NOTIFICATION

The following notification is being circulated in accordance with Article 10.6

|  |  |
| --- | --- |
| **1.** | **Notifying Member:** UNITED STATES OF AMERICA**If applicable, name of local government involved (Article 3.2 and 7.2):**  |
| **2.** | **Agency responsible:** Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation (DOT) [2001]**Name and address (including telephone and fax numbers, email and website addresses, if available) of agency or authority designated to handle comments regarding the notification shall be indicated if different from above:** Please submit comments to: USA WTO TBT Enquiry Point, Email: usatbtep@nist.gov |
| **3.** | **Notified under Article 2.9.2 [****X],** **2.10.1 [****],** **5.6.2 [****X],** **5.7.1 [****], 3.2 [****], 7.2 [****],** **other****:**  |
| **4.** | **Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable):** Product and company certification. Conformity assessment (ICS code(s): 03.120.20); Transport (ICS code(s): 03.220); Pollution, pollution control and conservation (ICS code(s): 13.020.40); Wastes in general (ICS code(s): 13.030.01); Special wastes (ICS code(s): 13.030.30); Domestic safety (ICS code(s): 13.120); Accident and disaster control (ICS code(s): 13.200); Protection against fire (ICS code(s): 13.220); Explosion protection (ICS code(s): 13.230); Protection against excessive pressure (ICS code(s): 13.240); Protection against dangerous goods (ICS code(s): 13.300); Alarm and warning systems (ICS code(s): 13.320); Test conditions and procedures in general (ICS code(s): 19.020); Packaging materials and accessories (ICS code(s): 55.040); Cans. Tins. Tubes (ICS code(s): 55.120); Barrels. Drums. Canisters (ICS code(s): 55.140); Production in the chemical industry (ICS code(s): 71.020) |
| **5.** | **Title, number of pages and language(s) of the notified document:** Hazardous Materials: Adoption of Miscellaneous Petitions and Updating Regulatory Requirements; (31 page(s), in English) |
| **6.** | **Description of content:** Notice of proposed rulemaking (NPRM) - PHMSA proposes amendments to the Hazardous Materials Regulations (HMR) to update, clarify, improve the safety of, or streamline various regulatory requirements. Specifically, this rulemaking responds to 18 petitions for rulemaking submitted by the regulated community between May 2018 and October 2020 that requests PHMSA address a variety of provisions, including but not limited to those addressing packaging, hazard communication, and the incorporation by reference of certain documents. These proposed revisions maintain or enhance the existing high level of safety under the HMR while providing clarity and appropriate regulatory flexibility in the transport of hazardous materials. |
| **7.** | **Objective and rationale, including the nature of urgent problems where applicable:** Protection of human health or safety; Protection of the environment; Quality requirements; Harmonization; Reducing trade barriers and facilitating trade |
| **8.** | **Relevant documents:** 88 Federal Register (FR) 13624, 3 March 2023; [Title 49](https://www.ecfr.gov/current/title-49) [Code of Federal Regulations](https://www.govinfo.gov/app/collection/cfr) (CFR) Parts [107](https://www.ecfr.gov/current/title-49/subtitle-B/chapter-I/subchapter-A/part-107), [171](https://www.ecfr.gov/current/title-49/subtitle-B/chapter-I/subchapter-C/part-171?toc=1), [172](https://www.ecfr.gov/current/title-49/subtitle-B/chapter-I/subchapter-C/part-172?toc=1), [173](https://www.ecfr.gov/current/title-49/subtitle-B/chapter-I/subchapter-C/part-173?toc=1), [178](https://www.ecfr.gov/current/title-49/subtitle-B/chapter-I/subchapter-C/part-178?toc=1), [180](https://www.ecfr.gov/current/title-49/subtitle-B/chapter-I/subchapter-C/part-180?toc=1):<https://www.govinfo.gov/content/pkg/FR-2023-03-03/html/2023-03366.htm><https://www.govinfo.gov/content/pkg/FR-2023-03-03/pdf/2023-03366.pdf>This NPRM is identified by docket number PHMSA-2020-0102. The docket folder is available on [Regulations.gov](https://www.regulations.gov/) at <https://www.regulations.gov/docket/PHMSA-2020-0102/document>, and provides access to primary and supporting documents as well as comments received. Documents are also accessible from [Regulations.gov](https://www.regulations.gov/) by searching the docket number. WTO Members and their stakeholders are asked to submit comments by or before [4pm](http://time-time.net/times/time-zones/usa-canada/current-eastern-time-est.php) [Eastern Time](https://24timezones.com/time-zone/et) on 2 May 2023 to the USA TBT Enquiry Point. Comments received by the [USA TBT Enquiry Point](https://www.nist.gov/standardsgov/usa-wto-tbt-enquiry-point) will be shared with the regulator, and if received by the comment deadline, submitted to the [Docket](https://www.regulations.gov/docket/PHMSA-2020-0102/document) on [Regulations.gov](https://www.regulations.gov/). |
| **9.** | **Proposed date of adoption:** To be determined**Proposed date of entry into force:** To be determined |
| **10.** | **Final date for comments:** 2 May 2023; PHMSA will consider late-filed comments to the extent possible. WTO Members and their stakeholders are asked to submit comments to the USA TBT Enquiry Point by E-Mail to usatbtep@nist.gov. |
| **11.** | **Texts available from: National enquiry point [****]** **or address, telephone and fax numbers and email and website addresses, if available, of other body:** <https://members.wto.org/crnattachments/2023/TBT/USA/23_1670_00_e.pdf> |