



NATIONAL ASSOCIATION OF STATE FIRE MARSHALS

Ground Floor, Room W12-140
1200 New Jersey Avenue, S.E.,
Washington, D.C. 20590-0001

**Re: Comments of the National Association of State Fire Marshals (NASFM)
Re: Docket No. 2013-0225 (HM-218H) rule identification no. (RIN2137-AF04)**

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 from the National Association of State Fire Marshals on
Docket No. 2013- 0225 (HM- 218H) rule identification no. (RIN2137-AF04)**

Dear Sir or Madam;

The National Association of State Fire Marshals (NASFM) is proud to submit these comments for this important issue on behalf of the NASFM members which is comprised of the senior fire officials in the United States and their top deputies. The primary mission of the (NASFM) is to protect human life, property and the environment from fire and related hazards. A secondary mission of NASFM is to improve the efficiency and effectiveness of State Fire Marshals' operations.

The National Association of State Fire Marshals (NASFM) 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.

However, NASFM has concerns and believes the proposed rules could be strengthened by addressing three areas: Labeling of LPG Containers; Quantitative Testing Methodology; and, Record Keeping Requirements.

Labeling of LPG Containers

Based upon a reading of the proposed rule it appears that PHMSA is allowing tank cars and other containers to transport non-odorized LPG to those entities requiring non-odorized LPG. Specifically, the rules allow all transportation container markings to read non-odorized. How will first responders identify and differentiate these cars and/or containers?

Our concern is if a train derails and the car is marked non-odorized LPG, how will first responders identify a leak? Because the container is marked non-odorized LPG and will possibly contain odorized LPG, the first responders will smell the odor and will continue to check other tank cars because of the marking. The odorization amendment requires clarification to eliminate this type of confusion.

We would like to recommend that PHMSA consider improving the odorization threshold distinction and testing for all odorized containers along with required improved record keeping of the odorization and testing. This is intended to ensure that odorization remains active during the transportation phase of the LPG.

Quantitative Testing Methodology

The Commonwealth of Massachusetts, Department of Fire Services (“DFS”), 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.

NASFM 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.

Thank you for accepting these comments and for your strong consideration of our concern.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Dutch Downing', with a long horizontal flourish extending to the right.

DUTCH DOWNING, President
National Association of State Fire Marshals

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