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NATIONAL TRANSPORTATION SAFETY BOARD WASHINGTON, D.C.

ISSUED: August 14, 1979

Forwarded to:

Honorable W. Graham Claytor
Acting Secretary
Department of Transportation
400 Seventh Street, S.W.
Washington, D.C. 20590

SAFETY RECOMMENDATION(S)

I-79-1 through -4

The Safety Board has investigated eight serious transportation accidents since 1972 which involved hazardous materials in transit. These accidents which occurred in rail, air, and highway carrier operations resulted in many injuries and fatalities as well as extensive property losses because of the release of hazardous materials. In nearly every one of these accidents, an instance of noncompliance with the hazardous materials safety regulations was noted in the areas of packaging, labeling, recordkeeping/documentation, or quantity limits. Since regulations governing the shipment of hazardous materials, currently published in Titles 46 and 49 of the Code of Federal Regulations, have been in effect since 1900, the Safety Board undertook a special study to determine the reasons for noncompliance. 1/

In completing this study, the Safety Board learned that there is agreement between the government and industry about perceived reasons for noncompliance with the hazardous materials safety regulations in six areas. These reasons are:

1. The regulations are complex and difficult to understand.
2. Industry interrelationship complexities.
3. Economic pressures.
4. Industry personnel often are unaware of the regulations.
5. Lack of available training for inexperienced personnel.
6. Indifference.

The study revealed that although there is a broad overlapping of these reasons, each reason focuses on a problem area which requires a solution that is somewhat different from the others.

Another significant finding is that the number of hazardous materials shipments that are not in compliance is unknown. This means that it is impossible to measure just how effectively the DOT compliance program is working.

1/ For more detailed information read "Special Study—Noncompliance with Hazardous Materials Regulations" (NTSB-HZM-79-2).

As the result of this special study, the National Transportation Safety Board recommends that the Department of Transportation:

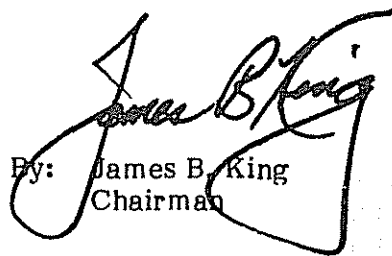
Expedite the ongoing DOT program of evaluating every hazardous materials safety regulation with the objective of revising each regulation so that the persons who need to use them can understand them. (Class II, Priority Action) (I-79-1)

Publish all nonemergency amendments to the regulations, simultaneously and at regular intervals such as semiannually, with a cross-reference index, that also includes all previously released emergency amendments. (Class II, Priority Action) (I-79-2)

Expand the MTB compliance program to work through the executives of shipping companies as a means of improving compliance with regulations through increased industry awareness and as a means of eliciting from these executives information on the effectiveness of the regulations. (Class II, Priority Action) (I-79-3)

Expand the hazardous materials regulations compliance assurance program by formalizing compliance policies and management systems that will serve as a model for other departments with regulatory responsibility, and that ultimately will lead to the ability to measure the effectiveness of the program. (Class III, Longer Term Action) (I-79-4)

KING, Chairman, McADAMS, GOLDMAN, and BURSLEY, Members, concurred in the above recommendations. DRIVER, Vice Chairman, did not participate.


By: James B. King
Chairman