



September 15, 2011

The Honorable Ray LaHood
Secretary of Transportation
Washington DC 20590

Dear Secretary LaHood:

I watched President Obama's speech on jobs and the economy to the joint session of Congress which you attended. Like you and the President, and as president of National Tank Truck Carriers, I am anxious to help get as many people back to work as soon as possible.

I did appreciate the President's comments on the positive role regulatory reform can play in encouraging that process. He said, "And I agree that there are some rules and regulations that put an unnecessary burden on businesses at a time when they can at least afford it." My association and I also strongly agree that there is a need for regulations to provide a safe and productive workplace and environment. The economic crisis should not be used, as the President said, ". . . as an excuse to wipe out the basic protections that Americans have counted on for decades."

I respectfully submit that there are two rulemakings underway at the Department of Transportation's Pipelines Hazardous Materials Safety Administration (PHMSA) that fall into the President's category of regulations that are not needed and which would actually harm the safe transportation of hazardous materials. Neither of these regulations was actually initiated by your agency for safety reasons, but rather were the result in one case from intense Congressional pressure and in the other in response to petitions from an industry group that would financially benefit tremendously if its petitions are granted.

HM213D is a proposed rule that would ban the presence of gasoline in the loading lines of cargo tanks in transportation. This is the third time this regulatory concept has been advanced but the first time that the twice rejected concept was undertaken for political reasons. As you know, the Chairman of the House Transportation & Infrastructure Committee in the last Congress took a hatchet to PHMSA and inflicted harm that continues to this day. There was no safety reason to reintroduce a proposed regulation that the agency had withdrawn on cost benefit reasons in 2006. I fully understand the "self-preservation" nature of the rulemaking. However, the makeup of that Committee is much different in this Congress.

In fact, in her appearance before the T&I Railroads, Pipelines and Hazardous Materials Subcommittee earlier this year, Administrator Cynthia Quarterman was urged by both

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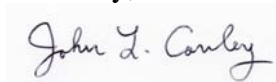
Subcommittee Chairman Bill Shuster (R-PA) and Ranking Member Corrine Brown (D-FL) to not proceed with actions that are contained in HM213D. The Congressional political pressure is gone, though the National Transportation Safety Board does continue to list a ban on wetlines as requiring action. NTTC honestly believes that HM213D as written could cause much more harm to workers than improvement to transportation safety. We request that you lend the support of your office to a withdrawal of this costly and unnecessary proposal.

The second rulemaking which we believe meets the President's criteria would actually damage a very successful current regulatory system and replace it with one that would reduce access of the public to the regulatory process and have a negative impact on compliance. Briefly, HM241 would remove key safety regulations from Title 49 that govern the construction, operation, test and inspection, and repair of specification cargo tanks and turn them over to a private enterprise. The current open process would be replaced by one where a private entity ordained by PHMSA in a no-bid process would develop and copyright regulations which your department would adopt by reference. To our knowledge, the only comments filed in support of this misguided effort are from the private entities and individuals that stand to make millions of dollars if their petitions are granted. While we can respect the gall of these parties in their attempt to have the government mandate the purchase of their products and services, we urge you to encourage your agency to reject this attempt to fix something that is not broken.

National Tank Truck Carriers is a true safety advocacy organization that has worked closely with the Department of Transportation over many years to develop a hazardous materials safety transportation system that is the envy of the world. We would very much appreciate your review of HM213D and HM241 and do believe that these are two regulatory proposals that meet the President's criteria for regulations that could be eliminated with no negative impact on safety.

Thank you for your time and leadership.

Sincerely,

A handwritten signature in cursive script that reads "John L. Conley". The signature is written in black ink on a white background.

John L. Conley
President

cc: Cynthia Quarterman, PHMSA
Anne Ferro, FMCSA