

INTERESTED PARTIES FOR HAZARDOUS MATERIALS TRANSPORTATION

**Office of Hazardous Materials Safety (OHMS)
Pipeline and Hazardous Materials Safety Administration (PHMSA)
U.S. Department of Transportation (DOT)**

While OHMS is one of the smaller offices of DOT, it is critical to hazardous materials commerce which contributes business revenues to the economy in excess of \$1 trillion annually and employs millions of workers.

OHMS has been delegated authority by DOT to implement the Hazardous Materials Transportation Act (HMTA), which governs the safety and security of hazardous materials in commerce. This authority is so controlling that hazardous materials may not be transported in commerce any distance by any mode without complying with a regulation, a special permit, or approval issued by OHMS. In support of this comprehensive regulatory framework, the HMTA also provides authority to preempt state and local requirements that frustrate hazmat shipments and often shift risk to other jurisdictions. Given this close regulation, OHMS must have the leadership and resources to ensure that this essential regulatory program is responsive to evolving commercial needs of the hazardous materials industry in the United States, and to protect hazmat commerce from unnecessary state and local requirements. This pattern of close regulation is followed worldwide. Therefore, OHMS needs to be this country's lead advocate in international forums that set requirements and criteria governing the global movement of these materials.

In recognition of these facts, we ask the transition team to take action on the following matters:

Finalize Essential Regulations: Well-intended calls for agencies to refrain from finalizing rules in the last days of the current Administration could impact OHMS rulemakings that are essential to ensure that hazmat commerce is not impeded. Specifically, OHMS needs to finalize its HM-215N rulemaking to harmonize U.S. requirements for the shipment of hazardous materials with global standards which go into effect on January 1, 2017. Absent these revisions, the ability of U.S. hazmat businesses to compete in the global marketplace will be hindered.

International Leadership: OHMS has historically been the lead authority for the United States in international forums addressing hazardous materials. The Obama Administration displaced OHMS as the lead authority for the transport of hazmat by air within the International Civil Aviation Organization (ICAO), assigning the lead authority to FAA. FAA's core competencies lie with air operations, not with hazmat cargo. OHMS needs to be restored as the lead authority at ICAO Dangerous Goods Panel meetings. To ensure seamless interface for hazmat shipments between all modes of transportation, OHMS was established to be and needs to continue as the lead authority in the international area, as it is in the domestic arena, over hazmat rules.

National Uniformity: The HMTA was enacted on the premise that state and local laws and regulations that vary from federal laws and regulations confound shippers and carriers that attempt to comply with multiple and conflicting requirements creating risks to other jurisdictions. OHMS must be vigilant and willing to exercise its authority to ensure that state and local jurisdictions are not allowed to impose inconsistent, unreasonable and burdensome requirements that impede commerce.

Billions of tons of regulated hazardous materials are transported each year in the United States with an enviable record of safety and security. The challenge for new PHMSA leadership is to ensure that OHMS focuses on outcomes to measure the effectiveness of its regulations when determining whether rules should be retained, updated, modified, or eliminated.