

Consistency**Compliance****Communication**

**U.S. DOT Independent Inspection Agency Meeting Minutes
September 21-22, 2011
FMCSA National Training Center – Arlington, VA**

Attendees

DOT		IIA	
Dr. Magdy El-Sibaie	DOT/PHMSA	Joe Cassidy	Arrowhead Ind. Services
Ryan Posten	DOT/PHMSA	Henry Hansen	Global Approvals
Ryan Paquet	DOT/PHMSA	Maureen Albrecht	Steigerwalt Associates
Duane Cassidy	DOT/PHMSA	Ernie Steigerwalt	Steigerwalt Associates
Wayne Chaney	DOT/PHMSA	Charles Strosnider	Bureau Veritas
Billy Hines	DOT/PHMSA	Russ Stading	Cylinder Services
Vasco Espinoza	DOT/PHMSA	John Harris	T.H. Cochrane Lab.
Scott Simmons	DOT/PHMSA	Oberst Mulet	HSB Global Standards
Colleen Abbenhaus	DOT/PHMSA	Nino Olivares	HSB Global Standards
Kenny Herzog	DOT/PHMSA	Julie Hoskinson	HSB Global Standards
Refaat Shafkey	DOT/PHMSA	Mike Phares	Professional Service Ind.
Mark Toughiry	DOT/PHMSA	Shawn Mashburn	Arrowhead Ind. Services
Cheryl W. Freeman	DOT/PHMSA	R.G. Wilson	Arrowhead Ind. Services
Linda Cooper	DOT/PHMSA	Frank Jensen	Authorized Testing
Isreal Mallard	DOT/PHMSA	David Fountain	Authorized Testing
Diane Jones	DOT/PHMSA		
Christina Tackett	DOT/PHMSA		
Alisa Chunephisal	DOT/PHMSA		
Gail Twitty	DOT/PHMSA		
Benjamin Smith	DOT/PHMSA		
Zeudi Bartrum	DOT/UNISPEC		
Shirley Ward	DOT/UNISPEC		

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Duane Cassidy (Opening Comments):

- Welcome
- It has been three years since the last IIA Meeting.
- Meeting minutes and presentations will be posted on PHMSA's website.
- PHMSA's goal is to ensure all inquiries are appropriately responded to in an efficient manner, the best methods of contact are (in this order):
 1. The Hazardous Materials Information Center: 1-800-467-4922 (0900h to 1700h Monday through Friday).
 2. Email sent to approvals@dot.gov, with CC to Duane Cassidy
 3. Direct contact to approvals personnel.
- PHMSA is planning to host at least one IIA group meeting every two years and will host semi-annual conference calls.
- There have been a number of changes in PHMSA over the last two years. Many as a result of the findings of the House Transportation and Infrastructure investigation and USDOT Inspector General's Audit. PHMSA is reviewing all programs and procedures.

Introduction of Attendees

Duane Cassidy: Approvals and Permits – Moving Forward

- The Pressure Vessel Program no longer handles on-site approval inspections. They are now handled by Field Operations staff.
- Theme of the meeting was "Consistency, Compliance, & Communication".
- PHMSA will be meeting with all Third Party Entities to discuss changes and approval requirements (i.e., explosive laborites, 3rd-Party Packaging Labs, etc) .
- PHMSA's mission is to protect people and the environment from the risks inherent in transportation of hazardous materials
- Restructuring
 1. PHH30 – Approvals and Permits Division
 2. PHH31 – General Approvals and Permits (Donald Burger)
 3. PHH32 – Energetic Materials (Harpreet Singh)
 4. PHH33 - Pressure Vessels (Duane Cassidy)
- The Approvals and Permits Division are processing numerous amounts of approvals and permits. To date over 14,000 applications and 3,000 permits have been processed.
- The Approvals and Permits Division backlog have been reduced significantly.
- Standard Operating Procedures (SOP) are posted on the PHMSA webpage.
- The Approvals and Permits Division is redefining policies within the agency.
- PHMSA no longer issues Special Permits to associations.

Associate Administrator, Dr. Magdy El-Sibaie

- He has been with PHMSA for over 3 years.
- In that time, he has conducted reviews of the Approvals System.

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- PHMSA's #1 function is "Safety" and it will not be jeopardized.
- Time limit on PHMSA Approvals is 5 years. No approval will be issued for more than 5 years without a verification of fitness of the applicant.
- IIA's have been authorized to act on the behalf of DOT. IIA's will be required to meet the same standard of inspection as DOT Field Inspectors.
- IIA's cannot assist applicants in the application process by submitting applications for their clients.
- IIA's must act independently of the entity they are inspecting.
- Ethical conduct is extremely important in PHMSA. Any evidence of unethical conduct will result in the termination of the IIA's approval.

Duane Cassidy: Approvals and Permits – Moving Forward

- Reinforce the theme of the meeting "Consistency, Compliance, & Communication".
- PHMSA hired and trained new employees in the Approvals and Permits Division.

Ryan Paquet: Director, Approvals and Permits Division

- We need consistency across the board with all applications.
- PHMSA's main mission is safety. IIA's assist PHMSA in making sure that all cylinders are safe.
 - There were 2 recent cylinder incidents in Florida and California. These events showed the importance of this mission.

Duane Cassidy: Approvals and Permits – Moving Forward

- IIA Show Cause Letters were drafted and distributed prior to this meeting.
- The Pressure Vessels Staff conducted GAP analysis of the cylinder program.
- PHMSA is taking steps forward to correct items, communicate effectively and outline issues in order to increase applicant's accountability.

Gap Analysis Report

- PHMSA has acknowledged that many manufacturer approvals exist outside the U.S. without a 5 year expiration date. PHMSA has initiated re-inspection program for all approved foreign manufacturers, which will include modifying approvals to incorporate expiration dates.
- PHMSA's field operations staff now performs fitness inspections overseas for the cylinder program in lieu of the Approvals and Permits staff.
- Existing data – regarding cylinder manufacturers. PHMSA is reviewing historic files to determine if the manufacturer is still active. This review is being conducted to ensure the files contain updated information with regards to cylinder specifications, designs, drawing numbers, etc.

- **FUTURE GOALS – Pressure Vessel Staff**

- We will assist the Office of Standards with developing regulatory changes in the cylinder program.
- We will schedule a public meeting with the international IIA's in the near future.
- PHMSA will work towards ideology of reciprocity with Transport Canada as well as update policy approval letters.
- We will tighten oversight of cylinder manufacturers and update the CGA-1 pamphlet.

- **FITNESS REVIEW**

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- All applicants for approval are reviewed for fitness based on compliance and incident history.
- **I.T. INITIATIVES**
 - PHMSA has updated on-line Special Permits and Approvals Processing System.
 - Expiration Email Notification to holders is 120 days.
- **REVIEW OF IIA APPROVAL PROVISIONS AND POLICIES**
 - Read the MISSION STATEMENT
- **AGENCY GOALS**
 - In PHMSA, safety is the number 1 objective and IIA's are directly impacted.
 - PHMSA is committed to environmental stewardship, reliability, global connectivity, and preparedness and response.
- **IIA SHOW CAUSE LETTERS**
 - PHMSA has the authority to issue letters prior to modification or termination of any approval. IIAs may respond in writing within 30 days to show cause why the proposed action should not be taken.
- **IIA DRAFT APPROVAL REVIEW –**

The proposed following modifications to the IIA approval were discussed:

- Companies must inform PHMSA with documents when there is a change in information.
- Every IIA must be able to conduct verification testing and each IIA must make a recommendation whether applicants meet requirements.
- Recommendations should not be made without compliance and corrective actions must be finalized prior to making a recommendation for an approval.
- Manufacturing stamps must be on file otherwise use IA01 Mark.
- IIA's must not request status or submit application for an applicant because it is a violation of independency.
- IIA's are responsible for submitting listing of their company's current capabilities to perform verification testing.
- IIA's must submit the name of each company used as a subcontractor and the listing of all subcontracting companies must be on file with PHMSA prior to performing testing.
- All IIA's staff must meet the educational requirements and the certifications must be on file in accordance with 49 C.F.R. 172.700-704, especially with new applicants.
- IIA's and applicants have a right to a due process to inquire further involvement in inspection process.
- **ADDENDUM A:** No changes – Official Inspection Report
- **ADDENDUM B: REQUIREMENTS FOR IIA.** UN/ISO should be a part of IIA Education and Experience Requirements.

Wayne Chaney: DOT/PHMSA

- Please be very specific and send in changes ASAP for the Semi-Annual Report.
- IIA's cannot conduct on-site training during an audit.
- Without a letter of recommendation an application will not be processed by PHMSA.
- Fitness Inspections conducted by IIA vs. Compliance Inspections conducted by PHMSA
 - PHMSA is responsible for enforcing safety and compliance of the applicable regulations pertaining to cylinders.

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- To get an electronic version of this discussion, email wayne.chaney@dot.gov.
- Fitness and Compliance must mirror each other.
- IIA must document that they have reviewed past records and how far back the records went.

- **COMPLIANCE ISSUES**
 - All requalifiers should have on hand current CFRs, Reference CGA's and all applicable special permits.
 - If applicant is testing a Special Permit cylinder, they must have a copy of the Special Permit.
- **TEST RECORDS**
 - All required items must be noted in test records
 - All test reported must be explained thoroughly.
 - The facility must "X" out D.O.T. markings and must have a condemnation letter when condemning cylinders.

Day 1 Adjourned

September 22, 2011

Duane Cassidy: Approvals and Permits – Moving Forward

Opened meeting and introduced the next presenter

Benjamin Smith (Approvals and Permits)

- All foreign applicants must undergo the foreign applications process.
- It is the responsibility of the applicant to reapply and the IIA's cannot assist with the reapplication process if the application is rejected.
- The applicant will not receive any further status notifications from PHMSA if his/her application is denied or rejected.
- All applicants should call the info center for application status.

Duane Cassidy: Approvals and Permits – Moving Forward

- The mobile RIN unit letter has been revised and it is more restrictive than the previous version.
- Discussed rules about Mobile RIN Units testing.

Dave Sargent (Training and Publications)

- Role of the Outreach, Training, and Grants Division –To coordinate and support PHMSA
- Discussed Outreach and Training purpose within PHMSA.
- PHMSA accomplishments with the Outreach, Training, and Grants Division.

Adrian Carter (PHMSA-IT Department)

- Upgrades with PHMSA's information system should be completed in the next 90 days.
- Request for Special Permits can be requested online in the next 2 weeks.

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- Every company has to provide DUNS number.

Meeting Adjourned