

NATIONAL TRANSPORTATION SAFETY BOARD  
WASHINGTON, D.C.

SP-20

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ISSUED: November 29, 1983

Forwarded to:

Mr. Robert Shertz  
President  
Matlack, Incorporated  
10 West Baltimore Avenue  
Lansdowne, Pennsylvania 19050

SAFETY RECOMMENDATION(S)

I-83-3

About 11:00 a.m., e.s.t., on October 13, 1982, an eastbound tractor/cargo-tank semitrailer, owned and operated by Matlack, Incorporated, overturned when its driver took evasive action to avoid a head-on collision with a westbound pickup truck with another pickup truck in tow that crossed the centerline on State Route 299 approximately one-fourth mile west of Odessa, Delaware. The tank-trailer contained 5,600 gallons of divinylbenzene (DVB), 150 gallons of which leaked from the tank through a clean-out cap and a pressure relief device in the dome. As a result of the accident, five persons were treated for injuries at a local hospital; four (including the two Matlack drivers) were released and one was admitted for further treatment. In addition, 48 emergency response persons were treated and released for respiratory problems and skin rashes associated with exposure to the DVB.

Police officers were notified of a highway accident but were not informed that a hazardous material was involved. Upon arrival, police and ambulance crews devoted their activities to site security and first-aid to the crash victims.

The first arriving police officers reviewed the shipping papers and then returned them to the driver. The shipping papers described the cargo as "5,600 gallons of COMBUSTIBLE LIQUID, not otherwise specified (n.o.s.) (Divinylbenzene, 55, Inhibited) NA 1993." The truck was properly placarded in accordance with Department of Transportation regulations.

Approximately 100 emergency response personnel responded to the accident, but none of them had either previous experience or formal training for handling a hazardous materials transportation accident.

About 1 hour after the crash, emergency response persons began complaining of respiratory and skin problems, and 48 of them were evacuated from the accident site and taken to a hospital for treatment, including the police officers who initially examined the cargo's shipping papers. About the same time, Matlack's drivers were also transported to a hospital and carried the shipping papers with them.

When Matlack officials arrived at the accident site, they immediately searched the truck cab for the shipping papers and found only the drivers' logs and some personal items. Emergency response personnel reportedly asked to inspect the shipping papers to confirm the identity of the cargo and to obtain additional information necessary for the response activities. Police called the hospital where the drivers were being treated and requested a verbatim reading of the documents. This information was transmitted to the scene. Later, police officers were dispatched to a motel near the Philadelphia airport, where the drivers had been taken after their release from the hospital, to secure the documents from the drivers. The drivers reportedly told the police officers that the papers could not be released because of unspecified company needs relating to the damaged load.

At 6:00 a.m. the following morning, at the request of Environmental Protection Agency and U.S. Department of Transportation officials, police officers again drove to the motel to obtain the papers. The drivers were transported to police headquarters, questioned, and served with a Federal subpoena by the Federal Bureau of Investigation ordering the release of all documents relating to this shipment.

Matlack officials reported that the shipping papers were kept by the drivers because the drivers feared that the papers "might disappear or become lost in the confusion." Such action, however, is not in accordance with Federal regulations. 49 CFR 177.817(e) states, in part:

A driver of a motor vehicle containing hazardous material, and each carrier using such a vehicle, shall ensure that the shipping paper required by this section is readily available and recognizable by authorities in the event of accident or inspection.

and that:

When the driver is not at the vehicle's controls, the shipping papers shall be: (a) In a holder which is mounted to the inside of the door on the driver's side of the vehicle; or, (b) on the driver's seat in the vehicle.

The regulations do not provide for the discretionary safeguarding of shipping papers by drivers of hazardous materials shipments. Moreover, 49 CFR 177.800 requires the carrier to thoroughly instruct its employees on the foregoing regulations.

The Safety Board requested that Matlack provide documents:

"...establishing Matlack's policy for action to be taken by drivers in the event of an accident involving the release of hazardous materials--actions relative to informing Matlack officials, relative to the disposition of shipping papers and transportation documents, and relative to providing information or assistance to first arriving emergency response personnel."

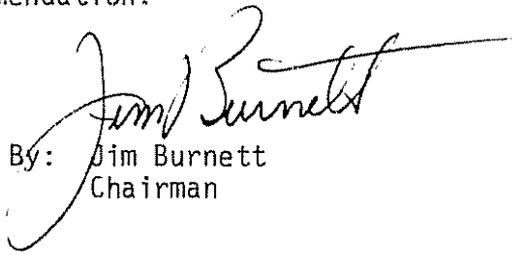
In response, Matlack provided the Safety Board a copy of its Driver's Manual and pointed out two sections, "In Case of Accident" and "Emergency Procedures" (for hazardous materials cargo). The Safety Board reviewed the manual and found no mention of what drivers should do with shipping papers in an emergency.

Therefore, the National Transportation Safety Board recommends that Matlack, Incorporated:

Revise its Driver's Manual to include information on the purpose and intent of making shipping papers continuously available to response personnel at the scene of a hazardous materials accident and thoroughly instruct its employees regarding these procedures. (Class II, Priority Action) (I-83-3)

The National Transportation Safety Board is an independent Federal agency with the statutory responsibility "...to promote transportation safety by conducting independent accident investigations and by formulating safety improvement recommendations." (P.L. 93-633). The Safety Board is vitally interested in any actions taken as a result of its safety recommendation and would appreciate a response from you regarding action taken or contemplated with respect to the recommendation in this letter.

BURNETT, Chairman, GOLDMAN, Vice Chairman, and McADAMS, BURSLEY, and ENGEN, Members, concurred in this recommendation.

  
By: Jim Burnett  
Chairman