

August 11, 2003

Dockets Management System
U.S. Department of Transportation
Room PL-401
400 Seventh Street, SW
Washington, D.C. 20590-0001

Re: Comments on Docket Number RSPA-03-15327 (HM-206B)

Dear Sir or Madam:

The purpose of this letter is to present the comments of the National Propane Gas Association (NPGA) on a proposed change to the hazard communication requirements of the hazardous materials regulations (HMR). This proposed change was published by DOT as part of a Notice of Proposed Rulemaking (NPRM) in the June 11, 2003 Federal Register (HM-206B).

NPGA is the national trade association of the LP-gas (principally propane) industry with a membership of about 3,800 companies, including 39 affiliated state and regional associations representing members in all 50 states. Although the single largest group of NPGA members is retail marketers of propane gas, the membership also includes propane producers, transporters and wholesalers, as well as manufacturers and distributors of associated equipment, containers, tanks and appliances. Propane gas is used in residential and commercial installations, in agriculture, in industrial processing, and as a clean air alternative engine fuel for both over-the-road vehicles and nonroad engines such as those used in forklifts.

NPGA's comments focus on a proposed modification made to §172.604 regarding the requirements for an emergency response telephone number. Specifically, RSPA proposes to add a sentence stating "...a telephone number that requires a call back (such as an answering service, answering machine, or beeper device) does not meet the requirements of paragraph (a) of this section; and..." NPGA is concerned that the addition of this statement will affect a number of our retail marketer members.

Retail marketers of propane often utilize devices such as answering services or beepers. This added provision would essentially require propane marketer employees to be considered first responders in order to comply with the *immediate access* requirements of the first sentence in paragraph (a). However, this is typically not the case as many

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marketers are not first responders nor are their facilities staffed on a continuous basis, i.e. 24 hours a day, seven days per week, even if some were first responders.

In nearly all cases, fire departments are considered the first responders to a hazardous materials transportation incident and they are typically trained in the properties of a product as widely used as propane. In recognition of the role of fire departments as first responders, NPGA, along with funding from the Propane Education Research Council (PERC), developed a program called "*Propane Emergencies*."

The program began in 1999 with the primary goal of improving firefighter safety. It consists of a comprehensive training curriculum on propane emergencies for the fire service that addresses typical emergency response scenarios and tactical guidelines and considerations for first responders. In addition, it covers the physical properties of propane and design and construction features of both bulk and non-bulk propane containers.

The curriculum consists of a 220-page Propane Emergencies textbook, a trainer's Facilitator Guide and a dedicated website (www.propanesafety.com). Finally, the program and its materials have been distributed to more than 70,000 fire departments and emergency response organizations across the United States at no cost.

The development of the Propane Emergencies program was based upon the premise that many retail propane marketers are not first responders and may not be the first entities contacted following a hazardous materials transportation incident. Thus, this program was designed with the intent of equipping those who are most often the first responders, i.e. the fire service, with the most useful, relevant information necessary to mitigate a variety of accident scenarios.

NPGA believes that the proposal stated in HM-206B does not increase the level of safety in responding to a propane transportation incident. We do believe it could place an undue burden on propane marketers, if adopted as stated. Therefore, we request that the added statement be withdrawn from consideration.

Thank you for the opportunity to comment on this proposal.

Sincerely,



Michael A. Caldara
Manager, Regulatory and Technical Services
National Propane Gas Association