June 10, 2016

Magdy El-Sibaie, PhD  
Associate Administrator, Hazardous Materials Safety  
Pipeline and Hazardous Materials Safety Administration  
US Department of Transportation  
1200 New Jersey Ave., SE  
East Bldg. Second Floor  
Washington, DC 20590-0001

Dear Dr. El-Sibaie:


COSTHA is a not-for-profit organization representing manufacturers, shippers, distributors, carriers, freight forwarders, trainers, packaging manufacturers and others associated with the hazardous materials transportation industry. In addition to promoting regulatory compliance and safety in hazardous materials transportation, COSTHA assists its members and the public in evaluating the practicality and efficacy of laws, rules and regulations for the safe transportation and distribution of hazardous materials.

In HM-218H PHMSA modifies the packaging requirement for Nitric Acid. Unfortunately, a transition period was not proposed in the NPRM or the final rule which makes the new packaging requirement effective July 5, 2016. Industry will not be able to sell current inventory or process inventory through the distribution system or the supply chain in this short period of time. In order to comply with the new requirements, they would need to order new packaging, test the packaging and then repackage existing product. Opening and repackaging product presents a safety risk as well as a significant expense to shippers and other transportation workers. One member we spoke to indicates that they have over 10,000 prepacked units in their supply chain. One of the petitioners for the change, a major small parcel carrier, has indicated that they believe it is prudent to allow for a transition period.
COSTHA therefore requests a transition period of 1 year from the effective date of the rulemaking, July 5, 2017 to allow for existing inventory to be processed through the transportation system, new packaging to be secured and tested. We also request that PHMSA provide us with a written indication of their intent so that member companies and others can be assured that they will maintain a compliant supply chain with no interruption to consumers of these products.

Sincerely,

Lara Mehr Currie
Administrator