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RSPA-1993-13564-277

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Congress of the United States
House of Representatives
Washington, DC 20515-3005
June 2, 1993

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The Honorable Frederico Pena
Secretary
Department of Transportation
Room 10200
400 Seventh Street, SW
Washington, DC 20590

RE: RSPA-US DOT
Docket No. HM 214
49 CFR Part 171, et al

ACTION	
is assigned to	
RSPF	
CONTROL NO	
930407-000	
SIMS	S-10

Dear Secretary Pena:

I am writing to express my concerns regarding an interim Department of Transportation (DOT) regulation that, if maintained, would have serious impact on the regional economy of the New Jersey - New York metropolitan area. Specifically, the rule would adversely impact area businesses which are engaged in manufacturing, shipping and handling of edible animal and vegetable fats and oils.

The interim regulation (RSPA - US DOT, Docket No. HM 214, 49 CFR Part 171, et al) classifies those products as Class 9 hazardous materials along with other, more potentially dangerous substances including petroleum products or formaldehyde.

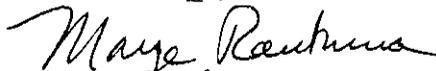
As you well know, the impact of this decision will be widely felt. Over thirty federal regulations currently reference the DOT list of hazardous materials. In addition, the State of New Jersey, which has a strong tradition of environmental regulation, also relies heavily on the DOT definitions. Inclusion of consumable oils will undoubtedly lead to increased costs and loss of business for the industry in the state.

While I recognize that adequate safeguards must be maintained to prevent spillage of all regulated materials, clearly a distinction must be drawn. It is a mistake to include consumable food matter within regulatory requirements which are more appropriately directed toward truly hazardous materials. Instead, I would endorse the proposed creation of a separate category for edible fats and oils: "Regulated, non-hazardous." The two categories would allow the department to individually address the specific safeguard concerns unique to each substance.

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I appreciate **your** full consideration of this proposal. As **you** move toward the final rulemaking, please don't hesitate to contact me.

Sincerely,


Marge Roukema
Member of Congress

MSR :jdk