



PHMSA's newly appointed Chief Safety Officer and Assistant Administrator M. Cindy Douglass receives congratulation from PHMSA Administrator Carl T. Johnson.

M. Cindy Douglass Begins Role as New Pipeline and Hazardous Materials Safety Administration Chief Safety Officer and Assistant Administrator

Pipeline and Hazardous Materials Safety Administrator Carl T. Johnson is pleased to announce the appointment of a new Chief Safety Officer, M. Cynthia Douglass.

"Ms. Douglass has an extensive and well rounded background in safety and public policy and a well-established commitment to public service," Administrator Johnson said.

She began her career as Counsel to the U.S. Senate Commerce Committee where she had responsibility for transportation and safety related legislation including trucking safety, airbags, truck size and weight, whistleblower protections for truck drivers and hazardous materials transportation. She served as the Administrator for the Research and Special

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DOT Grants \$21.1M to First Responders, Emergency Workers to Improve Hazardous Materials Planning and Training

Congresswoman Corrine Brown of the 3rd District of Florida announced November 10 that \$774,750 in hazardous materials (hazmat) training funding for the state of Florida would be available for use by first responders. Flanked by fire fighters at the Jacksonville Fire Training Academy, Representative Brown, Chair of the House Transportation Subcommittee

on Railroads, Pipelines and Hazardous Materials, stated that these grants are of extreme importance, not only for the City of Jacksonville, but to cities nationwide.

Putting national focus on a local problem, the Pipeline and Hazardous Materials Safety Administration (PHMSA) advanced the Secretary of Transportation's Rural Initiative with the issuance of grants

totaling \$21.1 million to states, territories and Native American tribes for planning and training to improve the nation's response to both rural and urban hazmat transportation incidents. The grants will help train first responders to react to incidents involving hazmat and to meet the safety challenges posed by new chemicals

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Southern Region Hazmat Investigator Robert Burns Honored with DOT Award for Valor

Hazardous Materials Investigator Robert Burns of PHMSA's Office of Hazard-



The cryogenic argon cargo tank involved in the May 2008 hazardous materials release was transferred to the U.S. Coast Guard facility in Port Everglades for closer inspection.

ous Materials Safety, Office of Hazardous Materials Enforcement, Southern Region was honored in November with the Department of Transportation's (DOT) Award for Valor for actions taken during a May 2008 investigation in Port Everglades, Florida.

Investigator Burns responded to an incident involving an intermodal cargo tank of argon gas that had been loaded in the lower hold of a cargo vessel for shipment to South America. Three individuals perished aboard the ship after being asphyxiated by argon gas.

After determining that the pressure in

the tank was nearly double the allowable maximum working pressure, and that the tank's safety pressure relief devices were not functioning properly, investigator Burns instructed technicians to relieve pressure in the tank to a safe level. As the incident lead, Investigator Burns demonstrated exceptional leadership with his decisive action.

It has since been determined by several engineers and safety specialists from DOT and private industry that Investigator Burns' actions may have averted further loss of life or injury. The tank could have

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M. Cindy Douglass

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Programs Administration (a predecessor agency to PHMSA) where, among other safety initiatives, she implemented performance standards for hazardous materials transportation and created a successful federal/state partnership for hazardous materials transportation. She also served as the Deputy Assistant Secretary for Occupational Safety and Health in the U.S. Department of Labor with responsibility for coordinating interagency safety issues including legislation establishing process safety management at chemical facilities, improving employee safety at government owned nuclear facilities, as well as coordinating policy on indoor air quality, asbestos and lead paint protections among federal agencies. She then worked for the EPA to assist in the establishment of the Chemical Safety and Hazard Investigation Board and the National Environmental and Training Foundation.

From 1994 to 2002 she worked for two private sector trade associations involved in hazardous materials transportation safety. First as an Executive Vice President at the Institute of Makers of Explosives and later as an Executive Director for the Steel Shipping Container Institute. As Executive Vice President, and later as an Executive Director, she worked with DOT, OSHA, the Bureau of Alcohol, Tobacco and Firearms and the United Nations Committee of Experts on the Transportation of Dangerous Goods and the hazardous materials industry to further safety regulations for the hazardous materials transportation industry.

For the last seven years she has served as the Chief Judge of an appellate board in the U.S. Department of Labor Administrative Review Board with responsibility for issuing final decisions for the Secretary. The Board has jurisdiction over about 50 different statutes including

whistleblower protections for employees in the trucking, pipeline, environmental, railroad, aviation safety and security, and securities industries.

This breadth of career experience in safety regulation and enforcement, public policy, government and private sector management, legislation and judicial analysis will serve the agency as it works with Congress, sister agencies, the states and the private sector to administer a vibrant and effective pipeline and hazardous materials transportation safety program.

DOT Grants

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and alternative energy products such as ethanol.

“This hazmat grants program enhances the foundation of local emergency response capabilities and serves a vital role in a comprehensive hazmat safety program,” PHMSA Administrator Carl T. Johnson said. “Although prevention is our first priority, preparing communities to respond safely and effectively to those incidents that do occur provides important protection to all Americans.”

The PHMSA grants are funded by user fees paid by shippers and carriers of certain hazardous materials.

Since 1993, over 2.2 million emergency responders and others have received training assistance nationwide using Hazardous Materials Emergency Preparedness (HMEP) grants.

According to United States Fire

Administration (USFA) statistics, there are approximately 824,000 volunteer fire fighters, many of whom are rural hazmat responders. USFA estimates that as many as 80 percent of rural fire service hazmat responders are not trained to the minimum hazmat operations level.

In support of the Secretary’s Rural Initiative, the HMEP grants program will:

- Help re-establish Local Emergency Planning Committees in rural communities.
- Identify rural hazmat challenges: PHMSA, working in partnership with the USFA and emergency response organizations, will help volunteer emergency responders plan and train for hazmat transportation incidents.
- Develop curriculum and technical assistance programs: Working with other federal

agencies, including the USFA National Fire Academy, PHMSA will help develop innovative new curricula and technical assistance programs that specifically target improving rural community hazmat planning and response capabilities.

All 50 states, three U.S. territories, and many North American tribes received funding this year.



“Call Before You Dig” Wins Coveted Silver Anvil Award National 8-1-1 Public Awareness Campaign Honored in Times Square

On June 5, 2008, Common Ground Alliance (CGA), with PHMSA as one of its National Launch Partners, received distinction as a Silver Anvil Award recipient from the Public Relations Society of America (PRSA) for the 8-1-1 *Call Before You Dig* campaign during a reception in Times Square in New York City.

The Silver Anvil Award represents excellence in influencing public opinion and is awarded to talented, resourceful, and ingenious organizations that execute strategic public relations planning and implementation. Since 1946, the award program has grown in scope and stature to cover 59 total category and subcategories. The PRSA is headquartered in New York City and is the world’s largest organization for public relations professionals.

CGA President Bob Kipp stated,

“We succeeded in earning this achievement against business and organizations that had significantly more resources, time and staff. Hats off to our sponsors and members, the National Launch Partners [PHMSA, Associated General Contractors of America, John Deere, Traveler’s Insurance, and Cox Communications], and our committee volunteers for achieving a truly remarkable award.”

CGA provides guidance for applying safe and successful damage prevention for underground utilities, and it represents all underground utility stakeholders. “Call Before You Dig” is the first rule before conducting any type of underground related digging activity.

May 1, 2008, marked the first anniversary of the launch of the 8-1-1 national campaign highlighting the requirement for all private owners and commercial entities to phone the “One-Call” center at 8-1-1 at least two days prior to performing any form of digging activity. This notification provides utility operators the sufficient amount of time needed to mark any underground utilities located in the area and dramatically reduces the possibility of personal injury. For more information, visit <http://www.call811.com/>

Two PHMSA Attorneys Get Trial Experience and More Through SAUSA Detail

Within the past year, PHMSA attorneys Renita Bivins and Tom Seymour have completed the demanding U.S. Department of Justice Special Assistant United States Attorney (SAUSA) Program offered through the District of Columbia Superior Court. This invitation-only program for Federal service attorneys has over the past two decades earned the reputation as an exciting and professionally stimulating training opportunity. This was the first time that members of the PHMSA Office of Chief Counsel participated in the program.

There are significant benefits to those agencies that allow their attorneys to participate in the six month detail. The attorneys gain a wealth of knowledge in criminal law, judicial and administrative procedures, and in some instances gain experience in jury-demandable cases.

With a mix of approximately 40 assigned cases per attorney, either in the District of Columbia Superior Court Division’s Domestic Violence or Misdemeanor Sections, or Civil Division, Bivins and Seymour quickly expanded their trial and oral advocacy skills in areas like pre-trial litigation, discovery process, plea-bargaining, expert witness preparation, opening and closing arguments, cross-examination, and sentencing recommendations. Most of the prosecuted cases involved drug possession, prostitution,



Renita Bivins

assault, weapons possession, threats, and theft-related offenses.

The attorneys learned how to effectively develop prosecution strategies, how to assess the sufficiency of evidence, and how to cross-examine witnesses and challenge evidence



Tom Seymour

presented by the defense – all transferable skills useful in counseling and representing PHMSA.

“I gained immediate and varied criminal trial experience,” highlighted senior attorney Renita Bivins. “The ability to process a

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PHMSA Sponsored Roundtable on Emergency Response to Anhydrous Ammonia Held in Hillsborough County, FL

Anhydrous ammonia is a chemical compound used as an agricultural fertilizer because it is rich in nitrogen, and according to John Hess, PHMSA Planning and Preparedness Manager, it is the reason our nation has an abundant food supply. It can also be used as an industrial refrigerant for agricultural retailers.

Anhydrous ammonia is normally stored as a liquid under pressure, but becomes a toxic gas if released into the environment.

PHMSA is actively involved in the regulation of anhydrous ammonia both from the hazmat perspective and in the

transportation of this vital commodity through pipelines.

The Tampa Bay, Florida, region is home to a nexus of pipelines carrying this vital commodity to distribution points across the nation. Given the large concentration of anhydrous ammonia production facilities in the area, Hillsborough County, Florida was chosen to host the *Roundtable on Emergency Response to Anhydrous Ammonia Transportation Incidents*. In late August, an audience of emergency response management personnel, anhydrous ammonia industry stakeholders, and transportation industry representatives gathered to dis-

cuss and share their safety perspectives and expertise in handling this hazardous material. Key objectives of the roundtable were to further advance public knowledge of anhydrous ammonia and to understand the appropriate responses to accidents and incidents should they happen.

Relationship-building, clarification of roles and responsibilities, emergency response issues, identification of resources to enhance current programs, and expand opportunities for improving collaboration of information for emergency responders were agenda items brought before the group.

Williams Pipeline Explosion Warrants PHMSA Investigation



Five people were injured and two homes destroyed when a Williams pipeline exploded outside of Appomattox, VA, leaving a 50-foot crater.

On Sunday, September 14, a natural gas pipeline explosion outside of Appomattox, Va., destroyed two homes and injured five people. PHMSA immediately dispatched two senior inspectors from its Eastern Region office. Arriving several hours after the incident, PHMSA inspectors Clyde Myers and Stephen Hovarth began their investigation of the incident. They provided daily updates to the PHMSA senior leadership team. Three days after the explosion, PHMSA Administrator Carl T. Johnson and PHMSA Deputy As-

sociate Administrator for Governmental, International, and Public Affairs Patricia Klinger arrived at the scene to see firsthand evidence of the devastation caused by the Williams Natural Gas transmission pipeline. While the agency continues its investigation, it has issued a corrective action order to Williams. The order outlined several steps the operator must take before it can resume normal operating pressure. In the meantime, the three pipelines that share the common right-of-way will also undergo a series of tests.

Award for Valor

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ruptured violently had the pressure problem not been identified and resolved.

Multi-agency enforcement actions are still pending against the vessel operator and cargo holding company on hazardous materials violations related to improper storage, employee training, and in responding to other freight containers of hazardous materials stowed on the same ship.

Lawyers

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substantial volume of work within the required deadlines in a high-pressured, demanding environment with changing priorities was a must.”

PHMSA Chief Counsel David Kunz had nothing but praise for the SAUSA program and the experiences gained by Bivins and Seymour. He noted that the program “provides an exceptional opportunity for professional and personal development, and the agency will also benefit greatly from the knowledge and skills that they acquired and honed.”

“It reinforced that my job as a government lawyer truly is... to serve justice,” said PHMSA attorney Tom Seymour. “You are in front of the judge everyday, arguing your case, working with defense attorneys, serving the citizens and working toward a just resolution.”

In the end, PHMSA is the beneficiary of attorneys returning with expanded legal knowledge, skills and abilities that can be put to use representing the agency in judicial and administrative proceedings.

Hazardous Materials Intelligence Portal Launched

An initiative to consolidate all DOT hazardous materials enforcement, registration, special permits and approvals data, as well as data from other Federal, state, and local agencies, and the private sector was announced October 31 with the formal launch of the Hazardous Materials Intelligence Portal – HIP, at DOT headquarters. Flanked by industry representatives from Guident Technologies and Oracle, along with officials from FAA, FRA, and FMCSA, PHMSA Administrator Carl T. Johnson praised the benefits of the new portal.

“Information overload will give way to easy and orderly integration of hazmat information,” said Johnson. “Government leaders will now have a new safety tool..., a DOT intelligence fusion center, to improve hazmat transportation safety across the United States.”



PHMSA Administrator Carl T. Johnson (right) enjoys lunch at the PHMSA CFC Kickoff event held October 15. The agency goal this year is \$45,000. See your PHMSA CFC Keyworker to make a donation.



PHMSA's Office of Hazardous Materials Enforcement held its 2008 National Enforcement Conference in Chattanooga, TN, September 8-12. PHMSA's team of nearly 50 Hazmat Investigators from all over the nation met to plan, train and communicate the office's goals and objectives. The conference experience also enables inter-office collaboration and operational uniformity and consistency. PHMSA Administrator Carl T. Johnson, back row-center, participated.

Rule Increases Maximum Allowable Operating Pressure for Gas Pipelines

In mid-October, PHMSA issued a final rule that allowed for more natural gas to flow to needed markets and amends the pipeline safety regulations to prescribe safety requirements for the operation of certain gas transmission pipelines at pressures based on higher operating stress levels. The result is an increase of maximum allowable operating pressure (MAOP) for pipelines built and maintained to the new safety standards.

The MAOP is the highest safe operating pressure of the pipeline and refers to the pressure inside the pipeline pushing against the wall of the pipe. This inter-

nal pressure transfers to the wall of the pipe. The stress acting upon the wall is limited by the design to no more than 72 percent of Specified Minimum Yield Strength (SMYS) for traditional designs, or 80 percent of SMYS for designs under the new regulation.

Allowing operators to design and operate pipelines at 80 percent versus 72 percent of SMYS allows them to design the pipe with a slightly thinner wall thickness. New and existing pipelines are eligible to operate under the new regulations if they meet the stringent requirements prescribed in the regulation. PHMSA

anticipates that mostly the long haul interstate transmission operators will take advantage of this regulation.

Improvements in pipeline technology assessment methodology, maintenance practices, and management processes over the past 25 years have significantly reduced the risk of failure in pipelines and have necessitated updating the standards that govern the MAOP. This rule will generate significant public benefits by boosting the potential capacity and efficiency of pipeline infrastructure.

Meetings

PHMSA Operator Qualification Committee (OQC) Meeting

October 28-30, the OQC conducted a meeting in San Antonio, Texas. Work groups discussed covered tasks updates, standard revisions, API 1161, and development of supplemental criteria as they apply to operator qualification. The Committee addressed the American Petroleum Institute Pipeline Inspector's Certification Program project and pipeline control room management issues.

PHMSA Pipeline Safety Technical Advisory Committee Meetings

December 11-12, PHMSA conducted meetings of the Technical Pipeline Safety Standards Committee (TPSSC) and of the Technical Hazardous Liquid Pipeline Safety Standards Committee (THLPSSC). The purpose of the meetings was to discuss two important regulatory proposals and future initiatives. The two proposals for presentation for Committees' votes and publication as final rules were the Integrity Management Program for Gas Distribution Pipelines, and the Pipeline Safety: Control Room Management/Human Factors. The TPSSC met on December 11 and both Committees on December 12.

Pending Rulemaking

Registration and Fee Assessment Program

HM-208G is a significant final rule that amends the registration and fee assessment program for persons who transport, or offer for transportation, certain categories and quantities of hazardous materials. The expected date of publication is Spring 2009.

Recently Published Rulemakings

Hazardous Materials: Revision to Requirements for the Transportation of Batteries and Battery-Powered Devices and Harmonization with International Standards

HM-224D/HM-215J is a significant final rule that amends the Hazmat Regulations

to incorporate amendments addressing the safe transportation of batteries and battery-powered devices and maintain alignment with international standards. The new rule published on January 14, 2009.

Improving the Safety of Railroad Tank Car Transportation

HM-246 is a significant final rule. PHMSA, in coordination with the Federal Railroad Administration, revises the Hazmat Regulations to establish an interim standard for railroad tank cars designed to transport poison inhalation hazard (PIH) materials. The new rule published on January 13, 2009.

Hazardous Materials: Enhancing Rail Transportation Safety and Security for Hazardous Materials Shipments

HM-232E is a significant final rule. PHMSA, in coordination with the Federal Railroad Administration and the Transportation Security Administration, requires rail carriers to compile annual data on certain shipments of hazmat. These requirements were adopted in an interim final rule published April 16, 2008. The final rule published on November 26, 2008.

Minor Editorial Corrections and Clarifications

HM-244A is an annual non-significant direct final rule that was published in the Federal Register on October 1, 2008. The final rule corrects editorial errors, makes minor regulatory changes and, in response to requests for clarification, improves the clarity of certain provisions in the Hazmat Regulations.

Enhanced Enforcement Authority Procedures

PHM-7 is a notice of proposed rulemaking (NPRM) that was published in the Federal Register on October 2, 2008. The NPRM proposes to issue rules implementing certain inspection, investigation, and enforcement authority conferred on the Secretary of Transportation by the Hazardous Materials Transportation Safety and Security Reauthorization Act of 2005. The proposed rule would establish procedures for: 1)

the inspection and opening of packages to identify undeclared or non-compliant shipments; 2) the temporary detention and inspection of suspicious packages; and 3) the issuance of emergency orders (restrictions, prohibitions, recalls, and out-of-service orders) to address unsafe conditions or practices posing an imminent hazard.

Standards for Increasing the Maximum Allowable Operating Pressure for Gas Transmission Pipelines

October 17, PHMSA published in the Federal Register a final rule that amends the pipeline safety regulations to prescribe safety requirements for the operation of certain gas transmission pipelines at pressures based on higher operating stress levels. The result is an increase of maximum allowable operating pressure over that currently allowed in the regulations.

(See associated story, "Rule Increases MAOP," page 5)

DOT Secretary's 41st Annual Awards Ceremony

"This will be my final opportunity to participate in our annual Award's Ceremony as your Secretary. It has been an honor and a privilege to work with the wonderful men and women who make this Department one of the most effective and most respected in government."

"On behalf of President Bush and the American people, thank you for your commitment to excellence and your many, many contributions to making sure America has the finest transportation system in the world."

THE SECRETARY'S
41st
ANNUAL AWARDS
CEREMONY

Mary E. Peters
Secretary of Transportation

November 6th, 2008
1:00pm

West Atrium
1200 New Jersey Avenue,
Washington, D.C. 20590

Secretary's Award for Meritorious Achievement (Silver Medal)

Shawn Daniels
Ryan Posten
Richard Sanders

Secretary's Award for Excellence

Laura Birkhimer
Jeannie Denman
Del Sidbury

Secretary's Award for Equal Employment Opportunity/Affirmative Action Individual Award

Tom Scott

DOT Management Civil Rights Accountability Program

Helen Hagin

Secretary's Award for Volunteerism

John Hess

Secretary's Award for Valor

Robert Burns

Secretary's Award for Operation Enduring Freedom and Iraqi Freedom

Joe Delcambre

Secretary's Award for Partnering for Excellence Department-wide Performance Management Team

Richard Kowalewski

Interagency Rail Safety and Security Team

Susan Gorsky
Edward Mazzullo
Frazer Hilder
Joseph Nicklous
Charles Hochman
Ben Supko
Vincent Lopez

Secretary's Award for Partnering for Excellence

Multi-Modal Safety Review Team

Charles Betts	Richard Kowalewski
Felicia Boyd	Frank Licari
Patricia Burke	Vincent Mercadante
Ronald Digregorio	James Reynold
Stacey Gerard	

Secretary's Team Award

Emergency Response Capability Building Team

George Cushmac	Sherrri Pappas
Eileen Edmonson	Ryan Paquet
Suezett Edwards	Charles Rogoff
John Hess	David Sargent
Steve Hwang	Tonya Schreiber
Blaine Keener	Candace Simon
Thomas Kiddy	Robert Smith
David Lehman	Eileen Wentland

PIH Tank Car Rulemaking Team

Cheryl Freeman	Charles Hochman
Susan Gorsky	Michael Stevens

Secretary's Award for Transportation Safety

Pipeline Operator Safety Rehabilitation Project

David Barrett	Theron McLaren
Gerhardt Bauman	Hossein Monfared
Allan Beshore	Clyde Myers
Terri Binns	Steven Nanney
Karen Butler	Huy Nguyen
Bill Flanders	Phillip Nguyen
John Haddow	Gregory Ochs
Gabriel Hodill	Roger Sneegas
Judith Johnson	Lawrence White
Peter Katchmar	Harold Winnie
Jon Manning	Alan Mayberry

Achievement • Excellence • Teamwork • Meritorious

PHMSA 2nd Annual Awards Ceremony

"I have been extremely impressed with the quality and professionalism of the work that PHMSA employees do. All in PHMSA can be proud of the important role we play in helping to ensure the safety and reliability of the transportation system on which the American public depends."

Carl T. Johnson
PHMSA Administrator

Peer of the Year

Chris McLaren

Peer Awards – Category II

Eric Hilton
Chris McLaren
Amy Nelson
Ryan Paquet

Peer Award – PHMSA Inreach Team

Ryan Paquet
Robert Smith

Federal Career Service Awards

25-Year Career Service

Phillip N. Archuleta
Kevin W. Boehne
David R. Clark
Thomas J. Lynch

30-Year Career Service

Delmer F. Billings, Jr.
William H. Gute
Charles H. Ke
Rhonda K. Malloy
Gary P. McGinnis
Roger D. Quillinan

35-Year Career Service

Sandra K. Cline

40-Year Career Service

Junia J. Denman
George E. Cushmac

Superior Achievement Awards

Individual Awards

Charles Betts
Michelle Glode
Ruben Ingram
Joy Kadnar
Joan McIntyre
Blenda Perez
Fred Simmons
Robert Smith

Team Awards

Electronic Reading Room Certification Team

Laura Barhydt
Marilyn Burke
Karin Christian
Mark Kyriss
James Reynolds
T'Mia Vines

Hazardous Materials Information Center Team

Deborah Boothe
Dirk Der Kinderen
Eileen Edmonson
Kurt Eichenlaub
Helen Engrum
Glenn Foster
Jackie Herrera
Kevin Leary
Arthur Pollack
Michael Stevens
Ben Supko

Hazardous Materials Intelligence Portal Team

Jack Albright
Felicia Boyd
Adrian Carter
Steve Grewal
John Heneghan
Mark Kyriss
Raymond LaMagdelaine
David Lehman
Roger Little
Ryan Posten
Glen Vierk

Maximum Allowable Operating Pressure Team

Alan Mayberry
Steve Nanney

Team Awards Cont'd

Hazardous Materials International Standards Team

Ruben Ingram
Shane Kelley
Duane Pfund
Ryan Paquet
Eileen Wentland

PHMSA Advocate Award

Deborah Hinz
Patricia Klinger

Guardian Award

James Anderson

Exemplary Achievement (Eagle) Award

Billy Hines Jr.
Chris McLaren

Recently Retired Employees

Barbara Betsock
Edward Brigham
Stacey Gerard
L. E. Herrick
Richard Huriaux
Rebecca Key
Raymond LaMagdelaine
Ronald Martin
Donald McCoy
Carol Monroe

Chief Safety Officer Takes on Role as English Teacher



Stacey L. Gerard

PHMSA Assistant Administrator and Chief Safety Officer Stacey L. Gerard transitioned this past fall from her duties as a high-powered Federal official in order to teach English to West Virginia high school freshmen. Gerard's other interests include the restoration of an 1860's farm house near Antietam Battlefield as a bed-and-breakfast/working farm growing organic vegetables and free range eggs. Her final day as a government employee was November 30.

"I do think teaching is a good thing to do post federal life, but freshmen are a real challenge," said Gerard.

Playing an active role in pipeline safety since 1992, Gerard's career at DOT culminated with her selection as PHMSA's first assistant administrator and chief safety officer. In that role, she provided policy direction and leadership for PHMSA in ensuring the safe transportation of nearly 1 million daily shipments of hazardous materials and the safety of America's energy infrastructure of 2.3 million miles of liquid and gas pipelines.

During her tenure, she was credited with reorganizing the Department's pipeline safety program into a more effective organization focused on building partnerships to solve safety problems. Gerard

focused on cleaning up the agency's record on outstanding Congressional mandates and recommendations from oversight agencies.

Gerard was the winner of two Presidential Rank Awards, the most recent was the Distinguished Senior Executive Award in 2007. In 2004, Gerard received a Meritorious Executive Award.

"Stacey's departure leaves a big hole to be filled, and I look forward to announcing the appointment of her successor," said PHMSA Administrator Carl T. Johnson.

New PHMSA Chief Financial Officer Shares Her Vision and More



Monica Jemio Summitt

Returning to the U.S. Department of Transportation this past July, Monica Summitt became PHMSA's first Associate Administrator for Finance, Budget, and Performance Integration/Chief Financial Officer (CFO). She began her federal career in 1992 as a financial management intern with the then Research and Special Programs Administration (RSPA). Since leaving RSPA in 1998, Summitt has expanded her professional credentials in senior management positions most recently with the Department of Justice and earlier on with the Equal Employment Opportunity Commission.

Some of Summitt's responsibilities at

PHMSA include advising the Administrator on all budget, financial management, and performance integration issues; working closely with the executive team to understand how changing risks affect the agency mission and stakeholder expectations; and serving as the agency's chief advocate on financial matters with the Government Accountability Office, the Office of Management and Budget (OMB), and the authorizing and appropriating committees of Congress.

"I am excited to be at the table to help ensure PHMSA meets its mission..., to make sure the Administrator knows the budget impact on the mission..., to integrate more with the program offices and to be more customer service oriented," said Summitt.

When asked what goals she has set for herself, Summitt commented that she wished to open a dialogue with the hazmat and pipeline stakeholders on

budget issues. She plans to look for innovative ways to promote public-private partnerships that share the costs of certain program activities. Yet, her main effort will be to enhance the comfort level the Congress, OMB and OST have with PHMSA's financial management on its programs.

Summitt points out her fierce competitive nature and strong ethics as notable qualities that got her where she is today. As a visually impaired runner, she recently completed her first marathon with the assistance of other runners.

"Each day was a win for me," Summitt noted of her marathon training.

PIPA Moves to Create Guidance Envisioned by the Transportation Research Board

The Pipelines and Informed Planning Alliance (PIPA) continues to move forward in completing a study of land use practices, zoning ordinances, and preservation of environmental resources with regard to pipeline rights-of-way and their maintenance, and in creating the risk-informed land use guidance envisioned in a 2004 Transportation Research Board (TRB) report. The final study is expected in February, at the earliest.

Over the past seventy years, a nationwide transmission pipeline system has been constructed to transport natural gas and petroleum products. Many portions of these pipelines were constructed in sparsely populated areas. Due to suburban expansion and population growth, some of these areas are becoming housing developments, shopping centers, and business parks. Construction activity near transmission pipelines increases the risk of excavation damage. Also, the closer a structure is to a pipeline, the greater the risk of being affected by a transmission pipeline incident.

In 2005, PHMSA developed a plan to

bring together organizations representing local government, land developers, and the pipeline industry in the PIPA to create the guidance envisioned in the TRB report. Many of the local government and land developer associations, such as the National Association of Counties, the National League of Cities, and the National Association of Home Builders, had limited exposure to pipeline safety issues. PHMSA met with the staff of these associations to provide background information and encouraged their membership on a PIPA Steering Committee. In late 2007, PHMSA worked with the PIPA Steering Committee to refine the goals and framework for the PIPA effort.

In January 2008, 35 organizations participated in the inaugural PIPA meeting and formed three Task Teams. The Protecting Communities Task Team focused on the question, "What should stakeholders do, or avoid doing, adjacent to transmission pipeline rights-of-way to enhance both community and pipeline safety?" The Protecting Transmission Pipelines Task Team sought to develop

stakeholder guidance for actions within the rights-of-way. The Communications Task Team examined how and when the risks to communities and transmission pipelines should be communicated among the stakeholders.

During 2008, frequent teleconferences and a July face-to-face meeting led the Task Teams toward consensus on recommended practices for each of the major audiences who can take actions affecting the safety of both communities and transmission pipelines. This past November, PHMSA combined the work of all three Task Teams and issued a draft report for stakeholder review. The consensus on recommendations and best practices has not fully emerged yet. PHMSA is currently compiling comments to the report for review by stakeholders in January 2009. PHMSA plans to format the final report for Internet use and gain feedback from stakeholders to refine and improve the recommended practices.

PHMSA Participates in China World Logistics Conference



(Left to right) PHMSA Director of International Standards Duane Pfund; PHMSA Assistant Director of International Standards Ryan Paquet; and Hua Yang Transportation Co., Ltd., Vice General Manager Yulu Hu are shown a fireworks freight shipping container at the Port of Shanghai.

In November, representatives from PHMSA's Office of International Standards traveled to the China World Logistics Conference held in Nanjing. PHMSA's Director of International Standards Duane Pfund spoke on U.S. and international hazardous material regulatory requirements and the organizational structure of the U.S. DOT and PHMSA. Conference attendees learned how the U.S. creates, manages and enforces hazardous material regulations throughout the 50 states and across all modes of transportation.

As part of the conference, PHMSA at-

tended a working group on the Strategic Economic Dialogue (SED) Transportation Forum. The SED is an ongoing government-to-government effort to strengthen economic relations between the U.S. and China. The top three China logistical challenges expressed in discussions were: regulatory environment and enforcement; infrastructure limitations; and lack of a properly trained workforce.

Also, PHMSA hosted an open-forum workshop to discuss intermodal (IM) tanks and general international hazardous

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China World Logistics

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material regulations. The forum further focused on (1) the concern that Chinese trucking companies are not using the proper equipment to transport IM tanks and not using proper tie-down practices; (2) the use of U.S. and international regulations by Chinese companies shipping hazardous material to the U.S.; and (3) that China is allowing only a finite number of hazardous material licenses to transport companies.

An over-riding sentiment conveyed to

the PHMSA team during their trip was that most issues pertaining to transportation within China are due to inconsistent, or lack of enforcement of, existing regulations.

“As the SED and other agreements between the U.S. and China mature, the opportunity to share U.S. enforcement practices and protocols could have a great impact on the transport of hazardous material between both countries,” said Pfund.

During a tour of the Port of Shanghai, PHMSA’s International Standards team learned that only Explosive 1.4 fireworks are allowed through the Port of Shanghai, and that the port authority only allows 75 fireworks containers per ocean-going vessel. Ninety-five percent of all fireworks containers loaded at the Port have been packed, sealed and cleared through customs prior to boarding a river barge, which is directly offloaded at the port to an ocean-going vessel.

Rail Safety Highlighted in Recently Published Hazmat Rules

In a move to enhance safety on the nation’s railroads, U.S. Transportation Secretary Mary E. Peters announced January 12, 2009, a final rule to improve the crashworthiness of railroad tank cars used to transport some of the most dangerous hazardous materials.

“Strengthening rail hazmat tank cars will reduce the risk of spills and increase public safety should a train accident occur,” Secretary Peters said. She noted the final rule is focused on poison inhalation hazard (PIH) materials like chlorine and anhydrous ammonia heavily used in water treatment, agricultural, and industrial applications.

The final rule requires PIH tank cars to have better puncture resistance from a side impact with a combination of thicker inner shells where the hazmat is held and/or thicker outer jackets depending on

the specific hazmat being transported. In addition, each end of the tank car is to be protected with a full head shield where not already mandated by existing regulations and strengthened valves, top fittings and nozzles used to load and unload the tank car are required to prevent a release in a rollover accident.

Peters said the final rule provides an increase in safety over existing rail hazmat tank car designs pending further technological and manufacturing advancements. Adoption of these interim design standards will ensure the ongoing availability of PIH tank cars with improved safety while DOT completes longer-term research, testing, and validation of advanced tank car designs for a more stringent performance-based standard to further increase rail hazmat tank car crashworthiness.

In 2008, PHMSA published two final rules that significantly enhance the safety and security of high-hazard materials transported by railroads. In an interim final rule (IFR) published April 16, PHMSA established regulations to require railroads to use the safest most secure routes to transport certain explosive, radioactive, and PIH materials. The final rule, published November 26, addressed comments

on the IFR and built on the requirements it established.

The rail routing regulations apply to railroads transporting the following security-sensitive materials:

- More than 5,000 lbs in a single carload of Division 1.1, 1.2, and 1.3 explosive materials.
- Bulk shipments of PIH materials. PIH materials such as chlorine and anhydrous ammonia pose special risks during transportation.
- Highway Route Controlled Quantity (HRCQ) radioactive materials. Shipments of HRCQ of radioactive materials are large quantities of radioactive materials requiring special controls during transportation.

Beginning July 1, 2009, each railroad transporting security-sensitive materials must annually collect and maintain data on the numbers of these shipments along its routes; seek relevant information from state, local, and tribal officials, as appropriate, regarding security risks to high-consequence targets along or in proximity to these routes; and use the data to conduct a risk analysis of the routes used. Additionally, each carrier must identify and analyze alternative routes.



HM-ACCESS Road Map Takes Shape

PHMSA's Office of Hazardous Materials Safety is collaborating with other DOT modal administrations, industry representatives and emergency response organizations to evaluate the feasibility and potential benefits and challenges in allowing the use of electronic shipping papers in lieu of paper documents. In an effort to proceed efficiently in this endeavor, PHMSA has drafted the Hazardous Materials Automated Cargo Communication for Efficient and Safe Shipments (HM-ACCESS) Road Map.

The HM-ACCESS Road Map outlines PHMSA's vision of how leveraging the power of personal computing, wireless infrastructure, and web-based technologies will enhance the safety of the American people, enhance national security, and reduce risk, congestion and the potential of shipments becoming diverted, lost, or misused. The HM-ACCESS initiative aims to identify and eliminate barriers to the use of paperless tracking and hazard communications technologies.

Spurred by competitive demands, just-in-time delivery requirements, and the globalization of supply chains, the transportation and logistics industries have embraced modern communication technologies. Yet, hazardous materials transport remains in a world of paper.

The hazmat sector has harnessed many of the same technologies for streamlining commercial interchange, but information about shipments and packages is conveyed by markings on the package, placards on the vehicle, and shipping

a transportation incident.

PHMSA expects the integration of electronic transfer of shipping information to be generational. Among hazardous materials carriers, the vessel, rail, and air transport organizations have stated that they are ready to begin utilizing electronic shipping paper technology, subject only to regulatory authorization. In the highway mode, the larger, technologically-advanced companies are prepared to implement electronic systems, but widespread use among the industry is a longer-term proposition. In any case, however, PHMSA will not transition any part of the hazmat transportation sector to new hazard communication systems without assuring that emergency response officials are prepared and equipped to receive the hazard information at least as quickly and reliably as under the current system. PHMSA will continue to work with all modes and safety groups to facilitate this transition.

The plan is expected to be finalized by the end of 2008 and posted on

PHMSA's Sharepoint and HMPubs for wide dissemination.





HAZARDOUS MATERIALS –
Automated Cargo Communications
Efficient and Safe Shipments

Office of **International Standards**

Office of Hazardous Materials Safety
 Pipeline And Hazardous Materials
 Safety Administration (PHMSA)



U.S. Department
 of Transportation
 Pipeline and
 Hazardous Materials
 Safety Administration

papers. Paper-based communication is slow, limits the information available, and is fraught with the potential for error. Moreover, paper-based communication may be least effective at the very time when hazard communication is most critical – in the immediate aftermath of

Process for Enabling New Hazmat Technologies Clarified

New technologies come in many forms. A new technology may be a physical product, such as a lithium battery or a fuel cell, or an improved method for testing, such as ultrasonic and acoustic emission testing to detect structural deficiencies in a packaging or container. For many new products related to hazardous materials, the DOT approval necessary to transport the product in commerce is the only safety approval required to bring the item to market. Under current law, if a new technology is not adequately addressed in the current hazardous materials regulations, a proponent of the new technology has one of two routes for seeking DOT approval: (1) obtain a Special Permit, demonstrating an equivalent level of safety to an existing standard governing a comparable material or product; or (2) petition for rulemaking to establish standards of general applicability.

PHMSA is continually interested in improving its ability to anticipate future transportation safety needs for new and emerging technologies in order to facilitate their introduction into the marketplace. The agency has been discussing the issue with a number of industry representatives in order to better describe the process by which new technologies are approved. Some of the challenges are related to technology companies that are not familiar with the hazardous materials transportation regulations, and therefore are unaware of the requirements necessary for DOT approval. In response to these articulated concerns, PHMSA is considering short-term and long-term actions to both clarify and evaluate the process of new technology review and approval.

PHMSA is in the process of developing a two-phased approach to improve the efficiency of the process applicable for reviewing and approving the trans-



PHMSA's PROCESS FOR ENABLING NEW TECHNOLOGIES

port provisions for new technologies containing hazardous materials:

Phase 1 -- PHMSA has drafted a document that clearly articulates the current new technology review and approval process. This guidance document addresses how to apply current hazardous material regulations to new products/articles, and for instances where existing provisions are not applicable, the document defines the Special Permit or Approval process. This document will be posted on the PHMSA website and possibly in the Federal Register; therefore making it fully available for companies not familiar with the hazardous materials transportation regulations. The intent of the document will be to take the mystery out of the current review and approval process. This plan is expected to be finalized by the end of 2008 and posted on PHMSA's Sharepoint and HMPubs for wide dissemination.

Phase 2 -- PHMSA intends to reach out to hazmat industry partners and other concerned parties to improve the agency's ability to anticipate new and emerging

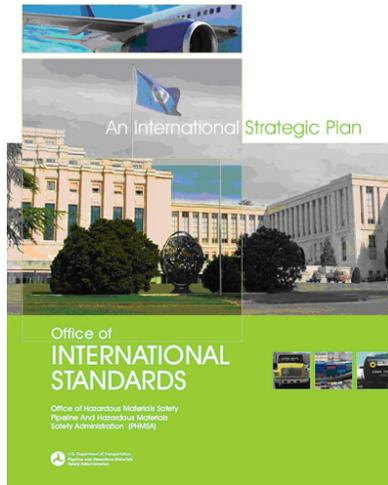
technologies in order to ensure regulatory and other transport approvals help facilitate and not hinder the timely transport of these products. The agency is considering and seeking comment on how best to continue this initiative during this second phase in an open and transparent environment that provides maximum opportunity for participation (i.e., through public meetings or the PHMSA website). Through these actions, PHMSA hopes to better anticipate the future needs of the hazardous materials industry.

Emerging Global Economy Triggers Hazmat International Strategic Plan

Over the last 50 years, the U.S. DOT's hazardous material safety program has been influenced in a substantial and steadily increasing manner by its role in international standard-setting. With external influences set to increase in the coming years as economically-emerging countries, such as China and India, continue to produce and transport hazardous materials worldwide, PHMSA's

Office of International Standards has drafted an "International Strategic Plan" as a guidepost to its future activities.

Current projections indicate that the economies of China and India will surpass the U.S. by 2035 and 2050, respectively. The increasing globalization of markets and supply chains will most certainly shape the future direction of PHMSA's program, which will inevitably



include assisting developing economies in regulatory development to ensure the safety of hazardous materials movements around the globe. To address this evolving world market for hazardous materials, PHMSA will continue to focus resources on promoting safety improvements, maintaining

global competitiveness for U.S. interests, and enforcing compliance with all U.S. government guidelines for coordination on international issues. The term "international harmonization" is often used to describe efforts to establish harmonized or compatible transport provisions which enhance the safety of the U.S. public, strengthen environmental protection, and support U.S.

manufacturing and transport industries. In the broadest sense, harmonization relates to nearly every aspect of the PHMSA regulatory program: identification of risks; development of appropriate safety controls; projecting those provisions forward to the applicable regulatory body; and ensuring regulatory consistency for both domestic and international transport. To this end, the draft Plan discusses PHMSA's overall mission, global vision, challenges faced in the international standards arena, and describes the international forums in which the agency participates. An annex to the Plan includes a 5-year list of global strategic priorities and initiatives. The Plan is expected to be finalized by early 2009 and posted on HMPubs Review for wide dissemination.

Continued progress requires improved collaboration with our trading partners as well as a recognition of the forces that drive technological and international regulatory changes. How PHMSA adapts its focus and evolves its priorities will determine the ability of the program to achieve future success at the level that stakeholders.

Golden Key International Honour Society Inducts Yolanda Y. Braxton



Yolanda Y. Braxton displays her Golden Key International Honour Society certificate of membership following the recent induction ceremony at Howard University.

Yolanda Y. Braxton of Houston accepted membership in the Golden Key International Honour Society and was

honored December 5 during an induction ceremony and reception at Howard University in Washington, DC. Braxton is currently a student trainee with PHMSA's Office of Hazardous Materials Planning and Analysis working on hazmat unreported incidents and trends.

"It is only fitting that a top academic achiever like Yolanda be recognized by Golden Key," said John W. Mitchell, Golden Key's Chief Executive Officer. "Our members are inspired and motivated not only to achieve exceptional academic accomplishments, but also to make a positive impact on our world through the Society's commitment to service."

"Yolanda brings fresh ideas and a fresh

perspective to the office," said PHMSA Director of Hazardous Materials Planning and Analysis Dave Lehman. "She is a valued contributor to the work we do."

Golden Key International Honour Society is the world's premier collegiate honor society, with more than 1.7 million members and over 360 chapters in the United States, Australia, Canada, Malaysia, New Zealand, South Africa and the United Arab Emirates. The global nonprofit organization provides academic recognition to top-performing college and university students, as well as scholarships and awards, career and internship opportunities, networking, service and leadership development opportunities.



Associate Administrator for Administration Retires



PHMSA Administrator Carl T. Johnson congratulates PHMSA Associate Administrator for Administration Edward Brigham during his retirement ceremony.

PHMSA Associate Administrator for Administration Edward Brigham closed out over 30 years of government service on October 3, 2008.

Brigham was selected as the Associate Administrator for Management and Administration for the Research and Special Programs Administration (RSPA) in August, 1999. RSPA was reorganized in 2005 into the Pipeline and Hazardous Materials Safety Administration (PHMSA). From January to September, 2001, Brigham served as Acting Deputy Administrator for RSPA with responsibility for the entire agency.

Brigham's first Federal position was as a budget examiner in the Housing Branch of the Office of Management and Budget, Executive Office of the President, from 1974 to 1980.



At the Trans Alaska Pipeline from left to right, Dennis Hinnah, Deputy Director, PHMSA Anchorage Office; Tony Brock, BP; Patricia Klinger, PHMSA Deputy Associate Administrator for Governmental, International and Public Affairs; Carl T. Johnson, PHMSA Administrator; Doug Suttles, President BP Exploration (Alaska); and Bill Gute, PHMSA Deputy Associate Administrator for Pipeline Safety.

Alaska Trip Provides the "Big Picture"

The last week of August found PHMSA Administrator Carl T. Johnson in Alaska receiving background briefings on pipeline operations within the state. On the agenda was a trip to Prudhoe Bay to better understand PHMSA's jurisdiction over the oil transit lines as well as the Trans Alaska Pipeline.

During a planned stop in Anchorage, Administrator Johnson met with officials from the Joint Pipeline Office, the President and CEO of Alyeska, and others on the leadership team. The trip also included a stop in Valdez to tour the marine terminal and loading facilities that make up the end of the Trans Alaska Pipeline system.

PHMSA FOCUS Pipeline and Hazardous Materials Safety Administration

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Check out PHMSA Focus online at
<http://www.phmsa.dot.gov/news/newsletters.html>

New PHMSA Team Members Jan-Oct 2008

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Office of Administration

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Ignacio Tous Contract Spec. (Intern)
Adrian Carter IT Spec.

Office of Hazardous Materials Safety

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Bryan Hsu Chemist (Intern)
Nancy White Training & Info. Spec.
Arthur Pollack Training & Info. Spec.

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Todd Delvecchio IT Program Manager

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Karen Gentile	Gen. Engineer (Insp.)
Ricky Gulstad	Gen. Engineer (Insp.)
Vincent Holohan	Gen. Engineer
Robert Lee	Program Analyst
Lori Hutwagner	Program Analyst
Rodney Dyck	Dir. Enforcement
Sara Depaula	Program Analyst
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