



The Commonwealth of Massachusetts
Executive Office of Public Safety and Security
Department of Fire Services

P.O. Box 1025 ~ State Road

Stow, Massachusetts 01775

(978) 567~3100 Fax: (978) 567~3121

www.mass.gov/dfs



STEPHEN D. COAN
STATE FIRE MARSHAL

CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LT. GOVERNOR

DANIEL BENNETT
SECRETARY

February 19, 2015

Filed Electronically Via Website:

<http://www.regulations.gov>

U.S. Department of Transportation
Dockets Operations, M-30
Ground Floor, Room W12-140
1200 New Jersey Avenue, S.E.,
Washington, D.C. 20590-0001

Re: Comments of the Commonwealth of Massachusetts - Department of Fire Services
Re: Docket No. 2013-0225 (HM-218H) rule identification no. (RIN2137-AF04)

Dear Sir or Madam:

The Commonwealth of Massachusetts, Department of Fire Services (“DFS”), generally supports the proposed additions and revisions to 49 CFR by adding section 173.304a(d)(5) and 173.314(h) and revising 173.315(b)(1), to address odorization of LP Gas in both cylinders and rail cars and the creation of a performance standard to address issues of under-odorization and odor fade of LP Gas in transportation. DFS believes the proposed rules could be strengthened by addressing two areas.

Quantitative Testing Methodology

The Department of Fire Services, as a result of its investigation into a fatal LP Gas explosion in Norfolk, Massachusetts on July 30, 2010 instituted, among other requirements, specific testing methodology to determine adequate levels of odorant (Ethyl Mercaptan) in railcars shipped for delivery into the Commonwealth. Those requirements are now codified at 527 CMR (Code of Massachusetts Regulations) 1.00, section(s) 69.1.4.1 and apply to railcar shipments.

69.1.4.1 Railcar Shipments:

Each railcar shipment of LP Gas intended for distribution within Massachusetts, shall comply with the provisions in section 69.1.4.3(1). Each railcar shipment delivered for distribution shall be tested

for odorization using one of the tests prescribed in section 69.1.4.3(2) and subsections (a), (b), or (c).

69.1.4.2. Odorization Thresholds, Testing and Filling of Containers:

- (2) For testing purposes one of the following tests listed below in (a), (b), or (c) shall be required to determine adequate Ethyl Mercaptan odorant levels equivalent to 1lb. per 10,000 gallons of propane
- (a) vapor test using stain tubes resulting in a minimum of 5 ppm of Ethyl Mercaptan utilizing ASTM D5305
- (b) Flash Vapor Test using stain tubes resulting in a minimum of 17 ppm of Ethyl Mercaptan utilizing ASTM D5305
- (c) Liquid Test for analysis of volatile sulphurs using gas chromatography resulting in a minimum of 17 ppm of Ethyl Mercaptan utilizing ASTM D1265.

The Department of Fire Services urges the U.S. Department of Transportation, PHMSA, to require greater specificity in its proposed rulemaking by outlining such testing methodology that is similar or the same as Massachusetts, as it relates to the testing of Ethyl Mercaptan in cylinders and railcars.

Record Keeping Requirements

In addition, the proposed rules should require, at a minimum, that the process of odorization, testing, and if necessary, remediation by injection of additional odorant, be the subject of a mandatory record keeping requirement. Such records, including test results, should be made available to the Authority Having Jurisdiction (“AHJ”) upon request. A mandatory reporting requirement should also be considered in order to track and identify problems with LP Gas in transportation.

In closing, I wish to thank you for the opportunity to provide comments regarding the Carrier by Rail regulations at 49 CFR. I believe the submitted recommendations will help to ensure the protection of property as well as the life of both the public and first responders who may be affected by the shipment of dangerous products by rail.

If you would like to discuss this further with myself or my staff, please feel free to contact my General Counsel, Steven P. Rourke, at (978) 567-3182.

Very truly yours,



Stephen D. Coan
State Fire Marshal

SDC/ml