



August 21, 2026

Mr. William Quade
Associate Administrator - Hazardous Materials Safety
Pipeline and Hazardous Materials Safety Administration
U.S. Department of Transportation
1200 New Jersey Avenue, S.E.
Washington, D.C. 20590

RE: Two Opportunities to Continue Eliminating Unnecessary Regulatory Burdens on Fuel Transportation

Dear Mr. Quade:

The Energy Marketers of America (EMA) thanks the Pipeline and Hazardous Materials Safety Administration (PHMSA) for meeting with us to discuss placarding rules applicable to fuel transportation. We appreciated the candid discussion and PHMSA's openness to hearing directly from the fuel marketing industry about the practical, day-to-day compliance challenges our members face on the road.

EMA commends PHMSA for its recent final rule, *Hazardous Materials: Eliminating Unnecessary Regulatory Burdens on Fuel Transportation* (91 FR 1433, Docket No. PHMSA-2018-0080), which restored the longstanding low-flashpoint placarding exemption for most commercially available petroleum distillates. In that same spirit — and consistent with Executive Order 14192, "Unleashing Prosperity Through Deregulation," and Executive Order 14156, "Declaring a National Energy Emergency" — EMA respectfully outlines two further opportunities to make fuel transportation regulation more efficient without compromising safety.

I. Support the Removal of "Other Modes of Surface Transportation" Language from Section 10607

First, EMA requests that PHMSA support removal of the phrase "or by other modes of surface transportation frequently used to transport freight" from Section 10607 of the House Surface Transportation Committee mark, or its removal in conference. Although Section 10607 responds directly to freight-train derailments and hazardous-material spills, this phrase could extend new placard-durability requirements to highway fuel cargo tanks. Removing it would allow PHMSA to focus squarely on the rail-safety concern that prompted the provision, consistent with 49 C.F.R. Part 172, which already accommodates mode-specific placarding requirements for rail within an otherwise modal-neutral structure (see §§ 172.508, 172.510).

Should the phrase remain, the potential impact on the motor fuels industry would be substantial. EMA estimates that approximately 66,800 tank trucks and 124,100 tank trailers operate nationwide, and a mandatory highway placarding change could impose more than \$200 million in aggregate compliance costs — a burden that would fall disproportionately on small and family-owned fuel marketing businesses. A rulemaking of that scope would likely require a Small Business Advocacy Review Panel to ensure PHMSA fully evaluates the economic impact and considers less burdensome alternatives, a process that could be avoided entirely with the narrower, rail-specific statutory language we recommend here.

II. Extend the Low-Flashpoint Placarding Exemption to Cover E15 Blends

Second, EMA recommends that PHMSA extend the low-flashpoint identification number exemption under 49 C.F.R. § 172.336 to expressly cover E15 blends. As federal policy increasingly supports year-round sale of E15, an ever-growing share of the fuel transportation fleet will carry this blend, yet current exemption practice does not extend to it, requiring carriers to display an additional, higher-flashpoint identification number that offers no meaningful safety benefit.

This gap imposes an unnecessary compliance burden without a corresponding gain in safety. Our discussions with Minnesota first responders confirm that emergency response protocols do not change in practice based on the presence of E15 specifically: responders identify the lowest-flashpoint product on the placard, consult the appropriate ERG guide, and select foam accordingly, regardless of whether the blend at issue is E10 or E15.

EMA takes hazardous materials transportation safety seriously, and we are committed to continuing to gather information directly from the emergency response community as this issue develops. We welcome the opportunity to engage further with PHMSA on this proposal, including sharing additional data on firefighting foam selection and first-responder practices as our research continues.

Thank you for considering our recommendations. EMA commends PHMSA's continued efforts to eliminate burdensome fuel transportation regulations without compromising safety, and we look forward to working with the agency as it evaluates these opportunities. Should you have any questions or wish to discuss further, please do not hesitate to reach out to Regulatory Counsel Jorge Roman at jroman@bmalaw.net.

Sincerely,

Rob Underwood
President