



U.S. Department  
of Transportation

Research and  
Special Programs  
Administration

The Administrator

400 Seventh Street, S.W.  
Washington, D.C. 20591

JUL 28 1995

The Honorable Jim Hall  
Chairman  
National Transportation Safety Board  
Washington, DC 20594

Dear Mr. Chairman:

Enclosed is a summary of the status and our comments on six NTSB safety recommendations (I-90-5, I-90-6, and I-90-8 through I-90-11) issued following a tractor flat-bed semitrailer accident in Collier County, Florida, involving 32 cylinders containing a mixture of methyl bromide and chloropicrin. I will provide you an updated status of our actions on these safety recommendations and look forward to working with you towards conclusions that are mutually satisfactory.

Sincerely,

Dr. D.K. Sharma  
Administrator

Enclosure



## STATUS OF NTSB INTERMODAL RECOMMENDATIONS

I-90-5 recommends that RSPA require all manufacturers of DOT specification containers to retest randomly selected containers and to notify owners of containers in lots that failed the test to remove DOT specification markings. RSPA has developed a formal written procedure regarding removal of hazardous materials packagings from service that were not properly tested or failed required tests. It sets forth the actions to be followed depending upon which of the following hazards or risks are involved: 1) an imminent hazard where there is a substantial probability that death or serious injury will occur, 2) a lesser hazard where no serious injuries or widespread property damage would be involved, or 3) a situation where a very minimal or no hazard exists. The procedure also identifies the factors that must be examined when assessments of hazard, risk, recall, and safety are involved. A copy of this procedure is enclosed. As a result of this action, we request that recommendation I-90-5 be classified as "Closed-Acceptable Alternative Action".

I-90-6 recommends that RSPA modify its compliance program to determine that containers are removed from transportation when those containers are identified as not meeting specification requirements. Action on this recommendation has been addressed in the formal written procedure described under our response to recommendation I-90-5 above. As part of this procedure, cylinders that pose a serious threat to public safety will be recalled and sufficient enforcement action will be taken to ensure that the recall of the packagings involved does take place. Although RSPA in the past has not had a written procedure for addressing packagings found in nonconformance with the regulations we have in practice taken action consistent with the written procedure. For example, we have in the past derated cylinders, required retrofit, and removed from service cylinders found to present an imminent hazard. We request that recommendation I-90-6 be classified as "Closed-Acceptable Alternative Action".

I-90-8 recommends that RSPA require that hazardous materials be secured in transportation with adequate cargo restraint systems. RSPA agreed that development of a restraint system could be helpful in reducing injuries and damage in hazardous materials accidents and planned rulemaking action to acquire the necessary supporting cost information. We are initiating action in the near future to address safety issues in the cylinder area. We therefore request that recommendation I-90-8 be reclassified as "Open-Acceptable Action" pending publication of the rule-making.

I-90-9 recommends that RSPA require independent inspections of new and reconditioned low pressure cylinders that are consistent with the independent inspection requirements for high pressure cylinders. This issue will be addressed in our upcoming cylinder

rule-making activity. We therefore request that recommendation I-90-9 be changed from "Open- Unacceptable Action" to "Open-Acceptable Action" since the recommendation is classified as Category III Longer Term Action and we do plan to conduct rulemaking in this area during this calander year.

I-90-10 recommends that RSPA amend inspection and testing requirements for pressure cylinders to make the requirements more clear and consistent. A draft NPRM which addresses this recommendation is under development and is planned for publication by the end of the year. We therefore request that this recommendation be classified as "Open-Acceptable Action" pending publication of the NPRM.

I-90-11 recommends that RSPA develop and implement requirements for improving the visibility and effectiveness of hazardous materials placards, and that consideration be given to the position of vehicles after accidents. An ANPRM was published in 1992 under docket HM-206 which addressed this recommendation. Based on the comments received concerning cost and operational considerations the item was not proposed in the subsequent NPRM. We do not plan any further rulemaking action in this area in the future. We therefore request that the recommendation be classified as "Closed- Reconsidered".