

Congress of the United States
House of Representatives
Washington, DC 20515-2308

April 24, 2025

U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration
1200 New Jersey Avenue S.E.
West Building, Ground Floor
Room W12-140, Routing Symbol M-30
Washington, DC 20590

RE: Hazardous Materials: Advancing Safety of Highway, Rail, and Vessel Transportation
Docket No. PHMSA-2018-0080 (HM-265)

Dear Acting Administrator Kochman,

I write to support the Pipeline and Hazardous Materials Safety Administration's (PHMSA) notice of proposed rulemaking to adopt modal-specific amendments to the regulations governing the transportation of hazardous materials, including cargo tank marking for petroleum distillate fuels.

As you well know, Placards for diesel fuel and heating oil are marked with the identification number "1993," the word "combustible" to identify flash point, and the numeral "3" to denote hazard class. Placards for gasoline are marked with the identification number "1203," the word "flammable" to identify flash point, and the numeral "3" denoting hazard class.

In 2000, PHMSA issued a letter interpreting the law to allow cargo tank shipments entirely of diesel fuel or heating oil to be placarded with the 1203 placard for gasoline, even though no gasoline was contained in any compartment of the cargo tank. This allowed petroleum marketers who shipped diesel fuel, heating oil, and gasoline in separate loads to affix permanent 1203 placards to their cargo tank vehicles rather than changing the placard with each subsequent load of a different product.

The interpretation stood for 15 years until PHMSA issued interpretative letter #14-0178 on June 26, 2015. PHMSA's new interpretation of the law limits placarding to the lowest flash point for shipments where at least one cargo tank compartment contains gasoline (split loads). The change was made without warning or opportunity for public comment.

In 2019, I heard directly from companies in my district that complying with this change cost up to \$800 per truck, an estimate that did not include potential penalties or red tagging from placarding errors. Out of an abundance of caution, I worked with stakeholders to consult local fire chiefs in my district for input. Most agreed that, in their firefighting operations, they respond the same way with the same type of foam, regardless of whether the placard is listed as 1203 or 1993. At the time, I made several inquiries with

PHMSA, questioning the necessity of the placarding change and whether the agency would consider rescinding the interpretative letter. I am grateful that the agency has come to understand that this interpretation was burdensome and unnecessary.

Allowing cargo tank vehicles to display the placard for the petroleum distillate fuel with the lowest flash point transported during multiple trips on the same day is good policy, and this practice aligns with the most accurate interpretation of the regulations and delivers practical operational advantages without undermining safety, which is why I support this rulemaking.

Thank you for the opportunity to comment on the proposed rule.

Sincerely,

A handwritten signature in black ink, appearing to read "Pete Stauber". The signature is fluid and cursive, with the first name "Pete" and last name "Stauber" clearly distinguishable.

Pete Stauber
Member of Congress