

**DEPARTMENT OF TRANSPORTATION****Research and Special Programs Administration**

[Docket No. RSPA-99-5143 (Notice No. 99-1)]

**International Standards on the Transport of Dangerous Goods: Request for Comments**

**AGENCY:** Research and Special Programs Administration (RSPA), DOT.

**ACTION:** Request for comments.

**SUMMARY:** RSPA invites comments on certain environmental substances issues that will be considered by the United Nations Committee of Experts on the Transport of Dangerous Goods (UN Committee of Experts) at a subcommittee meeting to be held in July 1999. These issues concern the development of requirements for substances that are dangerous to the environment and the criteria that will be used to define such substances, including RSPA's recommendation of criteria for substances transported in bulk quantities. The purpose of this notice is to afford the public an opportunity to submit comments on these important issues.

**DATES:** Comments must be submitted by May 7, 1999.

**ADDRESSES:** Address comments to the Dockets Unit, U.S. Department of Transportation, Room PL 401, 400 Seventh St., SW, Washington, D.C. 20590-0001. Comments should identify the docket and notice numbers (Docket No. RSPA-99-5143; Notice No. 99-1) and be submitted in two copies. Persons wishing to receive confirmation of receipt of their comments should include a self-addressed stamped postcard. Alternatively, comments may be submitted by E-mail to [rules@rspa.dot.gov](mailto:rules@rspa.dot.gov). The Dockets Unit is located on the Plaza Level of the Nassif Building at the U.S. Department of Transportation at the above address. Public dockets may be reviewed between the hours of 10 a.m. and 5 p.m. Monday through Friday, except on Federal holidays. Internet users may access all comments received by the U.S. Department of Transportation by using the Universal Resource Locator (URL) at <http://dms.dot.gov/>. An electronic copy of the document may be downloaded using modem and suitable communications software from the Government Printing Office's Electronic Bulletin Board Service at (202) 512-1661.

**FOR FURTHER INFORMATION CONTACT:** Frits Wybenga, International Standards

Coordinator for Hazardous Materials Safety, RSPA, U.S. Department of Transportation, Washington, DC 20590-0001; telephone (202) 366-0656.

**SUPPLEMENTARY INFORMATION:****Introduction**

Subject to guidance and direction from the Department of State (49 U.S.C. 5120), the RSPA Associate Administrator for Hazardous Materials Safety represents the U.S. at meetings of the UN Committee of Experts in Geneva, Switzerland. The UN Committee of Experts is responsible for the UN Recommendations on the Transport of Dangerous Goods (UN Recommendations) which forms the basis for the International Civil Aviation Organization Technical Instructions on the Safe Transport of Dangerous Goods by Air (ICAO Technical Instructions), and the International Maritime Organization (IMO) International Maritime Dangerous Goods Code (IMDG Code). Since 1990, through amendments to the Hazardous Materials Regulations (HMR; 49 CFR parts 100 through 180), U.S. regulations have been substantially aligned with the UN Recommendations. Although the UN Committee of Experts will consider many issues affecting the UN Recommendations in its 1999-2000 biennium, RSPA believes that the importance of developing requirements and criteria for substances that are dangerous to the environment is of such significance as to warrant special consideration and public involvement.

**Background**

In the absence of internationally harmonized criteria for substances that are dangerous to the environment in the UN Recommendations, varying environmental criteria and requirements applicable to these substances have been included in national and international transport regulations. The UN Committee of Experts seeks to achieve international harmonization of these differing regulations. Although discussion on the development of requirements and criteria for these substances has been on the agenda of the UN Committee for a number of years, RSPA believes that significant progress will be made by the UN Committee of Experts in its 1999-2000 biennium as a result of agreements by the Organization for Economic Cooperation and Development (OECD) on internationally harmonized environmental criteria.

**UN Conference on Environment and Development (UNCED) and OECD**

In 1992, UNCED endorsed the development of a standardized system

for the classification and labeling of hazardous chemicals commonly referred to as the Globally Harmonized System (GHS). The goal of the GHS is to promote common, consistent criteria for classifying chemicals according to their health, physical and environmental hazards, and to develop compatible labeling, material safety data sheets for workers, and other information based on the resulting classifications. In developing the GHS, it was agreed that OECD would coordinate the development of health and environmental hazard classification criteria. In November 1998, OECD endorsed the Harmonized Integrated Hazard Classification System for Human Health and Environmental Effects of Chemical Substances. The document is available on the internet at "<http://www.epa.gov/oppfead1/harmonization>" and may also be accessed through RSPA's website (<http://www.hazmat.dot.gov>) under "International Standards." The document includes internationally harmonized criteria for classification of chemicals which are "hazardous for the aquatic environment," a discussion of how OECD arrived at the criteria, and an explanation of the application of the criteria. It is the UN Committee of Expert's intent to use the criteria in this document as the basis for its dangerous-to-the-environment criteria.

OECD is currently developing a guidance document on how the "hazardous-for-the-aquatic-environment" criteria should be applied to substances that are difficult to test and a standardized procedure for classifying mixtures. Completion of both tasks is necessary in order for the UN Committee of Experts to include criteria in its Model Regulations on the Transport of Dangerous Goods.

***U.S. Domestic Activities Relative to the Development of Criteria***

The U.S. HMR have long included requirements for substances that are hazardous to the environment, but do not include criteria for the classification of such substances. As required by law (42 U.S.C. 9601(14)), substances designated by the Environmental Protection Agency (EPA) as hazardous substances are regulated as hazardous materials and are listed in the HMR (Appendix A to § 172.101). Substances that are listed as marine pollutants in the HMR (Appendix B to § 172.101) are also regulated as hazardous materials. RSPA considers a criteria-based system for regulating substances that are hazardous to the environment to be more appropriate than the current list approach. Virtually all other substances

subject to the HMR are regulated on the basis of their meeting hazard classification criteria.

During congressional hearings following a July 14, 1991 train derailment in Dunsmuir, California that resulted in the release of 20,000 gallons of metam sodium into the Sacramento River, RSPA and EPA agreed to collaborate in developing criteria for substances that are dangerous to the environment. In an October 1992 letter, the EPA, pursuant to that agreement, provided RSPA with recommended criteria. On the basis of an analysis, the EPA letter noted that for "ecological effects, \* \* \* the most vulnerable endpoint is aquatic ecosystems." EPA recommended four possible options for aquatic toxicity criteria for RSPA to consider for inclusion in the HMR. The "hazardous-for-aquatic-environment" criteria subsequently developed by OECD are compatible with the EPA recommended criteria. EPA also stated in their letter that substances with an aquatic toxicity of up to 100 mg/L should not be exempted. Pending the outcome of the ongoing work to develop internationally harmonized criteria, RSPA delayed proposing the EPA recommended criteria for inclusion in

the HMR. Instead, U.S. delegations led by EPA used the recommended criteria as a basis for U.S. positions at the OECD meetings.

Following a June 30, 1992 train derailment in Superior, Wisconsin that resulted in the release of 21,850 gallons of aromatic concentrates into the Nemadji River, the National Transportation Safety Board recommended (Safety Recommendation I-94-1) that EPA and DOT work together to establish criteria to identify materials that are harmful to the environment and evaluate the " \* \* \* severity of harm posed by the release of these materials from bulk containers, including tank cars, in transportation \* \* \* " The inclusion of criteria in the HMR would be responsive to this recommendation.

#### *United Kingdom (UK) Proposal*

At the 20th Session of the UN Committee of Experts in December 1999, the UK provided an information paper proposing dangerous-to-the-environment requirements for inclusion in the UN Recommendations. It is anticipated that the UK proposal will provide the basis for the discussion on dangerous-to-the-environment criteria at

the 16th Session of the UN Subcommittee of Experts on the Transport of Dangerous Goods to be held in July 1999. The paper is available through DOT's website (<http://dms.dot.gov/>) by first accessing the Docket number of this document and then the Notice number.

Under the UK proposal, substances which are not subject to regulation under Classes 1 through 8 in the UN Recommendations, and which meet the dangerous-to-the-environment criteria, would be subject to regulation as miscellaneous dangerous goods under Class 9 and offered for transportation in packaging tested at the Packing Group III level of performance. Under the proposal, an offeror would be responsible for determining whether a substance offered for transportation meets the dangerous-to-the-environment criteria. The paper proposes that substances meeting any one of several sets of acute and chronic toxicity categories be regarded as dangerous to the environment. The sets of criteria proposed by the UK for inclusion in the UN Recommendations are from the OECD "hazardous-for-the-aquatic-environment" criteria. They are as follows:

#### *Acute Category I*

##### Acute toxicity:

96 hr LC50 (for fish) .....	≤1mg/L and/or
48 hr EC50 (for crustacea) .....	≤1mg/L and/or
72 or 96hr ErC50 (for algae or other aquatic plants) .....	≤1mg/L

#### *Category: Chronic I*

##### Acute toxicity:

96 hr LC50 (for fish) .....	≤1 mg/L and/or
48 hr EC50 (for crustacea) .....	≤1mg/L and/or
72 or 96hr ErC50 (for algae or other aquatic plants) and the substance is not rapidly degradable and/or the log Kow ≥4 (unless the experimentally determined BCF <500).	≤1mg/L

#### *Category: Chronic II*

##### Acute toxicity:

96 hr LC50 (for fish) .....	>1 to ≤10 mg/L and/or
48 hr EC50 (for crustacea) .....	>1 to ≤10 mg/L and/or
72 or 96hr ErC50 (for algae or other aquatic plants) and the substance is not rapidly degradable and/or the log Kow ≥4 (unless the experimentally determined BCF <500), unless the chronic toxicity NOECs are >1mg/L.	>1 to ≤10 mg/L

(The above abbreviations are defined in the OECD paper.)

RSPA believes that these criteria will be widely supported by participants at the UN Subcommittee meeting because they are similar to criteria already used by the IMO in identifying substances as Marine Pollutants under the IMDG Code and are similar to criteria used in European rail and highway transport regulations.

#### **RSPA's Position and Request for Comments**

As the U.S. representative at the UN Committee of Experts meeting, RSPA is developing positions it will take on

proposals that will be considered at the July 1999 Subcommittee meeting. Consistent with past practice, RSPA reviews all the positions it intends to take at public meetings prior to participation in the upcoming UN meetings. RSPA believes that the issues set forth in this notice are of such significance as to merit a request for written comments prior to the public meeting which will be held in June on a date to be announced later in the **Federal Register**. RSPA currently plans to support the UK proposed criteria and, in addition, consistent with the

statement in the October 1992 EPA letter, recommend that an acute toxicity level of less than 100 mg/L be used for defining substances as dangerous to the environment when being transported in bulk packagings having a capacity exceeding 3000 liters. Commenters are requested to address the development of requirements for substances that are dangerous to the environment and the proposed criteria to define such substances, including RSPA's proposed additional acute toxicity level recommendation for bulk packagings with a capacity exceeding 3000 liters.

Issued in Washington, DC on March 19, 1999.

**Alan I. Roberts,**

*Associate Administrator for Hazardous Materials Safety.*

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## DEPARTMENT OF THE TREASURY

### Treasury Advisory Committee on International Child Labor Enforcement

**AGENCY:** Department Offices, Treasury.

**ACTION:** Notice of meeting.

**SUMMARY:** This notice announces the date and time for the first meeting and the provisional agenda for consideration by the Committee.

**DATES:** The first meeting of the Treasury Advisory Committee on International Child Labor Enforcement will be held on Friday, April 9, 1999, at 9:15 a.m. in the Secretary's large conference room, Room 3327, U.S. Treasury Department, 1500 Pennsylvania Avenue, N.W., Washington, DC. The duration of the meeting will be approximately three hours.

**FOR FURTHER INFORMATION CONTACT:** Dennis M. O'Connell, Director, Office of Tariff and Trade Affairs, Office of the Under Secretary (Enforcement), Room 4004, Department of the Treasury, 1500 Pennsylvania Avenue, N.W., Washington, DC 20220. Tel. (202) 622-0220. Final meeting details, including the final agenda, can be confirmed by contacting the above number.

#### SUPPLEMENTARY INFORMATION:

#### Agenda

At the April 9, session, the Committee is expected to pursue the following agenda. It is expected that additional topics will be added to the agenda prior to the meeting.

1. Welcome and introductions: Chairperson Elizabeth A. Bresee, Assistant Secretary (Enforcement).
2. Remarks. Secretary of the Treasury Robert E. Rubin.
3. Committee charter, objectives, and operations.
4. U.S. Customs Service: Trip reports, budget and staffing projections, and goals.
5. Other business.

**Members:** The Secretary of the Treasury has appointed the following private sector members to the Committee for the current two-year term:

Mr. Erik O. Autor, National Retail Federation  
Mr. Claude Brown, International Brotherhood of Teamsters

Mr. Douglas Cahn, Reebok International Ltd.

Mr. Terry Collingsworth, Rugmark Foundation—USA

Mr. Thomas J. Cove, Sporting Goods Manufacturers Association

Ms. Linda F. Golodner, National Consumers League

Mr. Pharis J. Harvey, International Labor Rights Fund

Mr. Robin W. Lanier, International Mass Retail Association

Ms. Lucille J. Laufer, Oriental Rug Importers Association, Inc.

Ms. L. Diane Mull, Executive Director, Association of Farmworker Opportunity Programs

Mr. Jeffrey F. Newman, National Child Labor Committee

Mr. Elliott J. Schrage, Clark & Weinstock, Inc.

Dr. Sandy Vogelgesang, Everest Associates

Steven S. Weiser, Esq., Graham & James LLP

Ms. Lisa M. Woll, Convention on the Rights of the Child Impact Study  
Representatives of the following entities of the Federal Government will participate as *ex officio* members: Department of Labor, Department of State, Department of Commerce, U.S. Trade Representative, National Economic Council, staffs of the U.S. Senate and U.S. House of Representatives.

The meeting is open to the public; however, participation in the Committee's deliberations is limited to private sector and *ex officio* Committee members and Customs and Treasury Department staff. In order to be cleared for admission to the Treasury Building, a person other than an Advisory Committee member who wishes to attend the meeting, should give advance notice by contacting Theresa Manning (202) 622-0220 no later than April 2, 1999.

Dated: March 19, 1999.

**Dennis M. O'Connell,**

*Acting Deputy Assistant Secretary (Regulatory, Tariff and Trade), Enforcement.*  
[FR Doc. 99-7245 Filed 3-24-99; 8:45 am]

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## DEPARTMENT OF THE TREASURY

### Customs Service

#### Extension of General Program Test: Quota Preprocessing

**AGENCY:** Customs Service, Treasury.

**ACTION:** General notice.

**SUMMARY:** This notice announces that the testing period for the quota

preprocessing program, which allows for the electronic processing of quota-class apparel merchandise, is being extended through the remainder of 1999. The test is being extended so that Customs can further evaluate the program's effectiveness and determine whether the program should be extended to other ports in addition to the ports located at New York/Newark and Los Angeles where the test is currently being run. Public comments concerning any aspect of the test are solicited.

**DATES:** The test is extended from March 15, 1999, until December 31, 1999, with evaluations of the test occurring periodically. Applications to participate in the test and comments concerning the test will be accepted throughout the testing period.

**ADDRESSES:** Written comments regarding this notice or any aspect of this test should be addressed to Lori Bowers, U.S. Customs Service, QWG Team Leader, 1000 Second Ave., Suite 2100, Seattle, WA 98104-1020 or may be sent via e-mail to [preprocessing@quota.customs.sprint.com](mailto:preprocessing@quota.customs.sprint.com). Applications should be sent to the prototype coordinator at any of the four following port(s) where the applicant wishes to submit quota entries for processing:

(1) Julian Velasquez, Port of Los Angeles, 300 S. Ferry St., Terminal Island, CA 90731;

(2) Tony Piscitelli, Los Angeles International Airport, 11099 S. La Cienega Blvd., Los Angeles, CA 90045;

(3) Barry Goldberg, JFK Airport, JFK Building 77, Jamaica, NY 11430; and

(4) John Lava, Ports of New York/Newark, 6 World Trade Center, New York, NY 10048.

**FOR FURTHER INFORMATION CONTACT:** Lori Bowers (206) 553-0452 or Bob Abels (202) 927-0001.

**SUPPLEMENTARY INFORMATION:** On July 24, 1998, Customs published a general notice in the **Federal Register** (63 FR 39929) announcing the limited testing, pursuant to the provisions of § 101.9(a) of the Customs Regulations (19 CFR 101.9(a)), of a new operational procedure regarding quota preprocessing which allows the electronic processing of quota-class apparel merchandise. The new procedure was designed to allow certain quota entries to be processed prior to carrier arrival, thus, reducing the quota processing time. The test was to be conducted at only four ports located in New York/Newark and Los Angeles and was to commence no earlier than August 24, 1998, and run for approximately six months. The notice