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August 30, 2007

Ms. Joan McIntyre
Transportation Regulation Specialist
Office of Hazardous Materials Standards
Pipeline and Hazardous Materials Safety Administration
U.S. Department of Transportation
1200 New Jersey Avenue, S.E.
Washington, D.C. 20590

RE: Request for Comments for Revisions of Requirements for Emergency Response Telephone Numbers [PHMSA/RSPA Docket No. 2006-26322 (HM-206F)]

Dear Ms. McIntyre:

On behalf of the nearly 13,000 chief fire and emergency officers of the International Association of Fire Chiefs (IAFC), I would like to submit these comments in response to the "Notice of Proposed Rule Making ("Notice") on Hazardous Materials: Revision of Requirements for Emergency Response Telephone Numbers" released by the U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration (PHMSA).

The proposed rule would clarify the requirements of the Hazardous Materials Regulations (HMR; 49 CFR parts 171-180) applicable to shipping papers for certain hazardous materials shipments. The HMR require that shipments of hazardous materials be accompanied by shipping papers and other documentation designed to communicate to transport workers and emergency responders the hazards associated with a specific shipment. This information must include the immediate hazard to health; risks of fire or explosion; immediate precautions to be taken in the event of an accident; immediate methods for handling fires; initial methods for handling spills in the absence of fire; and preliminary first aid measures. The information must be in writing, in English, and presented on a shipping paper or related shipping document (see Sec. 172.602). A person who offers a hazardous material for transportation also must provide an emergency response telephone number, including the area code or international access code, for use in the event of an emergency involving the hazardous material. This phone number must be answered by a person who has information or immediate access to information about the hazardous material being transported.

As a result of an accident or spill or leak involving a vehicle or vessel that carries hazardous materials, the vehicle or vessel operator may be unable to communicate the hazards of the materials being transported. First responders can prevent or reduce the amount of damage or injury at the scene if they have specific information regarding the hazardous materials being carried. The safety of the public and emergency responders, and the impact on business operations, may depend on how quickly information or assistance can be obtained about the hazardous materials being shipped, including the ability to speak with an individual who has specific expertise about the hazardous materials.

The IAFC supports the proposed rule change that specifies the identification of the original shipper if that shipper is the registrant for the emergency telephone number.

The IAFC would like to emphasize the following concerns:

- The identification of the original shipper must be clearly identified on the shipping documents to minimize confusion to the emergency responder attempting to identify a responsible party. The original shipper must be identified as responsible for providing information about the hazardous material.
- The HMR should require that the emergency contact, or the identified person with comprehensive emergency response and incident mitigation information, be clearly able to speak the English language. The HMR requires that all written documentation be provided in English. The intent of 49 CFR Part 172 is to clearly communicate the hazards associated with a specific shipment to transport workers and emergency responders. This intent would be best advanced if the requirement mandated that all communication, whether verbal, electronic, or written, be in the English language.
- The current rule should specify that the emergency contact be located in the United States for the purposes of 49 CFR Part 172. A rule change that requires a U.S.-based emergency contact entity would prevent any delay in a first responder attempting to make an international call from a remote location or emergency scene. Communication systems deployed by many first responders restrict calls and may not allow a direct international call.

In summary, the ability to safely mitigate emergency involving hazardous materials requires immediate access to accurate information about the product, including communication with knowledgeable specialists about the specific hazardous materials shipment from the manufacturers involved. While there are a multitude of general reference materials available for emergency response, none should serve as a substitute for direct contact with the shipper who has the most knowledge of the product.

We believe that the following specific recommendations should be included in the revision to 49 CFR Part 172:

- The rule should require that shipping documents clearly identify one primary contact for a hazardous material shipment. This contact should be clearly referenced on the shipping papers.
- The rule should require that the person, who is identified in the shipping documents as knowledgeable about the hazardous materials being shipped and having comprehensive emergency response and incident mitigation information for that material, be able to communicate that information in the English language.
- The rule should require the entity identified as the emergency contact to have at least one 24-hour point of contact located in the U.S. or have a U.S.-based telephone number to prevent a delay caused by international calling.

If you have any questions about these comments, please feel free to call Ken LaSala, the Director of Government Relations, at (703) 273-9815 x347.

Sincerely,



Chief Steven P. Westermann, CFO
President