

**U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration
Office of Hazardous Materials Enforcement**



**Specialized Bulk Explosives Truck Inspection Action Plan
August 14, 2009**

Introduction: PHMSA’s Office of Hazardous Materials Enforcement (OHME) implements this action plan to focus on improving the safety, compliance and awareness of shipping, carriage, handling and storage of specialized bulk explosive trucks.

Objective: To achieve the highest level of effectiveness in communicating and enhancing the compliance and safety awareness posture of the industry affecting company and organization transport, carriage and handling of specialized bulk explosive trucks in accordance with the prescribed safety and process regulations of the Hazardous Materials Regulations (HMR). Additionally, this plan will address the Congressional and Office of Inspector General’s (OIG) concern related to Specialized Bulk vehicles that transport explosives.

Background: The OIG recently briefed the Pipeline and Hazardous Materials Safety Administration (PHMSA) on its review of its Special Permits Program. The OIG issued a “Management Advisory” regarding special permits for “special use bulk explosives vehicles” raising safety concerns about the process for issuance of the permits. These concerns included: (1) lack of documentation of “equivalent level of safety”; (2) lack of fitness checks on applicants; (3) lack of coordination with the Federal Motor Carrier Safety Administration (FMCSA) on enforcement and fitness; and (4) incidents that resulted in the release of explosive materials.

On August 6, 2009, Deputy Secretary John Porcari directed that all of the modes with hazardous materials responsibilities work with PHMSA to address the OIG’s Management Advisory dealing with the issuance of Special Permits. FMCSA has been asked to assist in ensuring that the safety posture of these carriers is suitable in transporting high risk hazardous materials.

PHMSA will coordinate and work cooperatively with FMCSA and commit resources to address any safety concern of Hazardous Material shippers/carriers that have been identified as Specialized Bulk Explosives transporters.

Process: This plan will be carried out in accordance with the PHMSA/OHME National Operations Manual, chapters 7 (Conducting the Inspection) and 19 (Fitness Compliance Reviews and Enforcement Recommendations), and the Special Permit Fitness Inspection Program Policies and Procedures Document. Fitness as defined: the demonstrated and documented knowledge and capability of a person that affords a level of safety and performance to ensure compliance with the applicable provisions and requirements of the HMR, Special Permit and or Approval, will be vetted through inspections based on our process utilizing our National Business Strategy of prioritization encompassing factors of past safety, compliance and motor carrier data to create a tiered system of highest risk to lowest risk companies.

Planned Actions:

- **Near Term:** Through September 4, 2009
 1. PHMSA review all of the data covering the last ten year period in relation to the four Special Permits associated with the specialized bulk explosive trucks and prioritize the companies on risk based evaluation.
 2. Coordinate and maintain continuity of efforts with FMCSA to ensure that the companies that pose the highest risk are targeted for inspection and compliance review.
 3. Establish a schedule for fitness reviews and implementation plan to conduct safety performance and fitness reviews of the current special permit grantees including how grantees are complying with the terms of the permits and whether any previous grantees are operating under expired permits. The schedule of compliance/fitness inspections will be based on safety performance data provided by the OIG and further review of safety performance data by PHMSA and FMCSA.
 4. PHMSA and FMCSA will coordinate citations of all safety violations discovered at the motor carrier operation and at field locations and will determine who will lead the inspection based on certain parts of the Hazardous Materials Regulations which may be related to an exclusive activity.

- **Long Term:**
 1. PHMSA in conjunction with FMCSA will coordinate to complete an evaluation/inspection of all of the remaining specialized bulk explosive truck companies to determine fitness and compliance.
 2. PHMSA/OHME will conduct a thorough review of all of the companies associated with the four Special Permits and if warranted, will make appropriate recommendations to initiatives within the Hazardous Materials Special Permits program.

Measured Outcomes: PHMSA/OHME will review the results of its findings in association with this plan against past Special Permit grantee performance. Over the last ten years, based on PHMSA inspections and enforcement data, Special Permit grantee facilities have demonstrated a better compliance record than non Special Permit grantee facilities. OHME will monitor and measure its inspection and activities outcomes. OHME will adjust focus based on patterns of safety and compliance problem trends and work with industry towards improving overall safety outcomes. OHME will report on its progress and successes.

Considerations: PHMSA and FMCSA each focus on different areas of safety and therefore may not conduct inspections at the same facility. PHMSA will conduct inspections at facilities in use of the Special Permit jointly with FMCSA or a representative thereof. FMCSA will conduct compliance reviews at the headquarters of the facilities as listed in our data set.

Attachments:

- 1) Data set
- 2) FMCSA Action Plan
- 3) PHMSA Special Permit Fitness Inspection Program Policies and Procedures
- 4) PHMSA National Operations Manual, Chapter 7
- 5) PHMSA National Operations Manual, Chapter 19