



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

1200 New Jersey Avenue, SE
Washington, DC 20590

NOTICE OF EXTENSION OF 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 Pipeline and Hazardous Materials Safety Administration (PHMSA) understands that due to the Coronavirus Disease 2019 (COVID-19) public health emergency, travel restrictions throughout the State of Alaska have continued to place a burden on entities that usually perform periodic tests and inspections of cargo tank motor vehicles (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.

On May 8, 2020, PHMSA published a notice of enforcement discretion stating that it would 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).¹ 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 the Federal Motor Carrier Safety Administration (FMCSA) or PHMSA.

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

PHMSA gives notice that it will continue to not take enforcement action against any person operating a CTMV or portable tank in accordance with the May 8, 2020, Notice of Enforcement Discretion. 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. This Notice of Enforcement Discretion is effective through October 31, 2020.

Issued July 9, 2020, in Washington D.C.

William S. Schoonover
Associate Administrator
for Hazardous Materials Safety

¹ See May 8, 2020, enforcement discretion at: <https://www.phmsa.dot.gov/news/phmsa-fmcsa-enforcement-discretion-cargo-tank-motor-vehicles-and-portable-tanks-alaska>