

identification system was accompanied by an adequately prepared, and evenly distributed, "Emergency Response Manual," it would go far in improving the emergency response capabilities at all levels of response, including the initial "person at the scene" (i.e., the transportation worker), the responding emergency service personnel, and the special assistance personnel who may be required.

A properly distributed "Emergency Response Manual" would also go far in correcting one of the most neglected aspects of hazardous materials transportation, the health and safety of the transportation workers themselves. Before transportation workers can protect other potential victims, they must first be able to protect themselves. This requires a knowledge of the nature of the hazard and explicit information on how to respond in those first critical minutes. An uninformed, incapacitated, or dead transportation worker will be of little or no use to other potential victims or later, to the arriving emergency service personnel.

*** it is imperative that the proposed identification system be released only if it is in conjunction with a cross-referenced "number vs. technical name" table, and only if MTB can assure that all likely recipients of emergency calls have such a table at hand. A more practical alternative, and one much more appropriate to the overall purpose of the system, namely, improved emergency response capability, would be the concurrent release and distribution of the cross-referenced "Emergency Response Manual," which MTB has already largely developed. Furthermore, this approach would be more cost-effective in that the necessary cross-referenced table would not have to be published and distributed twice (i.e., once with the number identification rule, and once with the future "Manual").

Acknowledged throughout the text of this NPRM [HM-126] is the fact that the first minutes of a hazardous materials incident are the most critical. Also undisputed is the fact that the actions of the transportation worker at the scene in those critical minutes may mean the difference between a minor incident and a major catastrophe. Based on this, we most strongly urge that distribution of the Manual to certain personnel be made mandatory in the final rule. Mandatory distribution might be achieved in the following manner (for trucking personnel):

1. Operators of vehicles transporting hazardous materials:

a. Single Commodity—The driver would receive only a single "response guide" from the Manual (with the emergency phone number) for the single type of hazardous material being transported.

b. Mixed Commodity—The driver would receive "response guides" from the Manual for any type of hazardous material which he may haul as well as the "identification number vs. guide number" cross-reference table at the front of the Manual. A driver would not need the lengthy alphabetical listings of all the technical names versus the identification and guide numbers.

2. Shipping, receiving, the warehouse personnel—copies of the full Manual, with

cross-referenced lists and all the Emergency Response Guides, would be required in central locations and at any office likely to receive a hazardous materials emergency call.

Similar requirements would, of course, be required for other modes of transportation and specialist in those industries should be consulted as to specific needs.

The material quoted above is provided as background to this notice which is a solicitation of facts and viewpoints rather than a proposal to take any specific action. MTB solicits comment on the following:

1. What material specific information is provided by a MSDS that would mitigate the potential consequences of a discharge beyond the type of information provided by the ERG and CHEMTREC, and how quickly would that information be needed? In commenting, please take into account that the information on file at CHEMTREC is based on MSDSs provided by manufacturers and that CHEMTREC can provide information that is not contained in the ERG e.g., flash-point, boiling point, flammable limits, and vapor density. Also, CHEMTREC has access to shippers and the CIS for more detailed information on hazardous materials. If comments are presented concerning the value of TLV (threshold limit value) data, it is requested that supporting information be provided in support of how such data (TWA—time weighted average; STEL—short-term exposure limit; C—ceiling) can be effectively applied in the transportation environment. For example, what type of monitoring equipment could be reliably used to make an assessment of a spill area? Should MTB imply that confidence may be placed in use of such equipment? Up to the present time, it has been MTB's opinion that this approach would not be appropriate; therefore, current ERG guidance for any cargo (not only regulated hazardous materials) is "Move And Keep People Away From Incident Scene; Do Not Walk Into Or Touch Any Spilled Material: Avoid Inhaling Fumes, Smoke and Vapors Even If No Hazardous Materials Are Involved; Do Not Assume That Gases Or Vapors Are Harmless Because Of Lack Of Smell".

2. (a) Should DOT consider discontinuing distribution of the ERG in favor of MSDSs accompanying shipments of hazardous materials? (b) Should consideration of MSDSs be limited to bulk shipments as suggested by NTSB? In commenting, please consider the possibility of undesirable results in applying both systems to transportation, e.g., the different

language contained in basic health threat information (as demonstrated above for divinylbenzene) as well as differing response information. In preparing for issuance of this notice, MTB reviewed 29 CFR 1915.97 relative to preparation of U.S. Department of Labor Form OSHA 20 and the Occupational Safety and Health Administration's (OSHA) final rule amending 29 CFR Part 1910 (48 FR 53280; November 25, 1983). The information specified for inclusion in MSDSs (§ 1910.1200(g)) does not require manufacturers and importers to use standard language for either the communication of risk or the mitigation of risk. To a significant degree, this is overcome by training (§ 1910.1200(h)) required to be given by employers in Standard Industrial Classification Codes 20 through 39. (c) To what extent could and should DOT rely on training of emergency response and transportation personnel in use of MSDS information rather than the ERG, taking into account that more than 180,000,000 shipments of hazardous materials are made annually in the United States?

3. If, following review of the comments on this notice, MTB decides to propose a mandatory placement of ERG's in transportation facilities: (a) How should MTB describe (define) those facilities in the regulations? (b) Should ERG's be required in vehicles used to transport hazardous materials, as suggested by IBT? (c) What would be the means of acquisition of the ERG's? (d) How much time should be provided for acquisition and implementation? (e) Could such a requirement be implemented without having an effect on necessary revisions and updates of the ERG? (f) In order for MTB to assess the cost of such a program in a regulatory analysis, how many vehicles (including rail), vessels, aircraft, and terminal facilities would be subject to such a requirement (taking into account the last quoted paragraph of IBT's comments above)? The following information is provided for background: There were 750,000 copies of the 1980 ERG (DOT 5800.2) delivered, without charge, by MTB to emergency response (and associated) organizations between 1981 and 1984 and more than 200,000 obtained from commercial sources. More than 600,000 copies of the 1984 ERG (DOT 5800.3) have been distributed by MTB since December 1, 1983. While DOT's distribution costs have been less than \$1.00 per copy, the charge at the Government Printing Office (GPO) for the ERG was set at \$7.00 per copy. Four commercial sources of the ERG base their prices on quantities ordered. It is