regional and national companies. Hazardous materials transportation is an integral part of the chemical distribution business. In 2006, NACD members made 5.6 million chemical distribution shipments, were responsible for 50.7 billion pounds of delivered product, and drove 167.6 million miles while distributing chemicals.

NACD member companies have established themselves as leaders in health, safety, security, and environmental performance through implementation of the Responsible Distribution Process<sup>SM</sup> (RDP), established in 1991 as a condition of membership in NACD. RDP is a third-party verified management practice. Training of personnel, including drivers, is a key element within RDP. The Job Procedures and Training Code of RDP requires "training for all personnel, to reach and maintain proficiency in safe work practices and the skills and knowledge necessary to perform their job, including confirmation of competence."

While NACD supports the objective of ensuring that all drivers of commercial vehicles are properly trained, we have concerns about the extremely prescriptive approach outlined in the FMCSA Notice of Proposed Rulemaking (NPRM).

In the background statement of the NPRM, FMCSA admits that adequate data is not available to “demonstrate a relationship between increased systematic training and improved safety” and goes so far as to state, “Given the lack of data that would indicate that the training requirements in this proposed rule would result in a reduction in crash rates, FMCSA solicits comments...” With such a lack of data to prove a connection between major new training requirements and increased safety, the extensive, prescriptive new regulatory program outlined in the NPRM is unjustified.

NACD’s most grave specific concern about the proposal is the requirement that all entry-level drivers receive their training through a provider or program accredited by an agency recognized by the U.S. Department of Education or by the Council of Higher Education Accreditation. While this leaves the option open for those companies with their own commercial motor vehicles to develop their own training programs and seek their own accreditation, this is not a feasible option for the vast majority of businesses, including chemical distributors. Most of these companies’ drivers already have their commercial driver’s licenses (CDLs), and it would not be worth the time and effort to establish such a program and seek accreditation for periodic new hires only. The reality is that only very large companies with substantial resources would be able to establish their own driver training programs to meet the requirements outlined in the FMCSA NPRM.

Given the impracticality of establishing and gaining accreditation for their own programs for most businesses, the alternative would be to send new drivers to established institutions. There are a limited number of institutions within the U.S. that can provide this type of training, as FMCSA acknowledges by providing a three-year delay in implementation to allow time for additional programs to be established. With an average of over 50,000 new drivers expected to be needed for each of the next 10 years, there would be tremendous demand for the accredited training program, and there is no guarantee that capacity could be increased enough to satisfy the demand. The result of this would be high prices, which could prevent drivers from seeking CDLs as well as delays for drivers even being able to enter their training programs. Both the high costs and the delays would contribute to the worsening driver shortage in the U.S.

Today, employers such as chemical distribution companies are able to train their own drivers, a system that has worked well. In these situations, these individuals learn both the driving skills and the company-specific knowledge needed to do a safe and effective job. This on-the-job training is also much more cost-effective than forcing the new driver to attend an off-site, four week course. This in house training is supplemented by the fact that the state motor vehicle departments administer tests to ensure that the driver is qualified to earn a CDL.

Evidence exists that the current system is working. FMCSA’s Large Truck Crash Facts – 2006 and the National Highway Safety Administration’s Traffic Safety Facts – 2006 Data both demonstrate that while the number of large trucks registered and vehicle miles traveled have substantially risen over the past 10 years, the number of crashes involving fatalities and injuries has remained steady with a downward trend, even with the increased number of trucks and miles driven. In fact, in 2006, the number of large trucks involved in injury crashes was the lowest in the 11 year period. Also in 2006, the number of fatal crashes per 100 million vehicle miles traveled was 1.94, the lowest in the period going back to 1975.

NACD recommends that FMSCA adopt performance-based training standards, rather than dictating detailed curricula and mandating that drivers can only receive training through a limited number of specific accredited locations. Performance-based standards would allow employers who do not have large motor vehicle fleets to effectively train drivers in a cost effective and practical manner. Regulatory inspections could then be designed to require companies to demonstrate that these performance-based standards are being met. Such a safety-oriented, performance-based approach would allow for more flexibility rather than a one-size-fits-all program. This would help to facilitate needed driver training without exacerbating the driver shortage.

Thank you for the opportunity to provide these comments. If you have any questions, or require any additional information, please do not hesitate to contact me at 703/527-6223.

Sincerely,

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