

Safety Advisory: Canadian Cargo Tank Facilities Required to Register with Federal Motor Carrier Safety Administration (FMCSA) and follow U.S. Test, Inspection, and Repair Regulations

Update:

The Federal Motor Carrier Safety Administration (FMCSA) of the United States Department of Transportation (DOT) is updating and re-issuing this advisory to reflect exceptions to the registration requirements in 49 CFR § 107.502(b) for certain Canadian repair facilities, that were adopted on March 30, 2017, in final rule HM-215N, Hazardous Materials: Harmonization with International Standards [82 FR 15796].

FMCSA originally issued this safety advisory in March 2017, as a reminder of the registration requirements for Canadian cargo tank facilities and persons engaged in the manufacture, assembly, certification, inspection or repair of a US DOT specification cargo tank or cargo tank motor vehicle used for the transportation of hazardous materials (HM) in the United States.

The requirement to register with FMCSA does not apply to facilities in Canada who repair (defined in 49 CFR § 180.403 as welding on the cargo tank wall) US DOT specification cargo tanks used in the transportation of hazardous materials in the United States, provided:

- The repair is performed in accordance with the Transport Canada (TC) Transportation of Dangerous Goods Regulations (TDGR);
- The facility holds a valid Certificate of Authorization from a provincial pressure vessel jurisdiction for repair;
- The facility is registered in accordance with the TDGR to repair the corresponding TC specification; and
- All repairs are performed using the quality control procedures used to obtain the Certificate of Authorization.

Registration with FMCSA:

Facilities and persons that do not meet the above exception are required to register with FMCSA and must submit a registration statement and application for a cargo tank facility number in accordance with 49 CFR Part 107.

Registration statements must be completed in English, contain all information required by part 107 subpart F, and be submitted to: FMCSA Hazardous Materials Division—MC-ECH, West Building 1200 New Jersey Avenue, SE, Washington, DC 20590. You may upload documents at <https://ask.fmcsa.dot.gov/app/ask> or fax documents to: (202)366-3477.

The registration requirements also apply to cargo tanks built to specifications contained in a Special Permit issued by the Pipeline and Hazardous Materials Safety Administration (PHMSA) and to manufacturers of components used in the construction of US DOT specification cargo tanks.

Additionally, Canadian cargo tank facilities or persons required to register with FMCSA must designate a permanent resident of the United States to act as your agent to receive documents on your behalf. Regulations require such entities to prepare and file designations with PHMSA pursuant to 49 CFR §105.40: Designated agents for non-residents. By completing the process agent designation section on the cargo tank registration form required for FMCSA registration, this requirement is satisfied.

Compliance with U.S. Regulations 49 CFR Part 180 Subpart E:

When engaged in continuing qualification and maintenance of US DOT cargo tanks and cargo tank motor vehicles, all U.S. and Canadian inspectors must be familiar with and employ the requirements for testing, inspecting and repairing of cargo tanks and cargo tank motor vehicles pursuant to 49 CFR, Part 180, Subpart E.

Access to 49 CFR:

The 49 CFR can be accessed online at: www.ecfr.gov; through FMCSA at: <https://www.fmcsa.dot.gov/regulations/hazardous-materials/hazardous-materialsdangerous-goods-regulations>.

Questions and Inquiries:

For more information or should you have questions concerning this safety advisory, please contact Paul Bomgardner, Chief, Hazardous Materials Division, at 202-493-0027 or by email at paul.bomgardner@dot.gov