



February 15, 2007

Docket Management System  
US Department of Transportation  
400 7th St. SW  
Nassif Building, Room PL-402  
Washington, DC 20590-0001

**Re: PHMSA – 061101-001, Petition for rulemaking by the National Association of State Fire Marshalls (NASFM) on the regulation of polyurethane foam as a hazardous material (P-1491)**

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.

DGAC appreciates the opportunity to offer comments on the NASFM petition to regulate polyurethane foam as a hazardous material. While DGAC appreciates the concerns expressed by the NASFM, DGAC does not consider the petition compelling and recommends that PHMSA deny the petition. Our reasons are briefly summarized as follows:

1. The Hazardous Materials Regulations (HMR) provide a criteria based system that already includes relatively conservative classification criteria for flammable solids under Division 4.1. While DGAC has not conducted its own technical analysis, it appears, based on NASFM's comments, that polyurethane foam does not meet these criteria or any other criteria for classification as a hazardous material. DGAC considers it inappropriate to deviate from the existing classification criteria.
2. Emergency responders and the public have developed a highly cautious attitude toward hazardous materials. With polyurethane foam in such wide usage, its classification as a hazardous material has the potential for instilling an air of complacency with respect to hazardous materials in general. This could have the adverse effect of diminishing the overall effectiveness of existing hazardous materials emergency response programs.
3. Classification of polyurethane foam as a hazardous material could have a significant impact, affecting a large segment of the transportation industry not currently subject to hazardous materials transportation regulations, including the furniture industry and the household goods moving industry.
4. Firefighting, even in the absence of hazardous materials, is inherently dangerous. It involves potential exposure to the release of toxic gases, rapidly burning materials, rapid generation and release of heat and launching of projectiles. Firefighters are trained to take precautions against these conditions. The current DOT Emergency Response Guidebook, at the bottom of page 6, notes the potential for harm when regulated hazardous materials are not present. The potential fire consequences posed by household items containing polyurethane foam

would appear to be commensurate with many other materials that are not subject to the HMR.

5. While oftentimes materials not subject to the HMR have the potential for extensive damage in tunnels, we do not consider the HMR to be the appropriate means of controlling risks to tunnels posed by nonhazardous materials. In fact, the referenced Mont Blanc tunnel fire which resulted in 39 deaths and an estimated cost of \$2.5 billion involved the burning of 9 tons of margarine, road bed material and nearby vehicles.

Upon taking our comments above into consideration, we respectfully request the petition be denied.

Sincerely,

A handwritten signature in black ink that reads "Michael Morrissette". The signature is written in a cursive, slightly slanted style.

Mike Morrissette  
President