

# PHSMA Proposes New Regulations for Transporting Hazardous Materials

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On April 1, 2016, I wrote about new legislation revamping federal energy pipeline rules and reauthorizing the Pipeline and Hazardous Materials Safety Administration (PHSMA), the federal agency that oversees pipeline safety. The legislation was ushered through Congress with bipartisan support and a sense of urgency from numerous congressmen who felt that new regulations in this area were critical in the wake of the Aliso Canyon incident; even industry groups agreed that this was an area where more federal oversight and regulations were necessary. Consistent with its mandate, PHSMA recently issued a notice of proposed rulemaking creating changes to what qualifies as proper shipping names, hazard classes, packing groups, special provisions, packaging authorizations, air transport quantity limitations, and vessel stowage requirements for the transport of hazardous materials entering into international trade. These proposed rule changes are based on recent revisions to the U.N. Model Regulations, the International Maritime Dangerous Goods Code, and the International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods by Air.

In its notice, PHSMA explained that these changes are intended to "enhance transportation safety resulting from the consistency of domestic and international hazard communication and continued access to foreign markets by U.S. manufacturers of hazardous materials." It also noted its belief that these revisions would "result in cost savings and will ease the regulatory compliance burden for shippers engaged in domestic and international commerce, including trans-border shipments within North America." The public has 60 days to file comments to the proposed regulations. If ultimately adopted as proposed, the regulations will take effect on January 1, 2017.

These proposed regulations were preceded by other recommendations from PHSMA to regulate trains that carry highly flammable cargo like crude oil. The intent of these proposed regulations is to improve spill response and readiness in order to mitigate the fallout from any potential accidents. One part of these regulations would require railroads to share information with state

and tribal emergency response commissions to improve overall preparedness for an accident. These are all welcome changes for facilitating a safe and profitable energy market.

In a time of increasing polarization, it's encouraging to see at least one area where lawmakers have come together to enact legislation that addresses a real problem. As of now, it appears that PHSMA is tackling its task in earnest and trying to update an old regulatory regime that was ill-equipped to address today's problems. Let's all hope that this type of cooperation and pragmatism catches on.