



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

1200 New Jersey Avenue, SE  
Washington, DC 20590

October 8, 2019

Mr. E. Michael O'Malley, President  
Railway Supply Institute (RSI)  
425 Third Street, SW, Suite 920  
Washington, DC 20024

Reference No. 19-0117

Dear Mr. O'Malley:

This letter is a follow-up to our September 13, 2019, meeting with you and your members regarding specific requirements of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to rail tank car facilities. This response clarifies the applicability of tank car facility quality assurance programs (QAP), as well as regulations related to pre-trip inspections and internal linings and coatings. PHMSA, in conjunction with FRA, is issuing this letter of clarification to clarify and revise previous correspondence issued by the Department. This letter of clarification supersedes previous letters Nos. 15-0124 and 18-0029.

### **Tank Car Component Manufacturers**

In 2015, Salco Products asked PHMSA to clarify whether a manufacturer of components for tank cars (e.g., valves used for loading and unloading) would be considered a tank car facility. In response, PHMSA issued letter No. 15-0124, stating a facility that manufactures equipment that is attached to an opening on a tank car, including components such as valves, is a tank car facility.

In 2018, the Railway Supply Institute (RSI) asked PHMSA a series of questions related to PHMSA's authority to regulate the manufacturers of components of specification packaging. PHMSA's letter No. 18-0029 affirmed letter No. 15-0124, and further stated that a company that manufactured components for a DOT specification tank car would be subject to the QAP requirements of § 179.7.

PHMSA and FRA have reviewed letters Nos. 15-0124 and 18-0029, and determined that requiring manufacturers of tank car components to maintain QAPs that meet the requirements of § 179.7 is beyond the scope of the current requirements. The requirements of the HMR apply to manufacturers of components of DOT specification packagings, as provided in § 171.1(a); however, tank car component manufacturers do

not meet the definition of a “tank car facility,” because they are not making a “representation” of the tank car’s conformity as specified in § 179.2.

PHMSA and FRA have determined that an entity that qualifies a tank car is a tank car facility and therefore must have an approved QAP, and we will continue to hold tank car facilities responsible for ensuring compliance of all service equipment and any other components. Furthermore, PHMSA and FRA will continue to monitor compliance through our standard process of inspection and enforcement.

As such, PHMSA will remove letters Nos. 15-0124 and 18-0029 from its website, and replace them with this letter of clarification.

### **Pre-Trip Inspections**

Any person who offers a tank car for transportation is required to conduct a pre-trip inspection to ensure the tank car is in proper condition and safe for transportation, in accordance with § 173.31. Pre-trip inspections commonly identify safety issues, including worn or unsuitable gaskets, manway bolts, fasteners, and secondary closures, which must be addressed before the tank car can be safely offered into transportation.

On December 21, 2018, PHMSA received a letter from the American Chemistry Council (ACC) requesting clarification. The letter asks whether facilities where tank cars are offered into transportation meet the definition of “tank car facility” in accordance with § 179.2 and are therefore required to maintain a QAP that meets the requirements of § 179.7. The answer is no.

As indicated above, a tank car facility is an entity that qualifies a tank car. A person who offers a hazardous material into transportation (offeror), on the other hand, is required to perform a pre-trip inspection to ensure a tank car is in proper condition for transportation from point of origin to destination. Offeror facilities that only perform pre-trip inspections of a tank car are not “tank car facilities” and not subject to the QAP requirements of § 179.7. However, an offeror who engages in the qualification of a tank car meets the definition of a tank car facility and is subject to all applicable regulations.

### **Internal Linings and Coatings**

The HMR prescribe requirements for the inspection of tank car linings in § 180.509(i). On May 22, 2019, the ACC requested a letter of clarification on the applicability of the inspection requirements of § 180.509(i). Specifically, ACC asked whether internal linings and coatings used solely to protect product purity (i.e., they play no role in protecting the tank from corrosion) are subject to the inspection requirements § 180.509(i). The answer is no.

The requirements of § 180.509(i) apply only to internal tank car linings and coatings that are applied to protect the tank from a material that is corrosive or reactive to the tank.<sup>1</sup> It is the responsibility of the internal lining or coating owner to ensure that the internal lining or coating is solely for product purity purposes.

I hope this information is helpful. Please contact us if we can be of further assistance.

Sincerely,



William S. Schoonover,  
Associate Administrator  
for Hazardous Materials Safety

cc:

Karl Alexy – FRA  
Paul Roberti – PHMSA  
Bill Quade – PHMSA  
Mike Rush – AAR  
Bob Fronczak – AAR  
Ken Dorsey – AAR  
Cal Dooley – American Chemistry Council  
Jeffrey Sloan – American Chemistry Council  
Jack Isselmann – The Greenbrier Companies

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<sup>1</sup> 77 FR 37962