



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

1200 New Jersey Avenue, SE
Washington, DC 20590

RELIEF OF REQUIREMENTS FOR PERIODIC TESTS AND INSPECTIONS OF CARGO TANKS AND PORTABLE TANKS WITHIN THE STATE OF ALASKA

The U.S. Department of Transportation (DOT) Pipeline and Hazardous Materials Safety Administration (PHMSA) plays a leading role in ensuring the safe transportation of hazardous materials by all transportation modes throughout the United States. This includes the testing and inspection requirements for packagings containing hazardous materials, including cargo tank motor vehicles (CTMVs) and portable tanks. Due to the ongoing Coronavirus Disease 2019 (COVID-19) public health emergency, PHMSA understands that travel restrictions throughout the State of Alaska have placed a burden on entities that usually perform periodic tests and inspections of CTMVs and portable tanks. Specifically, PHMSA is aware that travel restrictions within the State of Alaska and between Alaska and the contiguous 48 States have reduced the number of available inspectors, particularly in remote areas. This is further compounded as there are currently 58 active cargo tank facilities throughout Alaska with only one or two inspectors at each location, which may limit the availability of people qualified to inspect CTMVs and portable tanks.

Therefore, PHMSA gives notice that it will not take enforcement action against any person operating a CTMV or portable tank that is not more than 90 days beyond its testing or inspection date, as required by 49 CFR §§ 180.407(a)(1) and (c), or 180.605(a) and (c). Motor carriers are expected to comply with the HMR to the maximum extent practicable. To qualify for this enforcement discretion, a motor carrier must document why COVID-19 travel restrictions make compliance impracticable prior to operating cargo tanks that are not more than 90 days beyond the required periodic retesting date, and make such documentation available for inspection by Federal Motor Carrier Safety Administration (FMCSA) or PHMSA.

This enforcement discretion will be exercised by the FMCSA and PHMSA. This relief applies only to CTMVs and portable tanks transported by highway within the State of Alaska. Shipments by other modes of transportation and in other States and territories of the U.S. must meet all requirements of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) unless relief has been provided elsewhere.

This Notice of Enforcement Discretion is effective while the Secretary of the Department of Health and Human Services (HHS) determination that a public health emergency pursuant to

Section 319 of the Public Health Service Act related to COVID-19¹ is in effect, or 90 days from the date of issuance of this Notice, whichever is sooner.²

Issued on May 8, 2020, in Washington, D.C.


William S. Schoonover
Associate Administrator
for Hazardous Materials Safety

¹ <https://www.phe.gov/emergency/news/healthactions/phe/Pages/default.aspx>.

² This document is a temporary notice of enforcement discretion. Regulated entities may rely on this notice as a safeguard from departmental enforcement as described herein. To the extent this notice includes guidance on how regulated entities may comply with existing regulations, it does not have the force and effect of law and is not meant to bind the regulated entities in any way.