



A bold voice for transportation workers

February 28, 2017

Mr. Steven Andrews
Office of Hazardous Materials Standards,
Pipeline and Hazardous Materials Safety Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

**RE: Hazardous Materials: PIPES Act Requirements for Identification Numbers
on Cargo Tanks Containing Petroleum Based Fuel
Docket No. PHMSA-2016-0079 (HM-213E)**

Dear Mr. Andrews,

On behalf of the Transportation Trades Department, AFL-CIO (TTD), I write to comment on PHMSA's Advance Notice of Proposed Rulemaking (ANPRM) concerning identification numbers on oil cargo tanks. By way of background, TTD consists of 32 affiliate unions that represents workers in all modes of transportation, including rail employees who transport oil and emergency personnel who respond in the case of an accident.¹

In PHMSA's ANPRM, the Administration seeks comments on regulations regarding the marking of identification numbers on cargo tanks carrying petroleum products. In issuing this ANPRM, PHMSA is fulfilling a requirement of the Protecting our Infrastructure of Pipelines and Enhancing Safety (PIPES) Act of 2016, which directed the Administration to respond to a petition for rulemaking filed by the Commercial Vehicle Safety Alliance (CVSA), which proposed amendments to the Hazardous Materials Regulations (HMR). The notice also addresses a petition filed by the American Trucking Associations (ATA), which also proposes HMR amendments. In addition to the petitions, PHMSA requests comments on several other items relating to identification numbers.

In responding to this ANPRM, TTD strongly endorses the comments filed by the International Association of Fire Fighters (IAFF), a TTD-affiliated union.

¹ Attached is a complete list of TTD's 32 affiliate unions.

Transportation Trades Department, AFL-CIO

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Edward Wytkind, President /Larry I. Willis, Secretary-Treasurer



When considering changes to the HMRs regarding oil tank markings, we urge PHMSA to consider first and foremost the importance of providing accurate information to first responders and hazmat trained rail employees. A correct and descriptive identification number allows rail and emergency personnel to quickly and safely respond to an accident, and having full knowledge of the hazardous materials present can be a lifesaving tool.

We also urge PHMSA to not promulgate a rulemaking which incorporates ATA's request that identification numbers should reflect only the lowest flashpoint. In a circumstance in which temperatures rise above the marked lowest flash point without ignition, first responders could be lulled into a false sense of security. If the tanks were to actually contain a petroleum product with a higher temperature flash point, responders may not be aware of additional ignition danger as temperatures continued to rise. Additionally, new fuel blends may necessitate response procedures that take into account factors beyond just flash point.

In considering a future rulemaking, PHMSA must ensure that identification numbers provide the most specific detail possible, not the least. By doing so, the Administration will be promoting the safety of cargo tanks carrying petroleum products as well as protecting the lives of rail workers who transport them and those of emergency responders tasked with handling dangerous accidents.

We thank PHMSA for the opportunity to comment on this notice, and urge PHMSA to take into consideration the issues raised here by TTD and in the comments filed by the IAFF.

Sincerely,

A handwritten signature in black ink, appearing to read 'Edward Wytkind', with a large, stylized flourish at the end.

Edward Wytkind
President



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TTD MEMBER UNIONS

Air Line Pilots Association (**ALPA**)
Amalgamated Transit Union (**ATU**)
American Federation of Government Employees (**AFGE**)
American Federation of State, County and Municipal Employees (**AFSCME**)
American Federation of Teachers (**AFT**)
Association of Flight Attendants-CWA (**AFA-CWA**)
American Train Dispatchers Association (**ATDA**)
Brotherhood of Railroad Signalmen (**BRS**)
Communications Workers of America (**CWA**)
International Association of Fire Fighters (**IAFF**)
International Association of Machinists and Aerospace Workers (**IAM**)
International Brotherhood of Boilermakers, Iron Ship Builders,
Blacksmiths, Forgers and Helpers (**IBB**)
International Brotherhood of Electrical Workers (**IBEW**)
International Longshoremen's Association (**ILA**)
International Organization of Masters, Mates & Pilots, ILA (**MM&P**)
International Union of Operating Engineers (**IUOE**)
Laborers' International Union of North America (**LIUNA**)
Marine Engineers' Beneficial Association (**MEBA**)
National Air Traffic Controllers Association (**NATCA**)
National Association of Letter Carriers (**NALC**)
National Conference of Firemen and Oilers, SEIU (**NCFO, SEIU**)
National Federation of Public and Private Employees (**NFOPAPE**)
Office and Professional Employees International Union (**OPEIU**)
Professional Aviation Safety Specialists (**PASS**)
Sailors' Union of the Pacific (**SUP**)
Sheet Metal, Air, Rail and Transportation Workers (**SMART**)
SMART-Transportation Division
Transportation Communications Union/ IAM (**TCU**)
Transport Workers Union of America (**TWU**)
UNITE HERE!
United Mine Workers of America (**UMWA**)
United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service
Workers International Union (**USW**)

These 32 labor organizations are members of and represented by the TTD

