

113TH CONGRESS
2D SESSION

H. R. 5822

To establish a Hazardous Materials Information Advisory Committee to develop standards for the use of electronic shipping papers for the transportation of hazardous materials, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 9, 2014

Mr. LIPINSKI introduced the following bill; which was referred to the
Committee on Transportation and Infrastructure

A BILL

To establish a Hazardous Materials Information Advisory Committee to develop standards for the use of electronic shipping papers for the transportation of hazardous materials, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Developing Standards
5 for Electronic Shipping Papers Act of 2014”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) The impacts of hazardous materials trans-
2 portation incidents can be mitigated by effective re-
3 sponse strategies, equipment, and training.

4 (2) Shipping papers and manifests are essential
5 tools for responding to incidents involving hazardous
6 materials as they provide the disclosures needed to
7 determine the proper response strategy.

8 (3) While physical shipping papers must con-
9 tinue to be required under law in order to ensure
10 that redundancies are in place to protect the safety
11 of first responders, there should be efforts to mod-
12 ernize how hazardous materials information is dis-
13 seminated.

14 (4) The HM-ACCESS Program authorized in
15 section 33005 of MAP-21 (49 U.S.C. 5121 note) is
16 an important step for developing additional, innova-
17 tive methods for disseminating hazardous material
18 information electronically, but the pilot tests will not
19 be completed until October 2015.

20 (5) As transporters of hazardous materials in
21 commerce deploy these innovative technologies on
22 their own, efforts should be undertaken to ensure
23 that best practices and voluntary standards are
24 available until the HM-ACCESS pilot and subse-
25 quent rulemakings are completed so that trans-

1 porters of hazardous materials will have guidelines
2 to assist with their modernization effort while ensuring
3 that first responders will have access to stand-
4 ardized information platforms and systems.

5 **SEC. 3. DEFINITIONS.**

6 In this Act:

7 (1) **COMMERCE AND HAZARDOUS MATERIAL.**—
8 The terms “commerce” and “hazardous material”
9 have the meanings given such terms in section 5102
10 of title 49, United States Code.

11 (2) **ELECTRONIC SHIPPING PAPER.**—The term
12 “electronic shipping paper” means an electronic
13 version of the physical shipping paper that is—

14 (A) designed to convey the most current
15 available hazard information required to be dis-
16 closed under section 5110(a) of title 49, United
17 States Code; and

18 (B) capable of being accessed instantana-
19 ously by emergency responders during an in-
20 cident involving hazardous material being trans-
21 ported in commerce.

22 **SEC. 4. HAZARDOUS MATERIALS INFORMATION ADVISORY**
23 **COMMITTEE.**

24 (a) **IN GENERAL.**—Not later than 30 days after the
25 date of enactment of this Act, the Secretary of Transpor-

1 tation shall establish a Hazardous Materials Information
2 Advisory Committee composed of members appointed by
3 the Secretary.

4 (b) MEMBERSHIP.—Members appointed by the Sec-
5 retary under subsection (a) shall represent the following
6 individuals and entities:

7 (1) Fire services personnel and management.

8 (2) Law enforcement and other appropriate en-
9 forcement personnel.

10 (3) Other emergency response providers.

11 (4) Persons who transport hazardous material
12 by air, highway, rail, or water.

13 (5) Persons who offer hazardous material in
14 commerce for transport by air, highway, rail, or
15 water.

16 (6) Employees of persons who transport or
17 offer for transportation hazardous material in com-
18 merce by air, highway, rail, or water.

19 (7) The Coast Guard and other relevant agen-
20 cies.

21 (8) Other individuals and entities determined
22 appropriate by the Secretary.

23 (c) DUTIES.—Not later than 120 days after the es-
24 tablishment of the Hazardous Materials Information Advi-

1 sory Committee under subsection (a), the Committee
2 shall—

3 (1) develop a voluntary standard for the use of
4 electronic shipping papers until a rulemaking has
5 been completed;

6 (2) establish a standardized curriculum for
7 training first responders and enforcement officials in
8 the use of electronic shipping papers and other alter-
9 native means of communicating hazardous materials
10 information;

11 (3) provide recommendations and best practices
12 for the use of electronic shipping papers by first re-
13 sponders in varying circumstances and locations;

14 (4) provide recommendations and best practices
15 to assist persons transporting hazardous materials
16 in commerce in implementing electronic shipping pa-
17 pers; and

18 (5) assess potential issues during deployment
19 phases, including first responder training, technology
20 procurement issues and budget limitations, and bio-
21 metrics.

22 (d) REQUIREMENTS.—In developing the best prac-
23 tices, standards, and findings under subsection (c), the
24 Hazardous Materials Information Advisory Committee
25 shall take into consideration—

1 (1) the scalability of information in its presen-
2 tation to determine the most efficient means of con-
3 veying necessary information for emergency response
4 personnel while allowing access to ancillary informa-
5 tion relating to the transport of hazardous materials
6 in order to ensure that information conveyed fits the
7 intended need and the varying levels of first re-
8 sponder training;

9 (2) access issues and spectrum issues for rural
10 responders;

11 (3) standardization of information to equipment
12 to ensure consistency across modes;

13 (4) providing data security and protection from
14 unwanted manipulation in order to preserve the in-
15 tegrity of data entered by transporters of hazardous
16 materials and accessed by bona fide first responders;

17 (5) the need to develop a National Deployment
18 Standard on biometrics and identifiers to ensure se-
19 cure access for first responders;

20 (6) the potential for the deployment of fail-safe
21 redundancies linked to State, regional, and local 911
22 emergency centers;

23 (7) the timing of implementation and methods
24 for funding the implementation of electronic ship-
25 ping papers devices and training;

1 (8) updates and revisions to the Emergency Re-
2 sponse Guidebooks;

3 (9) existing technologies that are employed vol-
4 untarily by persons who transport hazardous mate-
5 rials in commerce by air, highway, rail, and water;
6 and

7 (10) the results of pilot tests being conducted
8 in accordance with section 33005 of MAP-21 (49
9 U.S.C. 5121 note) and any interim recommendations
10 issued by the persons administering such pilot tests.

11 (e) TRAVEL EXPENSES.—The Secretary may provide
12 travel expenses, including per diem in lieu of subsistence,
13 to a member appointed under subsection (b)(1), (b)(2),
14 or (b)(3) in accordance with applicable provisions under
15 subchapter I of chapter 57 of title 5, United States Code.

16 (f) REPORT.—Not later than 120 days after the date
17 of enactment of this Act, the Hazardous Materials Infor-
18 mation Advisory Committee shall transmit to the Com-
19 mittee on Transportation and Infrastructure of the House
20 of Representatives and the Committee on Commerce,
21 Science, and Transportation of the Senate, a report listing
22 the best practices, standards, and findings developed
23 under subsection (e).

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