

February 18, 2020

Dr. Kelly Regal, Associate Administrator
Office of Research and Information Technology
Federal Motor Carrier Administration
U.S. Department of Transportation
1200 New Jersey Avenue, SE
West Building, Ground Floor, Room W12-140
Washington, DC 20590-0001

Via Electronic Submission: <http://www.regulations.gov>

**RE: Docket No. FMCSA-2018-0328; Agency Information Collection Activities; New
Information Collection: Beyond Compliance**

Dear Associate Administrator Regal:

The National Association of Chemical Distributors (NACD) appreciates the opportunity to comment on the Federal Motor Carrier Safety Administration (FMCSA) notice and request for comments on agency's collection of information to implement the Beyond Compliance program.

About NACD

NACD is an international association of nearly 430 chemical distributors and their supply-chain partners. NACD members represent more than 85 percent of the chemical distribution capacity in the nation and generate 90 percent of the industry's gross revenue. NACD members, operating in nearly every U.S. state through more than 3,000 facilities, are responsible for more than 75,000 direct and indirect jobs in the United States. NACD members are predominantly small regional businesses, many of which are multi-generational and family owned.

NACD members meet the highest standards in safety and performance through mandatory participation in NACD Responsible Distribution®, the association's third-party-verified environmental, health, safety, and security program. Through Responsible Distribution, NACD members demonstrate their commitment to continuous performance improvement in every phase of chemical storage, handling, transportation, and disposal operations.

Transportation is an integral part of the chemical distribution business. NACD members include companies that use their own private fleets, third-party logistics providers, or a combination of both. In 2018, NACD members made nearly 4.2 million shipments totaling 33.7 million tons of product and drove nearly 411 million miles while safely making deliveries to customers every 7.5 seconds. In doing so, NACD members averaged just one incident for every 8,929 shipments. NACD members have experienced a 16.4% decline in incidents over the last eight years, which demonstrates the success of Responsible Distribution in achieving a strong safety record.

NACD Comments on FMCSA's Proposed Approach to Study and Assess the Effectiveness of Various Technologies, Programs, and Policies on Motor Carrier Safety Performance in Support of the Beyond Compliance Program

NACD appreciates FMCSA's effort to reach out to motor carriers to collect information on safety technologies and practices that could potentially be recognized under the Beyond Compliance program; however, NACD has concerns about the proposed limited approach to conducting the survey.

FMCSA plans to survey motor carriers with safety performance records better than national averages. FMCSA will select these carriers by examining Department of Transportation (DOT)-reportable crash rates and driver and vehicle out-of-service (OOS) rates at roadside inspections. FMCSA will obtain this information from the Motor Carrier Management Information System (MCMIS) database. Only those in the top quartile across the three carrier size categories of large, medium, and small would be invited to participate in the FMCSA survey. FMCSA estimates the survey will go to approximately 225 carriers.

Because of this small sample size relative to the large community of motor carriers in the United States as well as flaws in the MCMIS system, NACD believes this proposed approach would result in the omission of numerous smaller firms with effective safety programs such as NACD member companies. It is fairly typical for safe motor carriers to have less-than-stellar DOT scores if they have experienced just one or two OOS incidents or a crash that might not have even been that carrier's driver's fault. The reason for this is that because of their small fleets, small carriers typically experience a limited number of roadside inspections, making it difficult to achieve an adequate number of clean inspections to offset just one or two negative occurrences such as an OOS placement.

In the December 18 notice, FMCSA requests comment on whether the potential respondents should be expanded to include carriers who have made significant safety improvements and/or carriers who wish to participate in the study. NACD strongly recommends that FMCSA open the survey to all those who wish to participate. This would give companies that have strong safety cultures and effective safety programs but are omitted under FMCSA's proposed limited sampling method the opportunity to participate. Opening the pool of participants would also result in the inclusion of more small firms whose safety focus is not only on technology, but on safety programs and policies. NACD believes it is critical for the Beyond Compliance program to include a strong balance of both safety programs and technologies.

Conclusion

NACD appreciates FMCSA's work on the Beyond Compliance initiative and thanks the agency for the opportunity to comment on this notice. NACD strongly believes it would be beneficial for the agency to open up participation to all carriers who wish to participate. This would enhance the program by ensuring all who are committed to safety and have effective programs can be heard.

If you have questions or need additional information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer C. Gibson". The signature is fluid and cursive, with the first name "Jennifer" written in a larger, more prominent script than the last name "Gibson".

Jennifer C. Gibson
Vice President, Regulatory Affairs