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U. S. DEPARTMENT OF TRANSPORTATION  
OFFICE OF THE SECRETARY  
WASHINGTON, D. C. 20590

STATEMENT OF BENJAMIN O. DAVIS, JR., ASSISTANT SECRETARY FOR SAFETY AND CONSUMER AFFAIRS, U.S. DEPARTMENT OF TRANSPORTATION, BEFORE THE SUBCOMMITTEE ON GOVERNMENT ACTIVITIES OF THE HOUSE COMMITTEE ON GOVERNMENT OPERATIONS, REGARDING THE TRANSPORTATION OF HAZARDOUS MATERIALS, WEDNESDAY, NOVEMBER 17, 1971.

Mr. Chairman, I am Benjamin O. Davis, Assistant Secretary for Safety and Consumer Affairs for the Department of Transportation. I am accompanied by William J. Burns, Director of the Office of Hazardous Materials, and Lawrence W. Bierlein, Counsel for the Office of Hazardous Materials. Also, I have with me the members of the Department's Hazardous Materials Regulations Board, each of whom is intimately familiar with the hazardous materials functions of his respective operating administration.

I welcome the opportunity to appear before you to discuss the Department's activities relating to the transportation of hazardous materials and to apprise you of our accomplishments since the Department last appeared before this committee in September 1969.

At the outset I wish to state my profound concern and interest in the Department's hazardous materials program, and to assure you that every effort is being made to make this program the viable activity contemplated by the Congress. As you are no doubt aware, The Office of the Assistant Secretary for Safety and Consumer Affairs was established in the Department during fiscal year 1971. Responsibility for coordination

of the Department's hazardous materials safety program was placed in this office upon its establishment. Since I assumed the position of Assistant Secretary in June of this year I have made every attempt to become knowledgeable of this program and to pinpoint those areas where improvements may be made within the limits of our current resources and authority.

When Secretary Volpe testified before your committee in 1969, he related to you certain actions the Department would take provided the resources were made available. I would like to briefly review the major actions and indicate their current status in order to bring you up to date.

At that time, it was anticipated that we would establish environmental standards to identify and quantify the transportation parameters of shock, vibration, pressure, puncture, impact, heat, cold, and humidity. In 1970 we initiated a project to survey environmental conditions defining the transportation environment. This study involved a survey of test methods currently used for simulating the transportation environment. This data will be used to modernize and update the regulations for the transportation of hazardous materials by all modes.

It was also stated that we would develop an all-mode, simple, effective system for classifying hazardous materials by type and degree of potential hazard. In 1969 a study was made in conjunction with the National Academy of Sciences to ascertain that information which would enable us to develop a revised regulatory program. Also, an analysis was made of commodity

list classification of hazardous materials shipping descriptions. In 1970 studies were made regarding development of hazard classification schemes to determine the needs of different public segments. In addition, an effort is underway to validate present items classified as poisons and to develop toxicity data on toxic materials for which such data is not currently available. We also have efforts underway relating to oxidizing materials, flammable solids, and explosives classification.

In the foregoing areas, a number of rule-making actions have been initiated pertaining to classification and labeling, combustible liquids, the classification of health and corrosive hazards, and the determination of flash points for flammable and combustible liquids.

Secretary Volpe also indicated that we would develop performance-based regulatory standards for containers and packaging that reflect the influences of hazard classification, the transport environment, and container size.

A series of tests have been and are currently being conducted on existing containers to determine their suitability in relation to the hazard associated with the commodity to be transported. Rule making actions have been taken relating to new and reconditioned steel drums, portable tanks, and compressed gas cylinders. Projects are underway for future rule making actions relating to consolidation of steel drum specifications and cylinder specifications, and the development of tank truck specifications for cryogenic materials.

Mr. Chairman, the foregoing are but a few of the activities undertaken to implement the actions promised by the Secretary. There are several others such as the establishment of an effective reporting system, which went into effect on January 1, 1971; the establishment of an information facility to accumulate and digest accident experiences, which is now underway; and the establishment of a uniform system for identifying shipments of hazardous materials, which program has been developed to the stage where we intend to publish a Notice of Proposed Rule Making setting forth hazard information guides and a uniform labeling and placarding system designed to meet the needs of emergency and enforcement personnel in case of an accident, or to aid in the prevention of an accident.

The main objectives of the Office of Hazardous Materials during fiscal year 1972 may succinctly be described to include (1) a revision and standardization of format for all hazardous materials regulations of the Department, (2) a regulatory system based on technically standardized criteria encompassing all transportation modes, (3) the analysis of accident information to determine future regulatory actions, (4) greater control over shipper and manufacturer practices, (5) withdrawal of questionable delegations of authority, and (6) conversion of a major percentage of the existing special permit program into permanent regulations.

Mr. Chairman, this concludes my prepared statement, I will be pleased to answer any questions you or the other committee members may have.