

## **Summary of Questions Pertinent to Emergency Response**

### **Hazardous Materials: Modernizing Regulations to Improve Safety & Efficiency**

#### **Evaluation of Carrier Maintenance of Emergency Response Information**

*See Federal Register Vol. 88, No. 127, Wednesday, July 5, 2023, pages 43018-19.*

1. Should ERI be required to accompany shipments of hazardous materials? If no, what alternatives should be considered that maintain existing levels of safety?
2. How does, if anything, the utility or value of ERI vary under § 172.602 in the different modes of transportation?
  - a. In highway and rail accidents, is emergency response generally conducted by emergency responders rather than carrier personnel? Explain.
  - b. How much do emergency responders rely on the ERI provided by the highway or rail carrier, or do they rely on their own?
  - c. For air and marine vessel incidents, are carrier personnel engaged in response actions? Explain.
  - d. Does air and vessel incident response depend to a larger degree on ERI maintained by the carrier compared to highway and rail?
3. Provided an equivalent level of safety can be maintained, what are the potential cost savings involved in revising the ERI requirements under § 172.602?
  - a. Would revisions to § 172.602 in effect “shift” the costs of maintaining ERI to entities other than the carrier, such as emergency responders affiliated with tribes, states, counties, or localities?
4. Are there differences in the reliance on the carrier’s copy of ERI between different types of emergency responders? Differences to consider include urban and rural organizations, professional and volunteer, and different response branches such as law enforcement officers and firefighters.

#### **Residue IBC Exceptions**

*See Federal Register Vol. 88, No. 127, Wednesday, July 5, 2023, pages 43012-23*

**To evaluate creating an exception** (The HMR generally require that a package that contains a residue of a hazardous material must be transported in the same manner as when it contained a greater quantity of material (i.e., as if it was full, see § 173.29(a)). for residue IBCs, PHMSA requests comment on the following question:

Are there any known incidents or accidents involving residue IBCs in the United States where improper emergency response protocols were implemented, due to the lower hazard posed by the small amount of hazardous material present on the vehicle? Please describe.

## **Basic Oil Spill Response Plan Applicability**

***See Federal Register Vol. 88, No. 127, Wednesday, July 5, 2023, page 43024***

PHMSA does not have complete data on oil spills in transportation. Additionally, PHMSA does not require that persons submit their basic oil spill response plans for approval, therefore we are uncertain how many persons are currently subject to this requirement. PHMSA requests comment on the following questions:

1. How many companies, utilities, or other entities transport liquid petroleum oil in a packaging with a capacity of 3,500 gallons or greater?
  - a. What percentage of these shipments result in spills and what potential gaps exist in this data?
  - b. What are the likely consequences and damages, including worst-case consequences? c. How much higher would damages be for these spills without a basic oil spill response plan?
2. If we were to change the criterion for applicability of the basic oil spill response plan requirement to a packaging containing at least 3,500 gallons of oil, rather than a capacity of 3,500 gallons, how many companies, utilities, or other entities would be required to create a basic oil spill response plan? Put another way, how many fewer companies, utilities, or other entities would be required to create a basic oil spill response plan? Should regulated entities be instead responsible for a residual waste disposal plan?
3. If we were to change the criterion for applicability of the basic oil spill response plan requirement to a packaging containing at least 3,500 gallons of oil, rather than a capacity of 3,500 gallons, how many fewer shipments of oil would be transported with a basic oil spill response plan?
4. What is the cost to develop a basic (non-comprehensive) oil spill response plan “from scratch?” While other estimation methods are possible, consider describing the cost in terms of the amount of labor required to develop the plan and the rate of compensation for that labor.
5. Are there alternative thresholds for a basic (non-comprehensive) oil spill response plan that PHMSA should consider; for example, a quantity of oil that is between 0 gallons and 3,500 gallons? Please provide experience or knowledge of oil spills from packages covered by the basic oil spill response plan requirements in the United States.
6. Would exceptions for equipment such as electrical transformers containing residue amounts of oil be a more suitable approach?
  - a. How would this be implemented?
  - b. What type of oil is found in electrical transformers?
  - c. Should all types of oil be eligible for this exception?
  - d. What quantity of oil is typically found in an electrical transformer that is being transported via highway or rail?
7. If we changed the threshold for the requirement from packaging capacity to actual quantity transported, what would be the appropriate threshold for the quantity transported to require a

basic oil spill response plan? (i.e., would 3,500 gallons still be the appropriate threshold or should the threshold be lowered?)

8. How would an offeror determine the amount of oil in the packaging prior to offering it into transportation?

#### **V. Identification of Freight Containers in Rail Transportation**

***See Federal Register Vol. 88, No. 127, Wednesday, July 5, 2023, pages 43032-33.***

Would this adoption reduce the number of needed “response hours” and the associated public burden and costs of response for local police, firefighters, or hazmat response units? Explain.