



Submitted via e-mail

March 12, 2026

Standards & Rulemaking Division
Pipeline Hazardous Materials Safety Administration (PHMSA)
United States Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

RE: Hazardous Materials Interpretation Request number 26-0018

Dear PHMSA:

The Fertilizer Institute (TFI) and the Agricultural Retailers Association (ARA) collectively represent hundreds of companies across the fertilizer supply chain, including agricultural retailers of all sizes who directly supply farmers around the country with essential crop nutrients. Both TFI and ARA value the relationship our organizations have with PHMSA and the on-going opportunities we have to collaborate to advance the shared goal of transportation safety.

We jointly submit these comments on behalf of our member companies in response to the request for regulatory interpretation submitted by the Ohio Public Utilities Commission (Interpretation Request number 26-0018) on PHMSA's Pending Hazardous Materials (Hazmat) Interpretations website.¹

Interpretation Request number 26-0018 addresses cargo tank registration requirements for what is described as an "agriculture cooperative." It is unclear what is meant by that term, however our members own agriculture retail locations nationwide and this request directly impacts operations of their facilities. As background, our member retail locations own anhydrous ammonia "nurse tanks"² and conduct inspections of them pursuant to Subpart F of Part 107 of the Hazardous Materials Regulations ("HMR"). These locations only inspect these tanks as required and do not engage in the manufacture, assembly, repair, or certification of any such nurse tanks at any of the facilities. It is very common throughout the agricultural retail industry for companies to maintain one cargo tank registration number with the Department of Transportation ("Department") and rely on this registration to support inspection-only work of anhydrous ammonia nurse tanks.

Relevant to the above circumstances, 49 C.F.R. § 107.502(b) provides that no "person may engage in the manufacture, assembly, certification, inspection or repair..." of a cargo tank "unless the person is registered with the Department..." and that "[a] person employed as an inspector or

¹ See comment 26-0018 at: <https://www.phmsa.dot.gov/standards-rulemaking/hazmat/interpretations/pending-hazardous-materials-hazmat-interpretations>.

² As defined under 49 CFR §173.315(m).

design certifying engineer is considered to be registered if the person's employer is registered.” 49 C.F.R. § 107.502(e) provides that “[a] separate registration number will be assigned for each cargo tank manufacturing, assembly, repair facility or other place of business identified by the registrant.” Notably, subsection (e) does not address any facilities that conduct inspections while subsection (b) specifically does.

Our members have interpreted this regulation to require one cargo tank registration number and not separate, per-facility numbers as specified in 49 C.F.R. § 107.502(e) since they do not fall under the specific categories of operations identified in subsection (e). There does not appear to be any law, regulation, or written guidance suggesting an alternative interpretation when the activities at the facility are limited to inspections only. This approach is consistent with industry practice, which has been subject to recordkeeping requirements and routine inspections from the Department or other government agencies with jurisdiction. In addition, having one registration ensures consistency by allowing members to have inspectors that can conduct the same quality of inspections across multiple locations. If necessary, it also provides the ability to centrally track the date, location and person conducting the inspection, thus meeting the intent of these requirements. Our understanding is that this centralized information is readily accessible at every inspection location, ensuring that both company personnel and state or federal field staff can obtain it as needed.

We are requesting clarification regarding cargo tank registration requirements to confirm that only one number is required for operations that conduct inspection only activities under 49 C.F.R. § 107.502 as part of PHMSA’s response to the regulatory interpretation request number 26-0018. Nurse tanks are essential in the safe, compliant, and efficient transportation of anhydrous ammonia fertilizer to American farms for application. Anhydrous ammonia is one of the most nitrogen-rich fertilizers available, and nurse tanks are used exclusively for agricultural purposes.

TFI and ARA member companies are committed to nurse tank safety, including the inspection and other requirements of the HMRs and any U.S. DOT safety advisories. In 2013, TFI and ARA joined together to found and jointly operate ResponsibleAg, an independent, not-for-profit organization designed to support fertilizer retailers’ compliance with federal safety and environmental regulations with the ultimate goal of making the entire industry safer for workers and the general public. More information about ResponsibleAg is available at <https://www.responsibleag.org/>.

We thank you for your consideration of these comments and look forward to continuing to work with PHMSA on advancing transportation safety while meeting the needs of American agriculture. If you have any questions on this issue, please contact TFI’s Ryan Bowley (rbowley@tfi.org).

Sincerely,



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The Fertilizer Institute



Richard D. Gupton
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