

INTERESTED PARTIES FOR HAZARDOUS MATERIALS TRANSPORTATION

April 28, 2025

Via: TIRailReauthorization@mail.house.gov

Mark Ratto
Republican Professional Staff
Subcommittee on Railroads,
Pipelines, and Hazardous
Materials
Committee on Transportation
and Infrastructure
U.S. House of Representatives
Washington, DC 20212

Frances Bourne
Democratic Staff Director
Subcommittee on Railroads,
Pipelines, and Hazardous
Materials
Committee on Transportation
and Infrastructure
U.S. House of Representatives
Washington, DC 20212

Jimmy Ballard
Director of Coalitions
Committee on Transportation
and Infrastructure
U.S. House of Representatives
Washington, DC 20212

Dear Mr. Ratto, Ms. Bourne, and Mr. Ballard,

On behalf of the Interested Parties for Hazardous Materials Transportation (Interested Parties)¹, I am responding to your April 8, 2025, request for input on proposals and issues related to the transportation of hazardous materials that we recommend be included in legislation to reauthorize surface transportation law.

Our coalition has worked with Congress and staff on hazardous materials transportation legislation since 1990. This experience gives us a perspective and expertise about the evolution of current law and areas that we believe merit improvement. Federal Hazardous Materials Transportation Law (FHMTL) expires next year, and we welcome your willingness to give attention to reauthorizing this law.

The following are four proposals² for your consideration in order of priority. Our two top priorities should be considered together. They address our standing request, since the enactment of the

¹ The Interested Parties is a volunteer-run coalition of organizations that share an interest in legislative and regulatory issues related to the safe and secure domestic and international transportation of hazardous materials. Interested Parties members include associations representing hazardous materials shippers, carriers, packaging manufacturers and other related groups. The following IP members have approved these comments: Agricultural Retailers Association; Alliance for Chemical Distribution; American Chemistry Council; American Coatings Association; American Fuel and Petrochemical Manufacturers; American Pyrotechnics Association; American Petroleum Institute; American Trucking Associations; The Chlorine Institute; Compressed Gas Association; Council on the Safe Transportation of Hazardous Articles; Dangerous Goods Advisory Council; Energy Marketers of America; Gases and Welding Distributors Association; Industrial Packaging Alliance of North America; Institute of Makers of Explosives; International Vessel Operators Dangerous Goods Association; Medical Device Transport Council; Lighter Association; Medical Device Transport Association; National Industrial Transportation League; National Private Truck Council; National Energy & Fuels Institute; Owner-Operator Independent Drivers Association; PRBA – The Rechargeable Battery Association; Radiopharmaceutical Shippers & Carriers Conference; Reusable Industrial Packaging Association; Sporting Arms Ammunition Manufacturers Institute; The Sulphur Institute.

² These proposals are 4 of 13 developed by the Interested Parties, which 13 are attached for your awareness. The proposals are presented in order that they appear in FHMTL. The proposals include a narrative and recommended redline text.

Infrastructure Investment and Jobs Act (IIJA), to adjust the cap for assessing hazardous materials registration fees so that (1) small businesses do not bear an unreasonable burden in meeting revenue needs for emergency preparedness grants (EPG)³ and (2) new fee caps remain sufficient to meet the obligation ceiling set by the IIJA for EPGs. If additional funds above the IIJA ceilings are needed for one EPG program, authorization(s) for one or more of the other EPGs should be decreased to accommodate the adjustment.

Hazardous Materials Registration Fee Cap Correction (Proposal 4): In §5108(g), the \$3,000 cap on the amount that any one HazMat registrant could be required to pay to fund the EPGs was not adjusted to ensure that small businesses would not be unduly impacted by the increased obligation ceilings set by the IIJA in §5128(b) and (c). Fee payers support the retention of the current two-tier payment schedule based on whether a registrant qualifies as a “small business,” with caps set that would allow the collection of revenue authorized by the IIJA.

- Proposed legislative text:⁴

SEC. XXX. Hazardous materials registration fees.

Section 5108(g) of title 49, United States Code, is amended—

(1) in paragraph (1), by striking “(1) The Secretary” and inserting the following:

“(1) IN GENERAL.—The Secretary”; and

(2) in paragraph (2)—

(A) in subparagraph (C), by striking “(C) The Secretary” and inserting the following:

“(D) TRANSFER AND DEPOSIT.—The Secretary”;

(B) in subparagraph (B), by striking “(B) The Secretary” and inserting the following:

“(C) ADJUSTMENT.—The Secretary”; and

(C) by striking “(2)(A) In addition” and all that follows through the period at the end of clause (ix) of subparagraph (A) and inserting the following:

“(2) ANNUAL FEE.—

“(A) ESTABLISHMENT.—In addition to a fee established under paragraph (1), the Secretary shall establish and impose by regulation and collect an annual fee.

“(B) REQUIREMENT.—Subject to subparagraph (C), the fee established under subparagraph (A) shall be—

“(i) at least \$250 but not more than \$500 from each person that—

“(I) is required to file a registration statement under this section; and

“(II) is identified as a small business (within the meaning of part 121 of title 13, Code of Federal Regulations (or successor regulations)); and

“(ii) at least \$500 but not more than \$5,000 from each person that—

“(I) is required to file a registration statement under this section; and

“(II) is not identified as a small business (within the meaning of part 121 of title 13, Code of Federal Regulations (or successor regulations)).”.

³ EPGs directly funded by hazardous materials registration fees include: HMEP (Hazardous Materials Emergency Preparedness), SPST (Supplemental Public Sector Training), and HMIT (Hazardous Materials Instructor) grants. ALERT ([Assistance for Local Emergency Response Training](#)) grants are indirectly funded by fees that have been obligated under the three grant programs listed above and subsequently been recovered and de-obligated for non-use.

⁴ This text is identical to amendments proposed in the 118th Congress. See. HR 8996 and S 576.

EPG Obligation Limitations (Proposal 13): In §5128(b), we request no increase in the statutory EPG funding caps for programs funded by hazmat registration fees, given the 65 percent increase provided for EPGs by the IIJA. Even at pre-IIJA EPG funding levels, DOT does not distribute all the funds collected because it lacks qualified applicants and/or quality applications. Before any of the EPG funds are increased above IIJA levels, we suggest that all the EPGs be examined to determine if efficiencies can be achieved that will allow more emergency responders to be trained with existing revenue.

- No legislative text needed.

Incorporation of Proven Special Permits into the Hazardous Materials Regulations (Proposal 8): In §5117(f), there is a requirement that the Secretary analyze all special permits that have been in effect for 10 years to determine if they may be incorporated into the Hazardous Materials Regulations (HMR). The time required for a special permit to be in effect before it is eligible to be incorporated in the HMR should be reduced to six years. Six years is appropriate because special permits are issued initially for two years and renewed for an additional four years and we believe six years is sufficient time for PHMSA to determine if the activities authorized under a Special Permit are considered safe in transportation. Further, the Secretary should be required to conduct “incorporation” rulemakings at least every two years.

- Proposed legislative text.

SEC. XXX. Special Permits Regulatory Incorporation.

Section 5117(f) of title 49, United States Code, is amended—

(1) in paragraph (1), by striking “a 10-year” and inserting the following:

“a 6-year”; and

(2) by inserting at the end the following:

“(3) RULEMAKING. – Biennially, the Secretary shall initiate a rulemaking to incorporate into the hazardous materials regulations those special permits determined to meet the standard for incorporation under this subsection.”

International Standards Regulatory Incorporation (Proposal 8): In §5120, we propose that the Secretary of Transportation must publish any international harmonization rulemaking within a reasonable period of time after the biennial meeting of the United Nations Experts on the Transport of Dangerous Goods and issue any final rule at least six months before the standards’ mandatory compliance date.

- Legislative text.

SEC. XXX. International Standards Incorporation.

Section 5120 of title 49, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

“(c) HARMONIZATION OF SAFETY REGULATIONS. – To maintain alignment with international regulations and standards that are necessary to harmonize the regulations prescribed under this chapter with recent changes made to the International Maritime Dangerous Goods Code, the International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods by Air, and the United Nations Recommendations on the Transport of Dangerous Goods—Model Regulations, the Secretary shall issue final rules no later than July 1 of the year prior to the biennial January 1 effective date of these international regulations and standards.”

Thank you again for the opportunity to provide these recommendations. We look forward to working with you to reauthorize FHMTL. Meanwhile, if you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink that reads "Paul Rankin". The signature is written in a cursive, slightly slanted style.

Paul Rankin
Chair
Interested Parties for Hazardous Materials Transportation

Attachment – Consolidated Interested Parties FHMTL proposals.