



Commercial Vehicle Safety Alliance

Improving commercial motor vehicle safety and enforcement

September 2, 2025

Docket Management System
U.S. Department of Transportation
1200 New Jersey Avenue, SE
West Building, Ground Floor
Room W12-140
Washington, DC 20590

RE: Docket Number: PHMSA-2025-0094

Hazardous Materials: Reducing Burdens by Allowing Continued Use of Department of Transportation Special Permit Packagings

Dear Acting Administrator Kochman,

The Commercial Vehicle Safety Alliance (CVSA) respectfully submits the following comments in response to the Pipeline and Hazardous Materials Safety Administration's (PHMSA) notice of proposed rulemaking (NPRM) seeking stakeholder feedback on the agency's proposal to allow for the continued use of packagings authorized under a manufacturing special permit (SP) for duration of the useful life of the package, Docket Number PHMSA-2025-0094.

CVSA is a nonprofit organization comprised of local, state, provincial, territorial and federal commercial motor vehicle safety officials and industry representatives. The Alliance aims to prevent commercial motor vehicle crashes, injuries and fatalities and believes that collaboration between government and industry improves road safety and saves lives. Our mission is to improve commercial motor vehicle safety and enforcement by providing guidance, education and advocacy for enforcement and industry across North America.

PHMSA is proposing to revise 49 CFR § 173.23 of the HMR to allow continued use of DOT-SP packaging for which the special permit has expired, provided the packaging continues to be in conformance with the original DOT-SP. The proposed rule would allow the use of DOT-SP packaging for the remainder of its usable lifespan, regardless of the status of the DOT-SP grantee. PHMSA notes that currently the HMR provisions require an otherwise safe and usable package to be discontinued solely because the original special permit has expired or was not renewed.

CVSA's members understand the intent of this proposal but have concerns about its practical application and enforceability. PHMSA notes in the proposal that the continued use of the packagings is permissible as long as the package continues to be in conformance with the terms of the original special permit. However, currently,

expired/inactive special permits are not readily available to enforcement and can be difficult to locate. Without consistent, assured access to expired permits, enforcement would not be able to verify the terms of the original permit, to ensure that the package remains safe. In addition, as currently proposed, this change would put an undue burden on industry in some cases, as they will need to have a way to demonstrate that their shipment is in compliance with the regulations and not an unauthorized package, which is how it will appear to a roadside inspector. If PHMSA moves forward with this proposal, it is critical that the agency provides a reliable mechanism for enforcement and industry utilizing these packagings to access expired/inactive special permits.

In addition, CVSA's members noted that the term 'life of the packaging' will need to be defined. Currently, the special permits do not include information regarding the lifespan of the package, so enforcement would have no way of determining whether or not a package being used after the expiration or nonrenewal of the special permit is still within its lifespan. If implemented, moving forward all special permits will need to define the lifespan of the package and PHMSA will need to provide inspectors with information on the lifespan for the packages covered by any existing expired special permits.

Finally, the current proposal does not address how PHMSA will handle a package whose permit was revoked or not renewed due to a safety issue identified by the agency. Currently, if a special permit is not renewed due to safety concerns it no longer is included in the list of active special permits and enforcement knows that it is no longer valid. However, if motor carriers are allowed to continue using packagings after a permit expires, how will enforcement determine if the permit was allowed to expire for a business reason on the motor carrier's side or a safety issue identified by PHMSA? While uncommon, there have been instances in the past when the agency chose not to renew a special permit due to safety concerns, so this distinction would need to be addressed if the agency moves forward with this proposal. If PHMSA moves forward with this proposal, it is critical that the agency provides a reliable mechanism for enforcement and industry utilizing these packagings to access information for both expired and revoked special permits.

CVSA works to closely monitor, evaluate and identify potentially unsafe transportation processes and procedures as well as to help facilitate and implement best practices for enhancing safety on our highways. Commercial motor vehicle safety continues to be a challenge and we need the involvement of all affected parties to help us better understand these issues and put into place practical solutions. We appreciate the agency's commitment to safety and stakeholder involvement.

If you have further questions or comments, please do not hesitate to contact me at 202-998-1008 or collin.mooney@cvsa.org.

Respectfully,



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Commercial Vehicle Safety Alliance