

Canadian Cargo Tank Facilities Required to Register with Federal Motor Carrier Safety Administration (FMCSA) and follow United States Test, Inspection, and Repair Regulations: Questions and Answers

Q1: Why is the Federal Motor Carrier Safety Administration (FMCSA) issuing the Safety Advisory: *Canadian Cargo Tank Facilities Required to Register with Federal Motor Carrier Safety Administration (FMCSA) and follow United States Test, Inspection, and Repair Regulations* (Advisory) to Canadian cargo tank facilities (CTF) regarding registering with FMCSA?

A1: FMCSA investigations of United States - based motor carriers have shown that some motor carriers are using Canadian CTF to repair and perform required tests and inspections when the CTF is not registered with FMCSA. All CTFs that repair and perform required tests and inspections on cargo tanks used in the United States are required by the Code of Federal Regulations Title 49 (49 CFR) Part 107 Subpart F *Registration of Cargo Tank and Cargo Tank Motor Vehicle Manufacturers, Assemblers, Repairers, Inspectors, Testers, and Design Certifying Engineers*; to be registered with FMCSA. The Canadian CTFs are not certified by the National Board to perform repairs to cargo tanks according to the American Society of Mechanical Engineers (ASME) Code; or otherwise not performing the inspection and maintenance of the cargo tanks according to 49 CFR Part 180 Subpart E *Qualification and Maintenance of Cargo Tanks*.

Q2: Do Canadian CTFs that manufacture, test or repair only Transport Canada - designated cargo tanks for use in Canada and the United States, or United States Department of Transportation (USDOT)-designated cargo tanks for use in Canada need to register with FMCSA?

A2: No. Only Canadian CTFs performing one of the functions specified in A1 noted above on USDOT specification cargo tanks used to transport hazardous materials in the United States need to register with FMCSA.

Q3: What are the safety implications of not registering?

A3: While the safety implications of not registering are not especially high, it is important that the proper protocols be followed when repairing, inspecting, testing or maintaining USDOT specification cargo tanks. Specifically, all CTFs repairing, inspecting, testing or maintaining US DOT specification cargo tanks must comply with the qualification and maintenance regulations specified in 49 CFR Part 180 Subpart E.

There are differences between United States and Canadian cargo tank repair, inspecting, testing or maintenance requirements. For example, when welding on the tank shell of a cargo tank, the United States requires the facility to hold an ASME R stamp issued by the National Board, while Canada has its own certification process.

Canadian Cargo Tank Facilities Required to Register with Federal Motor Carrier Safety Administration (FMCSA) and follow United States Test, Inspection, and Repair Regulations: Questions and Answers

Q4: Is Canada the only country outside the United States whose CTFs need to register with FMCSA?

A4: No. Any CTF performing any of the functions noted in A1 above needs to register with FMCSA. At this time, FMCSA has CTF registrants from countries outside the United States, including China, England, Mexico, Australia, and Canada.

Q5: After registering with FMCSA, does a CTF fall under FMCSA jurisdiction, including receiving penalties for non-compliance?

A5: Yes. For purposes of carrying out the responsibilities of the CTF pursuant to Federal Hazardous Materials Regulations (HMR) Parts 107 and 171 – 180, the CTF is under the jurisdiction of FMCSA and could be fined for non-compliance with the HMR.

Q6: Who at FMCSA should someone contact for further information on registering a CTF?

A6: For questions and concerns regarding the registration of a CTF, contact the Hazardous Materials Division at FMCSA at 202-385-2307; or email fmcsacargotank@dot.gov.