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RE: Docket No. NHTSA-2020-0109 – ANPRM – Federal Motor Vehicle Safety Standards: Test Procedures **RIN: [2127-AM04](#)**

The Council on Safe Transportation of Hazardous Articles (COSTHA) appreciates the opportunity to comment on this Advanced Notice of Proposed Rulemaking (ANPRM) and we apologize for submitting these comments after the official comment period.

COSTHA is a not-for-profit organization representing manufacturers, shippers, distributors, carriers, freight forwarders, trainers, packaging manufacturers and other associated with the hazardous materials transportation industry. In addition to promoting regulatory compliance and safety in hazardous materials transportation, COSTHA assists its members and the public in evaluating the practicality and efficacy of laws, rules and regulations for the safe transportation and distribution of hazardous materials.

We would like to voice our support for the comments submitted by the North American Automotive Hazmat Action Committee (NAAHAC). We note that the Hazardous Materials Regulations (HMR) are constantly being modified by the Pipeline and Hazardous Materials Safety Administration (PHMSA) to address safety concerns, experience in industry, and improvements in technology. As noted by NAAHAC, the relevant sections of 49 CFR addressing airbags and compressed gas cylinders under 49 CFR, Part 173, Subparts E and G have been revised since the publication of FMVSS No. 208 (49 CFR §571.208). Therefore, we support the suggested amendments to FMVSS 208 S9.1 and S9.2 accordingly.

For consistency, we have reproduced NAAHAC's recommendations in the table on the next page.

***Council on Safe Transportation of Hazardous Articles***

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<b>Current FMVSS 208</b>	<b>COMMENT</b>
<p><i>S9.1 Pressure vessels. A pressure vessel that is continuously pressurized shall conform to the requirements of §§178.65(a), 178.65(c) (2), 178.65(d), 178.65(e) (1), and 178.65(e) (2) of this title; and to the pressure relief device requirements of §§173.301(a) (2), 173.301(a) (3) and 173.301(f) of this title. It shall not leak or evidence visible distortion when tested in accordance with §178.65(f) (1) of this title and shall not fail in any of the ways enumerated in §178.65(f) (2) of this title when hydrostatically tested to destruction. It shall not crack when flattened in accordance with §178.65(g) of this title to the limit specified in §178.65(g) (4) of this title.</i></p>	<p><i>S9.1 Pressure vessels. Pressure vessels used in Safety devices must be in compliance with requirements for the gas or gasses they contain as prescribed in 49CFR Sections 173.301, 173.302 or 173.306(a) (1).</i></p>
<p><i>S9.2 Explosive devices. An explosive device shall not exhibit any of the characteristics prohibited by §173.54 of this title. All explosive material shall be enclosed in a structure that is capable of containing the explosive energy without sudden release of pressure except through overpressure relief devices or parts designed to release the pressure during actuation.</i></p>	<p><i>S9.2 Explosive devices. A Safety Device shall meet all requirements of 49 CFR Section 172.102 Special Provision 160 and 49 CFR 173.166.</i></p>

COSTHA once again appreciates NHTSA's consideration of our comments in support of NAAHAC's proposal. We believe these changes will enhance safety and remove confusion from the FMVSS 208 Standard.

Best Regards,



Tom Ferguson  
 Administrator and Chief Technical Officer