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RSPA-2003-15327-14



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August 11, 2003

Associate Administrator for
Hazardous Materials Safety
U.S. Department of Transportation
400 Seventh Street, SW
Washington, DC 20590

Attention: Dockets Branch (DHM-31)

**Re: Comments on RSPA Docket 03-15327; HM-206B; Hazardous Materials:
Changes To The Hazard Communication Requirements, Including Revision Of
Design Of Labels And Placards For Materials Poisonous By Inhalation (PIH)**

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SERVICES

Dear Sir/Madam:

Praxair, Inc. is the largest supplier of industrial gases in North America and has a strong interest in DOT's Hazardous Materials Regulations, including those that apply to methods for communicating hazards associated with Hazardous Materials. This letter transmits Praxair's comments on Docket RSPA 03-15327 that addresses the Hazard Communication Requirements for hazardous materials.

If you have any questions about these comments, please contact me. I can be reached by telephone at (203) 837-2294 or via E-mail at "dave_sonnemann@praxair.com".

Very truly yours,

David B. Sonnemann
Manager, Transport Regulations & Fleet Safety

- CC: Dave Adams
- Randy Fletcher
- Amy Goelz
- Paul Kibbe
- Ron Maloney
- John Mitchell
- Ed Saccoccia
- Algirdas Vilkas

DOCKET NO. RSPA-03-15327:

HAZARDOUS MATERIALS: CHANGES TO THE HAZARD COMMUNICATION
REQUIREMENTS, INCLUDING REVISION OF DESIGN OF LABELS AND
PLACARDS FOR MATERIALS POISONOUS BY INHALATION (PIH)

(HM-206B)

COMMENTS By Praxair, Inc.

AUGUST 11, 2003

INTRODUCTION

Praxair, Inc. appreciates the opportunity to comment on RSPA Docket 03-15327 that proposes changes to the hazard communication requirements of the Hazardous Materials Regulations (HMR). Praxair has a large interest in this as well as other dockets related to the Transportation of Hazardous Materials as it is heavily regulated by DOT's Hazardous Materials Regulations and is the largest supplier of Industrial Gases in the United States. Praxair is commenting on the provisions of HM-206B that were published on June 11, 2003 as a notice of proposed rulemaking (NPRM) HM-206B, "Hazardous Materials: Changes to the Hazard Communication Requirements, Including revision of Design of Labels and Placards for Materials Poisonous by Inhalation (PIH)." (68 Fed. Reg. 34880-34897). Praxair is submitting comments on certain provisions in the Proposed Rule that directly affect our Company including:

- Amending marking requirements for LPG's that are not odorized.
- Clarifying wording that the use of beeper numbers and call-back systems does not meet the emergency response telephone number requirement of §172.604 for "immediate access;" and
- Revising the regulations to require larger skull and crossbones symbols in the upper black diamond, and

SPECIFIC COMMENTS

1. Amending Marking and Placarding for LPG's

Praxair supports DOT's proposal to require, in sections 49 CFR 172.301, 49 CFR 172.326, 49 CFR 172.328 and 172.330, the marking of the phrase NON-ODORIZED on containers for materials described by the LPG proper shipping name that are not odorized. This additional marking provides important information to Emergency Responders who have come to expect that hazardous materials classified as LPG will be odorized.

2. Clarifying Emergency Response Telephone Number Requirements

Praxair supports RSPA's proposal to state, in 49 CFR 172.604, that the use of beeper numbers and call-back systems does not meet the emergency response telephone number requirement for "immediate access." Praxair recognizes that emergency responders involved in mitigating a transportation incident cannot afford delays and understands that the number shown on the shipping papers should connect the caller directly to an individual with immediate access to information regarding the specific product(s), or immediate access to a person who possesses such knowledge and information. First responders need accurate and immediate information in order to properly mitigate an incident while also protecting those responding to the incident. This proposed clarification recognizes that the first responder may or may not possess extensive HAZMAT response experience and may need specialized guidance in identifying what response is appropriate. For this reason, PRAXAIR believes the individual answering the call should have immediate access to trained and HAZMAT qualified individuals that can assist the caller in obtaining the needed information.

3. Revised Labels & Placards for Materials Poisonous by Inhalation (PIH)

While supportive of the need to communicate the special hazards posed by materials classified as Poison Inhalation Hazard materials, PRAXAIR questions the necessity for the proposed increases in the size of PIH labels. Since October 1, 2001, RSPA has

required and Praxair complied with the requirements to use a PIH label and placard for both liquids (Division 6.1) and gases (Division 2.3) that are PIH materials. DOT has gone to considerable length to create unique labels and placards. The pictograms for PIH materials are unique and their size does not, in our judgment, need to be increased in order to improve their ability to communicate hazards. Furthermore, these labels and placards are unique to the transportation system in the USA and have not been adopted by the international transportation community. These labels and placards have become recognized by the emergency response community in the USA. PRAXAIR believes that the current labels and placards are distinctive and that an increase in the size of the upper quadrant of labels and placards is unnecessary because these labels are unique. The need to change a system for international shipment of PIH materials seems premature. Since emergency responders in the USA are the only responders using these unique labels & placards, recommends that DOT wait to revise the labels until these labels and placards become part of the international transportation requirements. Currently, emergency responders recognize the existing labels and placards and no change is necessary.

4. Removal of Placards from Rail Cars

PRAXAIR has not taken a position on the proposal to consider elimination of placards. We believe that the decision to remove placards should rest with those for whom placards were developed in the first place and who have the opportunity to use them most frequently.

CONCLUSION

PRAXAIR appreciates the efforts of RSPA in proposing changes published in this Notice of Proposed Rulemaking. We respectfully request the consideration of our comments and believe that RSPA's proposed changes will improve hazard communication and emergency response. If you have any questions or would like more information, please contact me at (203) 837-2294.