

proposed. This proposed section would require that all hazardous materials carriers make all records and information pertaining to any incident available to an authorized representative of the Department of Transportation upon request, and provide such representative all reasonable assistance in the investigation of any incident or studies involving such incidents. To further assist in these investigations and special studies, § 171.16 would be revised to require all carriers to maintain a copy of each incident report for a period of two years, at the carrier's principal place of business.

#### **Incident Report Form: Proposed Changes**

In general, RSPA has sought to retain as many features as possible of the current report form (DOT Form F 5800.1), not only because many of the data fields on the current form have been found essential and useful, but also because of the wide experience and familiarity the industry has had in its use. However, the report form has been reorganized for purposes of grouping the information into two major analytic/descriptive categories. Parts I through V of the proposed form generally pertain to conditions prevailing both immediately before and after the incident. Parts VI and VII pertain to information specific to the package or packages that failed in transportation, and the nature of that failure (a better understanding of how these parts of the proposed new incident report form interrelate can be gained by referring to Illustration 1 provided at the end of this document). The apparent increase in the length of the proposed form is largely due to an expansion of *choices* that those submitting the report have available to describe the nature of the incident. This is particularly the case with Part VII: Description of Packaging Failure. Since there are only 17 specific options available in the current report form to describe the nature of the packaging failure, this information is often recorded in an unsystematic manner in the "Remarks" part of the report form. This has to be carefully reviewed by RSPA personnel to be sure of entering the correct data into the data base. The proposed report form provides 50 choices, systematically organized, to describe the nature of the packaging failure. Similar expansions of the choices available to describe the nature of a hazardous materials incident are contained in Part IV, item G, and Part V, items E and I of the proposed report form. RSPA believes these changes will facilitate the proper completion of the

report form by carrier personnel and significantly reduce the amount of time necessary for RSPA to review and enter the data into its computerized data base. The proposed form will facilitate analyzing failure causes associated with hazardous materials incidents—which is the primary purpose behind the proposed changes to the incident report form.

It should also be noted that the proposed report form would not require information pertaining to what party issued the shipping papers accompanying the hazardous materials shipment. Also no longer required would be the trade name of the hazardous material involved in the incident; this information, while useful, is not considered essential to RSPA analysis and planning functions.

Since the majority of the information items on the proposed report form are not new and are self-explanatory, the following discussion focuses on those proposed changes RSPA considers to be significant or to require special emphasis.

In Part I, Description of Carrier, Company, or Individual Reporting, item C, information would be required on the reporting "code" or "number," if any, of the carrier submitting the incident report. In the case of motor carriers, the Federal Highway Administration (FHWA) issues each motor carrier under its jurisdiction a unique "census number," which is to be used if the carrier is involved in an accident meeting the reporting criteria for the FHWA. A similar carrier identification system (i.e., an alphabetical code) is in effect for the reporting of accidents to the Federal Railroad Administration (FRA), the U.S. Coast Guard (USCG), and the Federal Aviation Administration (FAA). This information is needed by RSPA for purposes of cross-referencing, checking and utilizing accident information on hazardous materials carriers which are also responsible for the reporting of accidents (which may or may not involve the spill of a hazardous material) to the modal administrations of DOT. Since this information is already required of carriers, no additional data burden is being imposed on the industry.

In Part III, Hazardous Material(s) Spilled, item C, information would be required on the identification number of the hazardous material(s) spilled. For example, if the hazardous material involved in the incident is "Gasoline," the identification number of Gasoline is "UN 1203." The identification number for a hazardous material involved in an incident can be found on the shipping

paper accompanying the material or from the Hazardous Materials Table at 49 CFR § 172.101, Column 3A.

In Part IV: Consequences of Spill, several things need to be emphasized. First, information would be required on the number of persons killed or injured as a result of the hazardous material(s) involved. If a fatality or injury resulted from a collision, and not from the release of the hazardous material, then "none" would be entered in the space provided. Second, concerning items E. and F. of Part IV (i.e., the number of people evacuated and estimated loss or property damage resulting from the spill), RSPA does not expect that these numbers will be exact. However, as previously mentioned, RSPA is proposing to change the current 15-day reporting period to 30-days. Within this time frame, much better estimates of the consequences of a spill should be available to carriers than was true in the past. The carriers should be able to obtain this information from police and newspaper reports and insurance and damage claim records.

Items F and G of Part V, Description of Incident, are closely related. If the spill was the result of a vehicle accident (e.g., collision with another vehicle, derailment, overturning while in transit), RSPA is proposing to require that a copy of all additional Federal report forms associated with the accident/incident be submitted, along with the hazardous materials incident report form. For example, if a motor carrier involved in a hazardous materials incident is also required to file a motor carrier accident report with the Federal Highway Administration a copy of that accident report form would have to be attached to the hazardous materials incident report form. It should be noted that this proposed requirement pertains only to vehicle accidents that result in a spill of hazardous materials. Copies of other Federal accident reports would not be required for vehicle accidents that do not result in a spill of the hazardous material. Copies of other Federal accident reports also would not be required for spills that were not the result of a vehicle accident. This proposed requirement complements the current requirement in § 171.16(a)(1) that a copy of the hazardous waste manifest must be attached to the incident report form when the incident involves a hazardous waste; and the current requirement of § 171.45(c), that a separate copy of incidents involving aircraft be sent to an FAA Civil Aviation Security Office. This information would be required, at little or no cost to the industry, in lieu of