

Economic Commission for Europe

Inland Transport Committee

Working Party on the Transport of Dangerous Goods

Joint Meeting of the RID Committee of Experts and the

Working Party on the Transport of Dangerous Goods

Geneva, 17-27 September 2019

Item 7 of the provisional agenda

Report of informal working groups

13 September 2019

Carriage of pressure receptacles approved by DOT

Proposal transmitted by EIGA

Introduction

1. EIGA has submitted ECE/TRANS/WP.15/AC.1/2019/37 and within ECE/TRANS/WP.15/AC.1/2019/37 a proposal was made for new text to cover the carriage of pressure receptacles approved by the United States Department of Transportation.

2. In ECE/TRANS/WP.15/AC.1/2019/37, EIGA stated that it would continue to work with both the Department of Transportation and the Compressed Gases Association to progress this work in the United States of America.

3. EIGA can advise that in the United States Federal Register a “Proposed Rule” has been issued on 14th August 2019 by the Pipeline and Hazardous Materials Safety Administration, PHMSA), see:

<https://www.federalregister.gov/documents/2019/08/14/2019-16675/hazardous-materials-adoption-of-miscellaneous-petitions-to-reduce-regulatory-burdens>

4. Comments to this need to be sent to PHMSA by 15th October 2019.

5. The relevant text for European Cylinders is:

“17. Import of Foreign Pi-Marked Cylinders

In its petition (P-1701), CGA requests that PHMSA modify §§ 171.23, 173.302, and 173.304 to permit the transportation of filled pi-marked foreign pressure receptacles that comply with applicable ADR requirements. Pi-marked pressure receptacles are currently allowed to be imported through special permits and approvals. P-1701 requests authorization for import, immediate storage, transport to point of use, discharge, and export, as well as the import of empty pi-marked foreign pressure receptacles for filling, immediate storage, and export. In an addendum to the P-1701 petition, Entegris requests additional revisions to §§ 171.23(a) and 173.302(a)(2) to explicitly ensure that the proposed rulemaking is applicable to adsorbed gas packages. The changes to § 171.23(a)(3) requested by Entegris are intended to allow for domestic sourcing as well as import of empty pi-marked pressure receptacles for filling and export.

PHMSA's technical review did not find any evidence to suggest that there would be any changes with respect to risk and safety resulting from this proposed regulatory change. The shipping of pi-marked cylinders has been allowed for many years through special permits. There is limited available market data on the current export of pi-marked cylinders. The information provided by the petitioner suggests that adopting the proposed amendment would not result in a change to the number of pi-marked cylinders that are transported or the risk profile of the cylinder transportation. Cost savings are expected to be minimal, resulting primarily from the potential time savings for industry and governments due to the elimination of the need for a special

permit or approval. A more detailed discussion of this economic analysis can be found in the accompanying PRIA.

Therefore, PHMSA believes there is merit in this proposal. In this NPRM, PHMSA is proposing to modify §§ 171.23, 173.302, and 173.304 to permit the import of filled pi-marked foreign pressure receptacles for storage incidental to movement, transport to point of use, discharge, and export. PHMSA is also proposing to permit the transportation of pi-marked foreign pressure receptacles for export, including filling and storage incident to movement. In addition, PHMSA is proposing to revise §§ 171.23(a) and 173.302(a)(2) to explicitly ensure that the proposed authorization for pi-marked cylinders is applicable to adsorbed gas packages. Finally, to align with similar ADR provisions, and increase shipper and carrier awareness of the requirements for pi-marked cylinders, we are proposing to require a notation on the shipping paper following the basic description of the hazardous material certifying compliance with the pi-marked cylinder requirements. PHMSA is also proposing Start Printed Page 41563 to IBR the ADR and European Union (EU) “Directive 2010/35/EU of the European Parliament and of the Council” into § 171.7 of the HMR.”

6. Of note is a comment that was received on the petition regarding adsorbed gas packages. Adsorbed gas packages were not included in the original submission as EIGA had not considered them and agrees they should have been included. Considering this comment, the proposed text in ECE/TRANS/WP.15/AC.1/2019/37 allows for adsorbed gas packages.
7. The publication of the above text in the Federal Register demonstrates that in addition, work has continued in the United States of America, and for this EIGA wishes to express their appreciation to the Department of Transportation and the Compressed Gas Association.
8. Whilst the text has not yet been adopted into the Code of Federal Regulations, it is hoped that this will soon proceed.
9. Based on this updated information from the United States of America, it is suggested to the Joint Meeting that the text proposed in ECE/TRANS/WP.15/AC.1/2019/37 be adopted in square brackets, and subject to confirmation that the text has been adopted that the square brackets are removed at the Spring 2020 Joint Meeting.