



# National Transportation Safety Board

Washington, DC 20594

Office of the Chairman

June 19, 2014

The Honorable Cynthia L. Quarterman  
Administrator  
Pipeline and Hazardous Materials  
Safety Administration  
Washington, DC 20590

Dear Administrator Quarterman:

Thank you for your March 11, 2014, letter to the National Transportation Safety Board regarding Safety Recommendations H-12-3, -4, and -6. We issued these recommendations to the Pipeline and Hazardous Materials Safety Administration on May 4, 2012, as a result of our investigation of the July 15, 2009, cargo hose rupture and subsequent release of anhydrous ammonia during the offloading of a Werner Transportation Inc. cargo tank motor vehicle at the Tanner Industries Plant near Swansea, South Carolina.

## H-12-3

Require cargo tank motor vehicle carriers and transfer facilities to verify (1) that cargo transfer hose assemblies, whether carried on the vehicle or provided by the facility, are chemically compatible with the hazardous material to be transferred and (2) that drivers verify hoses are marked as compatible with the material to be transferred before either loading or unloading operations begin.

Although we are disappointed that you withdrew the “Hazardous Materials: Cargo Tank Motor Vehicle Loading and Unloading Operations” rulemaking proposal that you previously indicated would address this recommendation, we note that you are developing a comprehensive safety program to address these operations. Issuing a best practices guidance document and working with the Federal Motor Carrier Safety Administration to implement an outreach and enforcement program constitutes an acceptable alternate approach to satisfying this recommendation. Accordingly, pending completion of your planned actions, Safety Recommendation H-12-3 is classified “Open—Acceptable Alternate Response.”

## H-12-4

Amend the provisions of Title 49 *Code of Federal Regulations* [CFR] 173.315(n)(2) to require that passive emergency shutdown control systems for

highway cargo tanks activate in the event of a partial or complete failure of a cargo hose assembly.

Although we understand that you are developing a systematic approach to hazardous materials safety through your efforts to address Safety Recommendations H-12-2, -3, -5 and -6, we remain concerned that the current hazardous materials regulations do not address incidents, like the Swansea accident, caused by a partial hose assembly failure. We are disappointed that you have decided against pursuing rulemaking to amend the CFR. Because your actions do not address Safety Recommendation H-12-4, it is classified “Closed—Unacceptable Action.”

#### H-12-6

Issue guidance to motor carriers and registered inspectors that clarifies the testing and the recordkeeping requirements of Title 49 *Code of Federal Regulations* 180.407 for cargo hose assemblies and cargo tanks that are used to transport liquefied compressed gases to ensure that all hose assemblies are tested for leaks on an annual basis.

We are pleased that you reconsidered your position on this recommendation and have updated and redistributed your “*Liquefied Compressed Gases: Compliance Assistance Guide*,” which now includes the recommended information regarding annual leakage testing. These actions satisfy Safety Recommendation H-12-6, which is classified “Closed—Acceptable Action.”

We encourage you to submit updates regarding your progress in addressing Safety Recommendation H-12-3 electronically at [correspondence@ntsb.gov](mailto:correspondence@ntsb.gov). Please do not submit both an electronic copy and a hard copy of the same response.

Thank you for the actions that you have taken and planned to improve cargo tank motor vehicle safety.

Sincerely,

cc: Ms. Barbara McCann, Director  
Office of Safety, Energy, and  
Environment  
Office of the Undersecretary for Policy

MD-3: Please e-mail the signed letter to the PHMSA HazMat e-mail group.