August 8, 2022

William S. Schoonover
Associate Administrator for Hazardous Materials Safety
Pipeline and Hazardous Materials Safety Administration

AIHA Comments on the Pipeline and Hazardous Materials Safety Administration's Request for Information on Electronic Hazard Communication Alternatives
Docket No. PHMSA-2022-0043

Dear Associate Administrator Schoonover:

AIHA, the association for scientists and professionals committed to preserving and ensuring occupational and environmental health and safety (OEHS), appreciates the opportunity to provide feedback on PHMSA’s request for information on the potential use of electronic communication as an alternative to current, physical documentation requirements for hazard communication. Below are our comments, which we hope you find useful.

6. Potential Benefits
   a. Are there benefits for having hazard communication available electronically? Do you have any data that can help us quantify your input? How could benefits be maximized over paper-based hazard communication requirements?

Assuming that the electronic format would be such that the information can be downloaded and maintained on the device during transport of the hazardous material, there would be great benefit and little risk. This would hold even in areas with limited or no cell service if the shipping documents and emergency response information are immediately available (assuming the device is not damaged).

Electronic information is searchable and quickly opened when needed. It will be important to standardize or limit the allowed format to ensure that the data is easily shared and accessible.
7. Potential Concerns

a. What concerns do you have regarding the use of an electronic hazard communication system in place of paper-based hazard communication?

AIHA is concerned with the accessibility of needed information during a hazardous material emergency. There are still many places in the United States where a cell signal is not available. If the information is not accessible, it cannot assist in addressing the hazard. This puts both workers and the public at risk.

b. What concerns do you have regarding the reliability of a wireless technology network in your response or inspection area? How should access to hazard communication be maintained in situations where area utilities are disabled? Should persons who use an electronic system be required to maintain a backup or redundant system?

It is always possible for a device containing electronic information to be damaged or otherwise made ineffective. We recommend that shippers or transporters maintain some type of backup to provide needed emergency response information, which could be through their 24-hour emergency response phone number. If shipping papers and emergency response information are available through a service that can be contacted at all times, they can transmit needed information, either electronically or by voice.

c. What concerns do you have regarding the interoperability of equipment maintained by local/county organizations versus state/federal organizations?

AIHA is concerned with any lack of communication that impacts the safety and health of workers and the public. We recognize that this is a serious issue for public and worker safety that needs to be addressed, but may be outside the scope of this RFI. AIHA encourages local, state, and federal authorities to address this issue, not just where hazardous materials transport is concerned, but in other types of coordinated emergency response.

d. What concerns do you have regarding import shipments into the United States having access to an electronic hazard communication system?

We believe that the DOT has the jurisdiction to require any electronic emergency response information to meet U.S. standards for imports.
8. Overall Perspective and Input

a. Do you support the use of electronic hazard communication as an alternative to the current paper requirements? Please provide your reasoning.

Yes, AIHA supports the use of electronic hazard communication with the limitations we discussed above – requiring that the information be downloaded to a device, so reliance on cell or internet service is not required, and that a suitable backup for information in the case where the device is inoperable be required.

b. Are there any specific knowledge gaps or areas of concern that the Department of Transportation should address, via additional information-gathering or research, before authorizing electronic hazard communication on a broad basis?

In addition to the previously discussed concerns, we encourage PHMSA to address potential threats related to hacking and unauthorized access to electronic hazard communication.

Conclusion and Next Steps
AIHA thanks you for the opportunity to provide feedback on PHMSA’s request for information on the potential use of electronic communication as an alternative to current, physical documentation requirements for hazard communication. We look forward to our continued work together, helping protect the health and safety of all workers and their communities. If you have any questions on these comments or other matters, please contact me at mames@aiha.org or (703) 846-0730.

Sincerely,

Mark Ames
Director, Government Relations
AIHA

About AIHA
AIHA is the association for scientists and professionals committed to preserving and ensuring occupational and environmental health and safety in the workplace and community. Founded in 1939, we support our members with our expertise, networks, comprehensive education programs, and other products and services that help them maintain the highest professional and competency standards. More than half of AIHA’s nearly 8,500 members are Certified Industrial Hygienists and many hold other professional designations. AIHA serves as a resource for those employed across the public and private sectors as well as to the communities in which they work. For more information, please visit www.aiha.org.