

**PHMSA Safety Fitness Public Meeting**  
**February, 29, 2012**  
**AGENDA**

**Background**

The Pipeline and Hazardous Materials Safety Administration (PHMSA) has the primary responsibility for the issuance of DOT Special Permits and Approvals to the Hazardous Materials Regulations (HMR). A Special Permit is a document which authorizes a person to perform a function that is not otherwise permitted under the HMR. An Approval is a written consent, including a competent authority approval to perform a function that requires prior consent under the HMR.

Approvals are required when classifying explosives, fireworks, organic peroxides, and self-reactive materials. Approvals are also required when package design types vary from the design or test standards specified in the regulations and for persons performing certain activities requiring approval (e.g., visual cylinder re-qualifiers).

Under 49 CFR 107.113(f) and 49 CFR 107.709(d) PHMSA may grant a special permit or approval on a finding that the applicant is fit to conduct the activity authorized by the special permit/approval. This assessment may be based on the information in the application, prior compliance history of the applicant, and other information available to the Associate Administrator.

In the last two years PHMSA invested extensive resources to meet the increased process review and accountability within the program. Having processed more than 45,000 actions in past 24 months, PHMSA is evaluating whether or not the current processing approaches for determining fitness are appropriate and effective

In review of PHMSA's safety fitness efforts, the following information has been found:

- Over 45,000 special permits and approvals applications have been processed, all of which have included at least an Initial Fitness Review (Tier I) based upon data within HIP and SAFER.
- Approximately 1,810 (4%) were referred for second level review to be conducted by either Field Operations Division or a modal partner
- 75 were physically investigated at the business location (Tier III).
- Of the 1,810 referrals forwarded for further review, approximately 88% were ultimately determined to be fit to conduct the activity authorized in the special permit or approval application.
- Of the remaining 12% or unfit applications, 35% applied for reconsideration and 74% of those were considered fit.

**Purpose:**

PHMSA seeks this meeting to provide an opportunity for all interested parties to comment on the following questions as initial discussion points:

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- What constitutes “fit to conduct the activity authorized by” the special permit or approval? How can this be captured in a quantitative and consistent manner that can be applied equitably to all persons operating under approval or special permit?
- Are there certain types of approvals or special permits where fitness cannot be determined based upon the initial fitness criteria? If there are, what data can be used to determine the fitness of the companies that operate in this manner?
- What other sources or types of data that PHMSA can and could be used to determine fitness of an applicant for and approval or special permit?

**Meeting Agenda:**

**1:00 Welcome**

**1:10 Introductions**

**1:20 Opening Remarks**

**1:30 Open for Comments**

**3:45 Closing Remarks**

Note: Please remember to introduce yourself and the organization that you are representing prior to providing any comments. Please keep all comments to 10 minutes or less.