

February 26, 2024

Senator Maria Cantwell, Chair
U.S. Senate Committee on Commerce, Science,
and Transportation
254 Russell Senate Office Building
Washington, DC 20510

Senator Ted Cruz, Ranking Member
U.S. Senate Committee on Commerce, Science,
and Transportation
254 Russell Senate Office Building
Washington, DC 20510

Representative Sam Graves, Chair
U.S. House Committee on Transportation and
Infrastructure
2165 Rayburn House Office Building
Washington, DC 20515

Representative Rick Larsen, Ranking Member
U.S. House Committee on Transportation and
Infrastructure
2164 Rayburn House Office Building
Washington, DC 20515

Dear Chair Cantwell, Ranking Member Cruz, Chair Graves, and Ranking Member Larsen:

I am writing on behalf of the Compressed Gas Association (CGA) to express support for Compressed Gas Cylinder Safety and Oversight Improvement Act of 2023 (S. 1632 and H.R. 3404) and call on Congress to enact the legislation. This bipartisan, bicameral legislation makes modest changes to federal law regarding the authorization to manufacture compressed gas cylinders, builds on the reforms initiated by the Department of Transportation (DOT) Pipeline and Hazardous Materials Safety Administration (PHMSA), and makes improvements in the manufacturing and regulatory environment.

The Compressed Gas Association (CGA), founded in 1913, is dedicated to the development and promotion of safety standards and safe practices in the industrial, medical, and food gases industry. CGA represents more than 150 member companies in all facets of the industry – manufacturers, distributors, suppliers, and transporters of gases, cryogenic liquids, and related products and services. Through a committee system, CGA develops technical specifications, safety standards, and training and educational materials, and works with government agencies to formulate responsible regulations and standards and to promote compliance with these regulations and standards.

CGA and its members have a long history of safe operations, including the manufacture, transport, and use of compressed gas cylinders. There has been a longstanding and ongoing collaboration between CGA and PHMSA on issues related to transport and use of compressed gas cylinders. As a testament to this partnership, PHMSA regulations incorporate by reference more than 20 CGA standards. However, CGA is concerned that a small number of entrants to the U.S. marketplace may negatively affect the safe manufacturing of compressed gas cylinders. The Compressed Gas Cylinder Safety and Oversight Improvement Act of 2023 (S. 1632 and H.R. 3404) would address these concerns and help to ensure continued safe manufacture of compressed gas cylinders.

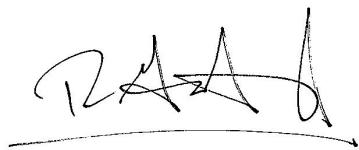
CGA supports the Compressed Gas Cylinder Safety and Oversight Improvement Act of 2023 for the following four reasons:

- (1) **Supports PHMSA's Authority:** The Act supports PHMSA by enhancing its oversight and regulatory authority to promote greater transparency for the manufacturing of cylinders to ensure ongoing compliance with U.S. regulations. The safety of the public can be jeopardized without compliance to U.S. regulations. CGA members believe that the additional tools provided in the proposed legislation will ensure continued confidence in the safe manufacture of compressed gas cylinders. It also will provide heightened enforcement capabilities for any knowing or willful violations.
- (2) **Enhances Transparency:** The additional transparency measures will ensure that federal regulators have more complete information about new entrants to the marketplace. This includes requiring additional information at point of application and ensuring compliance with existing U.S. laws (such as labor laws, etc.).
- (3) **Provides Public Notice:** Publication in the Federal Register would allow interested parties to receive notice of applications and provide DOT with appropriate and relevant information during the process. Relevant information that may be provided by interested parties includes where an applicant has offered items without DOT marking, mismarked cylinders, or cylinders that are not manufactured to an applicable specification. This process is akin to that performed by other DOT agencies, such as Federal Motor Carrier Safety Administration (FMCSA), and is similar to the special permit process in place at PHMSA.
- (4) **Allows for PHMSA Inspection Cost Recovery:** The growth in the number of manufacturers seeking approvals has increased dramatically over the last five years while the resources provided to PHMSA to conduct onsite inspections have not kept pace. The backlog of uninspected foreign cylinder manufacturers has grown since COVID-19, necessitating approaches such as conditional approval that may not provide an equivalent level of oversight as envisioned by regulation. Other countries allow for either fee- or cost-based recovery of overseas inspection. Allowing recovery of PHMSA costs will ensure that inspection regimes both domestically and internationally are similar and provide the same safety benefit.

In closing, CGA commends Congress for the introduction of the Compressed Gas Cylinder Safety and Oversight Improvement Act of 2023 (S. 1632 and H.R. 3404) and urges expeditious enactment of these bills.

If you need further information or clarification on CGA's comments, please contact me at (703) 788-2748 or at the email address below.

Sincerely,



Richard Gottwald
President and CEO
Compressed Gas Association, Inc.
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