



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

400 Seventh St., S.W.
Washington, D.C. 20590

JUL 15 2003

Mr. Rickie Bearden
Operating Vice President
PACE International Union
Local 5-727
P.O. Box 405
Calvert City, KY 42029

Ref. No. 02-0304

Dear Mr. Bearden:

This is in response to your December 2, 2002 letter concerning the monitoring of tank car unloading operations under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you request that I review my response to Mr. Joe Campbell of Air Products and Chemicals dated February 22, 2002 as it pertains to his monitoring system fulfilling the requirements outlined in the formal interpretation of the regulations, 87-4-RSPA.

From the information you provided it appears that more than one individual plays a role in the unloading process of the tank car. The HMR do not prohibit such a practice so long as a qualified and trained operator is monitoring the unloading process. Therefore, I must reiterate that my February 22, 2002 interpretation remains unchanged.

An authorized electronic monitoring system must meet the four criteria outlined in the letter of formal interpretation, 87-4-RSPA:

- 1) An employee is made responsible for unloading and is familiar with the nature and properties of the material being unloaded;
- 2) The employee responsible for unloading is instructed in the procedures to be followed during unloading and in the event of an emergency, and has the authority and ability to halt the flow of product immediately and take emergency action;
- 3) In the event of an emergency, the system must be capable of immediately halting the flow of product or alerting the employee responsible for unloading;
and
- 4) The monitoring device must provide immediate notification of any malfunction to



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the person responsible for unloading, or the device is checked hourly for malfunctions.

Also, if the proposed non-human monitoring system becomes disabled or inoperable, the unloading operator must constantly observe the unloading operation.

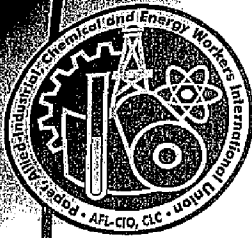
I hope this satisfies your request.

Sincerely,



Susan Gorsky

Senior Transportation Regulations Specialist
Office of Hazardous Materials Standards



Paper,
Allied-Industrial,
Chemical &
Energy Workers
International
Union
AFL-CIO, CLC

LOCAL 5-727

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02-0304

November 19, 2002

Delmer F. Billings
Chief, Standards Development
Office of Hazardous Materials Standards

Ref. No. 02-0027

Dear Mr. Billings:

This is in reference to your response on February 22, 2002 to Mr. Joe Campbell, Process Engineer for Air Products and Chemicals in Calvert City, Kentucky. Mr. Campbell's presentation to you on using electronic controls in offloading Ethylene, specifically to meet the requirements of 174.67 (I) of HRM; 49 CFR Parts 171-180 Hazards Materials Regulations. Of the four items of criteria you outlined in your response to Mr. Campbell, the Union has areas of concern based on the information that Mr. Campbell presented to you.

We have included the four points of criteria in your letter and our concerns on these points to try to explain our position on Mr. Campbells intent.

- 1) *An employee is made responsible for unloading and is familiar with the nature and properties of the material being unloaded;*

We feel that an employee in the unloading department will meet this criteria, but the responsibility of this employee to the unloading will only be a part of their daily activities, primarily hooking up and starting the off loading process.

we do not expect
employees to have
one duty.

- 2) *The employee responsible for unloading is instructed in the procedures to be followed during unloading and in the event of an emergency, and has the authority and ability to halt the flow of product immediately and take emergency action;*

The employee who starts the unloading process will not be the employee that monitors the process. The person that does the monitoring also has multiple operating duties, that could cause conflict in the monitoring responsibility.

The unloading operation
must be attended -
It is acceptable for
several employees
to monitor the
unloading process.

- 3) *In the event of an emergency, the system must be capable of immediately halting the flow of product or alerting the employee responsible for unloading;*

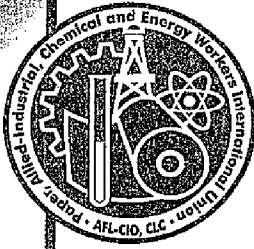
The Union feels that this type of system should have already been in place.

- 4) *The monitoring device must provide immediate notification of any malfunction to the person responsible for unloading, or the device is checked hourly for malfunctions.*

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It is the responsibility of the monitor person to notify the person responsible for the unloading process.

Mr. Campbell's concept will not notify the person responsible for the unloading process, rather it will notify the person doing the monitoring. The Union knows there will be a delay between the monitor person trying to convey any information to the person who is responsible for the off loading process, this period of time could be considerable. The Union feels the hourly checks will not happen primarily because this defeats the purpose of this change, which is to free up manpower.

Mr. Billings, the Union believes the concept presented by Mr. Campbell will ultimately cause a complete reliance on the engineering controls in controlling the offloading of Ethylene. The Union feels the responsibility of the operators will be watered down simply due to the increase in responsibilities, the employees are already doing multiple simultaneous work duties.

Thank you Mr. Billings for your time and we would appreciate your views on our concerns.

Sincerely,

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