

in an effort to fulfill RSPA's responsibilities to provide for a safe transportation environment for hazardous materials, and in an effort to provide better information to emergency responders in the event of an incident involving hazardous materials in transportation.

The ERG, first published in 1980 and republished in 1984 and 1987, was developed in cooperation with representatives from a number of diverse groups. Representatives include members of the DOT, firefighters, the International Association of Fire Chiefs, the International Association of Chiefs of Police, The Fire Marshal Association of North America, the National Fire Protection Association, a cross-section of major manufacturers of hazardous materials, including representatives from Dow Chemical, DuPont de Nemours, and Union Carbide, CHEMTREC and the International Association of Fire Fighters. Each participant in the development of the ERG was invited to present suggestions, recommendations and other information relative to the guidance presented in the ERG. A number of participants, including the IAFF, presented issues relative to the development of information and recommendations contained in the ERG. All issues were discussed and decisions made by RSPA relative to the final content of the ERG.

Since the issuance of the 1980 and subsequent editions of the ERG, more than 2.5 million copies have been distributed, without charge, to emergency response organizations. Thousands of other copies of the ERG have been purchased by others from commercial sources. Such wide distribution has provided extensive review by a large audience and constructive comments have been solicited, especially comments concerning its use in handling incidents involving hazardous materials. For example, the current edition of the ERG specifically requests such comments and provides an address to which such comments should be forwarded. RSPA maintains an open log on comments relative to the ERG, each comment is evaluated and an attempt is made to address each issue during development of subsequent editions.

The IAFF also objected to the allowance of the use of the CHEMTREC telephone number to satisfy the requirements of § 172.604 and recommended use of the National Response Center's telephone number. RSPA has not mandated the use of the CHEMTREC number, nor the specific use of any organization's number.

Therefore, the CHEMTREC telephone number, or any other agency's or organization's telephone number may only be used if the shipper has supplied the required information, and the agency has accepted the responsibility for providing information relative to the shipper's hazardous material.

The NRC has generally not been provided with information relative to a specific shipper's hazardous materials shipments, and usually cannot identify a specific shipper contact, nor has it "accepted responsibility for" providing information relative to a specific shipper's hazardous materials shipments. A requirement that an emergency response telephone number be provided for each shipment of hazardous materials is an attempt to provide emergency responders with more product-specific information relative to the hazards of the materials being transported. Nothing in the current regulations or this final rule prohibits or limits an emergency responder's efforts in obtaining information from all available sources. This position is in fact borne out by a statement in the ERG which states, "As a first responder at the scene of a hazardous materials incident, you must seek additional and more specific information about any material in question as soon as you are able." RSPA certainly encourages those involved in responding to hazardous materials incidents to use all available sources of information in order to make better informed judgments on how to handle them.

### III. Relationship to Requirements Under Other Federal Statutes

On August 24, 1987, OSHA published a final rule (52 FR 31852) which amended their Hazard Communication Standard (HCS). The amended HCS requires virtually all employers to establish hazard communication programs to provide information to employees on the hazards of chemicals in the workplace. The amended HCS recognizes a variety of work situations, including those where employees only handle chemicals in sealed containers that are not opened under normal conditions of use (e.g., trucking terminals, warehousing, marine cargo handling and retail sales). Under the HCS, such employees must be provided information and training to protect them in the event of a spill or leak. The emergency response communication requirements of this final rule complement those of the HCS.

In addition, RSPA believes that the use of the emergency response information required under this rule, in

association with the shipping paper information, will also assist carriers in complying with portions of the emergency notification requirements of section 304 of Title III of the Superfund Amendments and Reauthorization Act (SARA). The emergency notification requirements of SARA, Title III, apply to transportation, and storage incident to transportation, as well as fixed or stationary facilities that are not transportation facilities.

### IV. Review by Sections

*Section 171.8.* In § 171.8, the definition for "technical name" is revised to include chemical names recognized in scientific and technical journals and handbooks.

*Section 171.11.* In § 171.11, paragraph (d) is revised to require compliance with the emergency response information requirements for international shippers who import hazardous materials into the United States aboard aircraft.

*Section 171.12a.* In § 171.12a, a new paragraph (a)(7) is added to require shipments of hazardous materials being imported into the United States from Canada to be in compliance with the requirements for emergency response information specified in the new Subpart G of Part 172.

*Section 172.202.* This section is revised by adding a new paragraph (d) to require that shipping papers must contain an emergency response telephone number for the description of the hazardous material being shipped as specified in the new Subpart G of Part 172.

*Section 172.203.* This section is revised by moving paragraph (i)(2) and redesignating paragraph (i)(3) as paragraph (i)(2). Paragraph (i)(3) is removed. The requirements from paragraph (i)(2) are incorporated into a revised paragraph (k) to require that the "technical name" must be shown on shipping papers than contain "n.o.s. and generic" descriptions for hazardous materials. A new paragraph (m) is added to this section incorporating some of the requirements for poisonous materials which previously appeared in paragraph (k) of this section.

*Section 172.301.* In § 172.301, paragraph (c) is redesignated as paragraph (d), and a new paragraph (c) is added to require marking of the technical name of the hazardous material on non-bulk packages which contain hazardous materials described under n.o.s. descriptions, and on non-bulk packages of certain poisonous materials described under generic descriptions. In both instances, the technical name must be shown in