



National Transportation Safety Board

Washington, D.C. 20594

Office of the Chairman

JUL 23 2001

Mr. Edward Brigham
Acting Deputy Administrator
Research and Special Programs Administration
Washington, D.C. 20590

Dear Mr. Brigham:

Thank you for the Research and Special Programs Administration's (RSPA) April 5, 2001, response to the National Transportation Safety Board's Safety Recommendation I-00-6, stated below, which was issued to RSPA as the result of hazardous materials accidents in Louisville, Kentucky, on November 19, 1998, and in Whitehall, Michigan, on June 4, 1999. This recommendation was also reiterated in the Safety Board's report on the rupture of a railroad tank car containing hazardous waste near Clymers, Indiana, on February 18, 1999.

I-00-6

Within 1 year of the issuance of this safety recommendation, complete rulemaking on docket HM-223 "Applicability of the Hazardous Materials Regulations to Loading, Unloading and Storage," to establish, for all modes of transportation, safety requirements for loading and unloading hazardous materials.

The Safety Board is disappointed that the rulemaking for HM-223, first published as an advanced notice of proposed rulemaking on July 29, 1996, is now scheduled for a final rule in 2002. The Safety Board first requested action on this issue in 1988 following our investigation of a 1986 marine accident in Dear Park, Texas, which involved the transfer of hazardous materials between a marine vessel and a transfer terminal. The Safety Board considers the establishment of safety standards and requirements for loading and unloading operations an essential part of HM-223. These requirements should include adequate training and comprehensive, specific, and written loading and unloading procedures. However, your letter does not indicate RSPA's intent to include these requirements. The Safety Board is concerned that the lack of progress by RSPA in HM-223 rulemaking indicates that the U.S. Department of Transportation is not providing sufficient direction to ensure that personnel involved in safety-critical unloading operations are properly trained and provided with clear written procedures. Pending inclusion of these requirements in HM-223, Safety Recommendation I-00-6 remains classified "Open—Unacceptable Response."

Sincerely,

A handwritten signature in black ink that reads "Carol J. Carmody".

Carol J. Carmody
Acting Chairman

cc: Mr. Robert Clarke, Safety and Health Team Leader
Office of Transportation Policy Development

Honorable Norman Y. Mineta, DOT

