



INDEPENDENT LUBRICANT MANUFACTURERS ASSOCIATION

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February 20, 2007

Pipeline and Hazardous
Materials Safety Administration
Room PL-401
U.S. Department of Transportation
400 Seventh Street, SW
Washington, DC 20590-0001

RE: Docket RSPA-04-18730 (HM-232E) Notice of Proposed Rulemaking

Dear Sir or Madame:

The Independent Lubricant Manufacturers Association (“ILMA”) submits the following comments on the Pipeline and Hazardous Materials Administration’s (PHMSA) Notice of Proposed Rulemaking (“NPRM”) on modifications to the Hazardous Materials Regulations (HMR), 49 CFR Parts 172 and 174, to enhance rail transportation safety and security for hazardous materials shipments. 71 Fed. Reg. 76834 (Dec. 21, 2006).

Introduction of ILMA

ILMA, established in 1948, is a national trade association of 135 manufacturing member companies. As a group, ILMA member companies blend, compound and sell over 25 percent of the United States’ lubricant needs and over 75 percent of the metalworking fluids (“MWFs”) utilized in the country.

Independent lubricant manufacturers by definition are neither owned nor controlled by companies that explore for or refine crude oil to produce lubricant base stocks. Base oils are purchased from refiners, who are also competitors in the sale of finished products. Independent lubricant manufacturers succeed by manufacturing and marketing high-quality, often specialized, lubricants. Their success in this competitive market also is directly attributable to their tradition of providing excellent, individualized service to their customers.

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ILMA's Response to PHMSA's Request for Comment

The proposed revisions to the HMR contemplated in the NPRM appear to be limited to only certain types of hazardous material in certain quantities: Division 1.1, 1.2 and 1.3 explosives in excess of 5,000 lbs; TIH materials in bulk quantities and highway route controlled quantities of radioactive materials.

Though many ILMA members use rail transportation in their business operations, the materials that they use to manufacture lubricant products (*i.e.*, base oils and chemical additives) do not fall into any of the hazardous material type and quantity categories specified by PHMSA in the NPRM. Our comments, therefore, are limited to PHMSA's query as to whether the proposed safety and security measures should be *extended* to additional types and quantities of hazardous material.

The proposed extra safety and security measures should *not* be extended by PHMSA to either lubricant products or to the materials ILMA members use to manufacture lubricant products. As a practical matter, these items cannot be "weaponized." Indeed, the flash points of these materials are typically over 300 degrees Fahrenheit and only support combustion when there is a sustained open flame.

Further, releases these products or materials from bulk containers are unlikely. The bulk containers typically used by ILMA members can withstand heat to a significant degree and will not readily explode in a violent manner due to the lack of volatile materials. In the unlikely event of a large fire that includes these materials, normal evacuation measures are adequate to protect the public.

Though there are a great variety of chemical additives that ILMA members use to manufacture their lubricant products, the Association does not believe that they include the hazardous materials now contemplated in the NPRM (and would be rather surprised to learn otherwise).

Conclusion

ILMA appreciates the opportunity to submit the foregoing comments and trusts that they can help further sharpen the focus of PHMSA's laudable efforts at making rail transportation safer and more secure.

The Association is available to answer any questions its comments may have raised.

Sincerely,



Celeste M. Powers, CAE
Executive Director

cc: ILMA Safety, Health, Environmental and Regulatory Affairs Committee
Jeffrey L. Leiter, Esq.
Adam B. Cramer, Esq.