



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

September 2, 2020

Jay Standish
Vice President of Quality Assurance
Rescar Companies
1101 31st Street
Suite 250
Downers Grove, IL 60515

Reference No. 20-0039

Dear Mr. Standish:

This letter is in response to your March 10, 2020, letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the requirements for a quality assurance program (QAP).

We have paraphrased and answered your questions as follows:

- Q1. You ask what process(es) and standard(s) repair facilities' QAPs need to include in order to comply with the "critical to quality" inspection criteria being applied.
- A1. The HMR does not define the term "critical to quality." However, § 179.7 requires tank car facilities to have a QAP approved by the Association of American Railroads (AAR). Specifically, § 179.7(b)(5) requires that a QAP must have a description of the manufacturing, repair, inspection, testing, and qualification or maintenance program, including the acceptance criteria, so that an inspector can identify the characteristics of the tank car and the elements to inspect, examine, and test at each point.

Due to the diverse nature of activities related to the qualification of a tank car for service, PHMSA cannot qualify a specific standard or process as conforming to the performance standard of § 179.7(b)(5) through a letter of interpretation. The determination of whether a QAP meets the requirements of § 179.7 considers all the specific actions the tank car facility is responsible for performing to qualify the tank car for service. In general, acceptance criteria must include the characteristics of the tank car and the elements to inspect, examine, and test at each point. This includes tank car fabrication and construction materials, and service equipment intended for installation onto a tank car, which must be inspected, examined and tested in accordance with a tank car facility's QAP (see § 179.7(b)(4)).

The approval of QAPs, including this quality assurance element, is done in accordance with the AAR's *Manual of Standards and Recommended Practices, Section J, Specification for Quality Assurance, M-1003*.

- Q2. You ask whether all the activities set forth in the AAR *Manual of Standards and Recommended Practices, Section C- III, Specifications for Tank Cars, M-1002*, in Appendix B, section 3.1.6.12, are required to be performed by a tank car facility.
- A2. Any person who engages in the qualification of a tank car meets the definition of a “tank car facility” and is subject to all applicable regulations. Note that the AAR revised its *Manual of Standards and Recommended Practices, Section C-III, Specifications for Tank Cars, M-1002*, Appendix B on December 19, 2019, to align with this position as reflected in PHMSA’s October 8, 2019, Letter of Interpretation to the Railway Supply Institute (Reference No. 19-0117).

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

Sincerely,



Dirk Der Kinderen
Chief, Standards Development Branch
Standards and Rulemaking Division

From: [INFOCNTR \(PHMSA\)](#)
To: [Hazmat Interps](#)
Subject: FW: Request for Formal Interpretation
Date: Tuesday, March 10, 2020 2:47:30 PM
Attachments: [PHMSA Letter of Interpretation 03.10.20.pdf](#)
[image001.png](#)

Hello Alice and Ikeya,

Please see attached for letter of interpretation request.

Thank you,
Kathryn (HMIC)

From: Jay Standish [mailto:standish@rescar.com]
Sent: Tuesday, March 10, 2020 2:34 PM
To: PHMSA HM InfoCenter <PHMSAHMInfoCenter@dot.gov>
Cc: Susan Schieszler <:sschieszler@rescar.com>; Andy Schaffer <aschaffer@rescar.com>; Dan Madock <madock@rescar.com>
Subject: Request for Formal Interpretation

Mr. Kelley:

Good afternoon. Rescar Companies (Rescar) is requesting a formal letter of interpretation regarding how the term “Critical to Quality Characteristics,” is to be interpreted and applied to Rescar’s incoming inspection of tank car components process in its Quality Assurance Program under 49 CFR § 179.7 (b) (5) and how PHMSA interprets the Exception to M-1002 Technical Approval Requirements in the newly adopted Appendix B, specifically the Exception noted at 3.1.6.12.

Background and details for this request are contained in the attached letter formalizing the request for interpretation.
Rescar thanks you for your time and consideration of this matter.

Sincerely,

Jay G Standish

