



September 23, 2009

The Honorable James L. Oberstar
Committee on Transportation and Infrastructure
US House of Representatives
Washington, DC 20515

The Honorable John L. Mica
Committee on Transportation and Infrastructure
US House of Representatives
Washington, DC 20515

RE: COSTHA Position on "Is PHMSA Performing its Mission?"

Dear Mr. Chairman and Representative Mica:

On behalf of the Council on the Safe Transportation of Hazardous Articles (COSTHA), I am requesting that this statement be included in the official record of the Committee on Transportation and Infrastructure's September 10th hearing "Concerns with Hazardous Materials Safety in the U.S.: Is PHMSA Performing its Mission?"

The mission of COSTHA is to assist its members by providing knowledge and timely regulatory information to aid and develop their roles as hazardous materials professionals. In order to achieve the goals of our mission COSTHA assists its members in identifying and applying domestic and international regulations and legislation that affect their operations. COSTHA encourages and supports research and studies that enhance the safe transport of dangerous goods by all modes in all geographies. We actively participate in the rulemaking process and when appropriate develop and submit petitions for regulatory modifications to enhance safety. COSTHA also interacts with our members, industry groups, and government agencies to seek judicial review to optimize utilization of enforcement resources. We also conduct public information forums, conferences, workshops, seminars, webinars and other meetings to disseminate information, share expertise, and promote knowledge and understanding of the principles of safe shipping and transportation of hazardous materials. COSTHA members include carriers by all modes of transportation, manufacturers and shippers of chemicals, pharmaceuticals, automobiles and their components, household goods and cosmetics, as well as trainers and consultants. Our members represent domestic and international companies operating in the global marketplace. In all COSTHA programs and activities we foster regulatory compliance as the minimum standard while promoting industry standards of good professional practice beyond compliance.

The Council on Safe Transportation of Hazardous Articles, Inc.

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The Special Permit and Competent Authority Approval process is critical to enhancing the safety and efficiency of the United States transportation system by allowing for improvements due to new technology to be implemented where they meet or exceed the requirements of the current regulations without having to wait for regulations to be updated. The regulatory process must attempt to encompass a myriad of industry and government operations and is therefore designed to be broader in scope and sometimes quite cumbersome. Many articles and materials that fall within the purview of the Special Permit and Competent Authority Approval process are those that are on the forefront of the development of alternative fuel vehicles, satellite systems, NASA's space projects, and the Department of Defense materials and equipment to name just a few. Additionally products that entail re-formulations to reduce toxic properties as well as medicines and equipment that advance medical technology also fall under this large umbrella.

COSTHA supports PHMSA's mission "to protect people and the environment from the risks inherent in transportation of hazardous materials - by pipeline and other modes of transportation."

COSTHA believes that DOT must provide protection of the general public while also providing mechanisms to allow US industry to continue to innovate and thereby protecting our country's ability to be competitive in the global market place.

We agree that the special permit and approvals program needs improvement to ensure that it meets its objectives. COSTHA believes that PHMSA has historically been inadequately funded and therefore has been placed at a disadvantage to meet the demands of the rapidly changing industry. Therefore, historical funding and staffing shortfalls must be a priority issue addressed within DOT and with congressional appropriations.

We also believe the main cause for the problem is a lack of adequate resources within PHMSA to manage the program and we hope that Congress will allocate necessary resources for the enhancement of this vital program.

Lack of regulatory harmonization increases the risk of non-compliance and creates an unsafe transportation environment. The US DOT must strive to enhance harmonization with the UN Model Regulations that form the basis for world-wide national and modal regulations. The Federal Aviation Administration (FAA) must incorporate or authorize the principles of the Technical Instructions for the Safe Transportation of Dangerous Goods by Air as set out by the International Civil Aviation Organization (ICAO) and Part 176 of 49 CFR must continue to incorporate or at least authorize the provisions of the International Maritime Dangerous Goods Code (IMDG Code) in order to enable international distribution of US goods.

While we commend the Congressional oversight as evidenced by these hearings, we respectfully express our concerns that Congress may restrict PHMSA to a domestic agenda that fails to address the US role in the global economy in regards to hazardous materials transportation.

Thank you for the opportunity to provide comments on this important subject.

Sincerely,



Lara Mehr Currie
Administrator