

STATEMENT OF ALAN I. ROBERTS, DIRECTOR

OFFICE OF HAZARDOUS MATERIALS TRANSPORTATION
RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION
UNITED STATES DEPARTMENT OF TRANSPORTATION

BEFORE THE
SUBCOMMITTEE ON INVESTIGATIONS AND OVERSIGHT
OF THE
HOUSE COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

AUGUST 2, 1989

Good morning. I am pleased to be here to present the views of the Department of Transportation regarding the issue of transporting hazardous material or solid waste in motor vehicles that are also used to transport food, drugs, or cosmetics. Mr. Chairman, in your letter of invitation to the Secretary, you asked us to identify any relevant statutory authorities and address the Department's role.

The Hazardous Materials Transportation Act of 1974 (HMTA) provides the primary legislative authority for assuring the safe transportation of hazardous materials by all modes of transportation. Generally, the Secretary's authority to implement the Act has been delegated to the Research and Special Programs Administration (RSPA), except that enforcement is shared by the Department's modal administrations. The Act requires the Secretary to establish a regulatory program to carry out the purposes of the Act and to "protect the Nation adequately against the risks to life and property which are inherent in the transportation of hazardous materials in commerce." Under the HMTA, a hazardous material means a

substance or material which the Secretary of Transportation has determined may pose an unreasonable risk to health, safety, and property. The term "hazardous material" includes hazardous substances and hazardous wastes subject to EPA's Hazardous Waste Manifest Requirements. The term generally does not include municipal solid waste or garbage.

The Department's Hazardous Materials Regulations (HMR) include a comprehensive system of regulations pertaining to the preparation of shipping papers, placarding of vehicles, preparation and use of packagings, marking and labeling of packagings, loading of vehicles, and other transportation operations. The intent of the regulations is to communicate the presence of hazardous materials during transportation, reduce the potential for accidents during transportation, and reduce consequences should an accident occur.

Our statutory authority thus is to regulate the transportation of hazardous materials to protect the public adequately against the risks involved in transporting those materials. Our authority under the HMTA does not extend directly to regulating the health and safety aspects of food or consumer commodity transportation. Only by means of regulating hazardous materials can we reach the issue of public health and food safety. For example, we currently prohibit the transportation of DOT Class A and B poisons in the same vehicle or compartment

with any foodstuff, feed, or any edible material intended for consumption by humans or animals, unless the package containing the poison material is specially overpacked. Class A and B poisons are materials that present a very high risk to humans and animals when ingested, inhaled, or touched, even in very small quantities. We also require that any vehicle used to transport a poison material be inspected for contamination prior to reuse and that any contamination be removed before returning the vehicle to service.

This issue is a public health concern that should be addressed by the agency or agencies with the technical expertise and regulatory responsibility for such concerns, such as the Department of Agriculture and the Food and Drug Administration in the Department of Health and Human Services. We have met with the other Federal agencies examining the issue, and agreed that we need better public and industry awareness of this problem. We believe the best approach at this time is to identify the scope and extent of the problem and develop appropriate measures to address that problem.

That concludes my statement. I would be happy to answer any questions you may have.