



Dangerous Goods Advisory Council

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March 14, 2006

Office of Hazardous Materials Standards
Pipeline and Hazardous Materials Safety Administration
Attention: PHH -1
US Department of Transportation
400 7th St. SW
Washington, DC 20590-0001

Re: Final Rule under Docket No. PHMSA – 05-22461 (71 FR 8485; February 17, 2006)

The Dangerous Goods Advisory Council (DGAC) appeals PHMSA Final Rule Docket No. PHMSA – 05-22461 in accordance with 49 CFR Part 106.

INTRODUCTION

DGAC is a non-profit educational organization that promotes hazmat transportation safety by providing classroom training, seminars and conferences, and participation in domestic and international regulatory activities in its promotion of not only safe, but also efficient transportation of hazardous materials/dangerous goods in commerce.

BASIS FOR APPEAL OF THE FINAL RULE

DGAC appeals the final rule because it fails to define the terms “serious illness”, “severe injury”, and “substantial destruction of property”. Without definitions of these terms, the criteria under which the maximum penalties authorized may be applied is unclear to our members, and likely will be to DOT’s personnel involved in hazmat enforcement programs. In addition, we are very concerned that the terms will be interpreted and applied differently by DOT’s operating administrations and the Coast Guard.

DGAC recommends that definitions for the terms be developed through the rulemaking process, beginning with a Notice of Proposed Rulemaking.

Sincerely,

Michael Morrisette
President