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Richard Schweitzer, PLLC

Docket Management Facility  
U.S. Department of Transportation  
1200 New Jersey Avenue SE  
West Building Ground Floor  
Room W12-140  
Washington, DC 20590-0001

[Docket No. **NHTSA-2020-0109**]

RIN: **2127-AM04**

**ANPRM – Federal Motor Vehicle Safety Standards: Test Procedures**

The North American Automotive Hazmat Action Committee (NAAHAC) is an issue-driven, action-oriented voluntary working group comprised of participants employed by North American automobile and motorcycle companies and their key suppliers. Our purpose is to consider and respond to the vital hazardous materials and dangerous goods transportation issues of our membership.

NAAHAC welcomes the opportunity to comment on this rulemaking and applauds the NHTSA's ANPRM which includes public comment on these important regulations. On September 19, 2019 NAAHAC submitted a proposal to NHTSA for amendment of FMVSS 208 S9.1 and S9.2 to align with the requirements of 49CFR, Parts 100-185, Hazardous Materials Regulations (HMR). Such alignment would reduce the regulatory burden on the automotive industry while maintaining the current level of safety. NHTSA acknowledged the proposal on October 22, 2019 stating they would evaluate our request and notify us of their decision. NAAHAC recognizes this ANPRM as another opportunity to offer our proposal.

**Summary of September 19, 2019 Petition**

FMVSS No. 208 (49 CFR 571.208) specifies requirements for the protection of vehicle occupants in crashes and includes equipment requirements for restraint systems. This petition suggests technical amendments to two of the provisions within this standard, specifically the requirements for pressure vessels and explosive devices, which are in S9.1 and S9.2, respectively.

S9.1 and S9.2 were originally published in 1972 and amended in 2004 with the purpose of regulating occupant crash protection systems, such as air bag inflators. Inflatons are classified as hazardous materials when transported in commerce because they contain explosive materials or are pressure vessels. This classification obligates manufacturers to conform to the HMR.

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10 Hunter Brook Lane, Queensbury, NY 12804 • Phone: (518)761-0389 • Fax: (518)792-7781 • [www.costha.com](http://www.costha.com)

Since S9.1 and S9.2 were amended by NHTSA in 2004, the hazardous materials regulations referenced in these paragraphs were amended by PHMSA under Docket No. PHMSA-2010-0201 (HM-254), effective July 31, 2013.

As a result of the 2013 PHMSA/HMR amendments, HMR references in FMVSS No. 208 are no longer accurate. Comments offered below seek to once again align the HMR references contained in S9.1 and S9.2 of the standard. They are not intended to suggest any substantive changes to the requirements specified therein.

To this end, NAAHAC would like to take this opportunity to comment on the ANPRM as written.

<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>

In conclusion, NAAHAC appreciates this opportunity to comment on the ANPRM to improve Federal Motor Vehicle Safety Standard (FMVSS) test procedures and modernize regulations for the purpose of improving the safety of drivers and passengers on public roads. NAAHAC subject matter experts would welcome the opportunity to discuss our submission with NHTSA.

Sincerely,

  
 Lisa K. Kriley  
 Chair

North American Automotive Hazmat Action Committee (NAAHAC)