



**WELCOME** to the April-May 2003 edition of the newsletter. This free service is dedicated to the professionals who are responsible for DOT hazmat compliance (and also for some of you RCRA professionals, too). Please pass on the good news about this free service to others.

**DOCKET ACTIONS** these last two months have been acceptable...except for May 5<sup>th</sup>! Here's what's new.

• **April 18<sup>th</sup>**: RSPA published final rule HM-213 concerning a number of revisions to the HMRs to update and clarify the regulations on the construction and maintenance of cargo tank motor vehicles. The effective date of the rule is October 1, 2003 with voluntary compliance May 18<sup>th</sup>.

• **April 28<sup>th</sup>**: The FMCSA published the final rule, *Hours of Service of Drivers; Driver Rest and Sleep for Safe Operations*. The intent is to provide drivers with better opportunities to obtain sleep, thereby reducing accidents. The effective date is June 27<sup>th</sup>, except for 49 CFR 395.0 with is effective from June 27, 2003 through June 30, 2004.

• **May 5<sup>th</sup>**: The FMCSA published an interim final rule (with requests for comments) concerning the limitations on the issuance of commercial driver's licenses with a hazmat endorsement. The amended regulations prohibit states from issuing, renewing, transferring or upgrading a CDL with hazmat endorsement unless the Transportation Security Administration (TSA) has first conducted a background records check of the applicant. The rule went into effective on the day of publication. State compliance with the rule is November 3, 2003. Comments are due to RSPA by July 7<sup>th</sup>.

• **May 5<sup>th</sup>**: The TSA published the interim final rule, *Security Threat Assessment for Individuals Applying for a Hazardous Materials Endorsement for a Commercial Drivers License*. This is the sister rule to the FMCSR rule published the same day.

• **May 5<sup>th</sup>**: RSPA published the interim final rule HM-232C, *Enhancing Hazardous Materials Transportation Security*. This docket requires shippers and transporters of certain hazmat to comply with federal security regulations that apply to motor carrier and vessel transport, and also revises the procedures for applying for an exemption from the HMRs to require applicants certify compliance with applicable federal transport security laws and regulations. The rule was effective on the published date with comments due by June 4<sup>th</sup> (but they say they'll take late comments). I'm beginning to get security shock syndrome!

• **May 8<sup>th</sup>**: RSPA published a response to appeals concerning the final rule, HM-220D, *Requirements for Maintenance, Requalification, Repair and Use of DOT Specification Cylinders*. The docket also extends the compliance date for some aspects of the rule and makes minor corrections. The

effective date is June 9<sup>th</sup>.

• **May 30<sup>th</sup>**: There's a public meeting coming up on June 18<sup>th</sup> with follow-up on July 16<sup>th</sup> at the DOT building in DC. The meetings concern the 23<sup>rd</sup> session of the UN Subcommittee of Experts on the Transport of Dangerous Goods (to be held in Geneva, Switzerland on June 30-July 4).

• **May 30<sup>th</sup>**: RSPA published the final rule of HM-218A, *Unloading of Intermodal and UN Portable Tanks on Transport Vehicles*. RSPA is amending the regulations to permit, for an interim period subject to certain conditions, the unloading of IM and UN PTs transporting certain liquid hazmats when the tanks are not equipped with a thermal means of remote activation of the internal self-closing stop-valves fitted on the bottom discharge outlets. The rule is effective on June 30<sup>th</sup> with immediate voluntary compliance.

**WE'RE SADDENED BY A GREAT LOSS.** On March 17<sup>th</sup> I was informed of the death of a great friend and fellow professional.

Ms. Shirley O'Rourke passed away after complications from surgery. Shirley had many years in the transport arena. She was a beacon of what is good and she will be greatly missed. I'm fortunate...I had the honor of knowing her. It was her goal to make sure that quality assurance was integrated completely into all aspects of a hazardous materials transport program, especially packaging. She was clearly ahead of her time. God bless you, your family and your countless friends. I look forward to seeing you again someday in the future.



**THANK YOU FOR ALL THE CALLS** about our training schedule. Our next offering is the Advanced DOT Rad Transport Workshop, July 28-August 1 in Richland, WA. Call us for more info or check out our website at [www.regulatoryresources.net](http://www.regulatoryresources.net).

**KEEP ON THE LOOK OUT FOR** some big dockets that should be coming out as final rules. Anticipated dates...

- HM-215E (Misc to IMDG/ICAO): June 2003
- HM-223 (Loading/Unloading): August 2003
- HM-224C (Lithium Batteries): June 2003
- HM-229 (Incident Reporting): June 2003
- HM-230 (Class 7 to IAEA Req'ts): October 2003

Whew! I suggest you get plenty of rest, take two aspirin and call me in July. We're here to help you out.