Oil and Gas Waste/Hazardous Materials Regulations: Environmental Organizations Submit Request for Pipeline and Hazardous Materials Safety Administration Enforcement

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EARTHJUSTICE on behalf of a number of other organizations submitted a June 4th document to three federal agencies styled:

Request for Enforcement of Hazardous Materials Laws in U.S. Oil and Gas Fields ("Request").

The Request was joined by the following organizations:

- Truckers Movement for Justice
- Ohio Valley Allies
- Oilfield Witness
- FracTracker
- ProtectPT
- Buckeye Environmental Network
- Ohio Brine Task Force
- Wildearth Guardians
- Mountain Watershed Association

The Request was submitted to:

- U.S. Department of Transportation
- Pipeline and Hazardous Materials Safety Administration
- Federal Motor Carrier Safety Administration

The Request asks that those federal agencies:

…immediately enforce federal hazardous materials law for transportation of hazardous materials, particularly the transportation of oil and gas waste, and (2) the Federal Motor Carrier Safety Administration ("FMSCA") conduct a formal safety audit for all carriers operating in oilfields across the United States.

The Request states that oil and gas producers, and businesses that handle, process, and dispose of oil and gas waste are offering this waste for transport in violation of hazardous materials regulations. The

hazardous materials regulations are found at 49 CFR Parts 171-180. In particular, the organizations argue that:

…shippers are failing to class their loads, despite oil and gas waste at times meeting hazardous materials thresholds.

This is stated to violate 49 CFR 171.2(e), which prohibits shippers from offering hazardous materials for transport without proper classification.

In addition, this alleged initial violation is then stated to result in transport of hazardous material:

1. by a driver without a hazardous materials ("HAZMAT") endorsement, proper training, and personal protective equipment;
2. without required shipping papers and emergency response information;
3. without mandated placarding;
4. in inappropriate and inadequate packaging;
5. on inappropriate and vulnerable routes; and
6. without the required insurance.

Additional components of the Request include:

- Trucks in the Oilfield Are Likely Carrying Radioactive Material Without Adhering to Federal Hazardous Material Regulatory Requirements.
- Trucks in the Oilfield are Likely Carrying Flammable Materials and Materials that Pose a Host of Health Risks to Workers and Communities Without Adhering to Federal Hazardous Material Regulatory Requirements.
- Communities within America's Shale Fields and Along Transportation Routes for Oil and Gas Wastes Also Bear the Burden of Unlawful Transport.

Specific actions requested by these organizations include:

1. Use their enforcement authority to investigate the rampant failures of shippers in America's oilfields to properly class their loads of hazardous materials prior to shipment;
2. Conduct a formal safety audit for all carriers operating in oilfields across the United States;
3. Allow any oilfield driver engaged in the transport of oil and gas waste the opportunity to obtain a HAZMAT endorsement to allow that driver the opportunity to lawfully transport loads of oil and gas waste that meet the HAZMAT Rules' definition of hazardous material.
4. Provide carriers engaged in the transport of oil and gas waste, including oil and gas waste that meets the HAZMAT Rules' definition of hazardous material, 90 days to obtain proper insurance for the transport of hazardous material.
5. Require carriers to develop training in coordination with drivers, other oil field workers, and communities impacted by oil and gas waste generation, storage, handling, processing, and transport, to ensure oil and gas waste that meets the HAZMAT Rules' definition of hazardous material is safely managed during loading, offloading, and all stages of transit.

A copy of the Request can be downloaded here.