

Report No. VTRC 87-R24	Report Date January 1988	No. Pages 34	Type Report: Final Period Covered:	Project No. : Contract No.:
Title and Subtitle Hazardous Materials Programs in the Fifty States			Key Words Hazardous Materials State Programs	
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Supplementary Notes				
Abstract This report describes the hazardous materials transportation safety programs, laws, and regulatory programs enacted by each of the fifty states. The report contains a brief description of common elements in the hazardous materials policy-making process in the states, and contains a list of the primary hazardous materials officials in the fifty state governments.				

HAZARDOUS MATERIALS PROGRAMS IN THE FIFTY STATES

by

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(The opinions, findings, and conclusions expressed in this report are those of the author and not necessarily those of the sponsoring agencies.)

Virginia Transportation Research Council
(A Cooperative Organization Sponsored Jointly by the Virginia
Department of Transportation and the
University of Virginia)

Charlottesville, Virginia
January 1988
VTRC 87-R24

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I. INTRODUCTION

In response to a request from the Transportation Research Board Committee A1A05, Planning and Administration of Transportation Safety, the Virginia Transportation Research Council conducted a survey of hazardous materials safety administrators in the fifty states from November of 1986 to March of 1987. The purpose of the study was to determine what type of safety regulations, enforcement procedures, and emergency response capabilities have been adopted by the states. Ideally, the study will be useful to state officials as they develop new state programs, to federal administrators as they look at the intergovernmental impact of hazardous material regulations, and to the transportation industry, which must operate under the state programs.

II. METHOD

Data: The data were collected from all fifty states. A composite list of hazardous materials administrators in the states was created. It was based on information available to the National Conference of State Legislatures, and the Council of State Governments (see Part VII). The survey instrument was mailed to the officials on the mailing list. A self-addressed stamped envelope was included with the survey questionnaire to facilitate return of the completed responses. The data were formatted into a matrix, which appears as the Reference Matrix of this report.

Survey Instruments: A questionnaire (see Appendix 1) was used to collect the data used in this report. The questions were designed to be open-ended and were fashioned to determine whether the responding states had developed a hazardous material program meeting the criteria suggested in the Office of Technology Assessment's July 1986 report, *Transportation of Hazardous Materials*.

Data Analysis: The small population size, $N = 50$, and the binary nature of the variables involved in the survey, do not allow statistical evaluation of the data. Descriptive analysis of the responses was conducted to develop several conclusions about the states' hazardous materials transportation safety programs.

Missing Data: A problem with missing data was encountered in the survey. Three states did not return completed questionnaires. In those, officials knowledgeable about the hazardous material program in the state were surveyed by telephone. Where conflicting information was received by officials in the same state, the conflicting information was reported in the study.

III. WHAT THE CATEGORIES MEAN

The narrative responses to the survey questions were read and analyzed to determine whether a particular state's hazardous material program included 10 characteristics.

Single State Agent: This category indicates whether the state has designated, either by statute, executive order, or *ad hoc*, a particular agency to coordinate hazardous materials transportation programs in the state. In states that do not have a single state agency coordinating hazardous material policy, either no agency is responsible for the programs or multiple agencies have equal responsibility for the programs.

One Local Agent: This category indicates whether the state has designated, by statute, one local agency to be responsible for coordinating hazardous material activity in the community.

Flow Data: This category indicates whether the state collects data on the quantity and type of commodities transported through the state, including data on the routes over which the commodities travel.

Incident Data: This category indicates whether the state collects data on the number, location, type, and severity of hazardous material incidents that occur in the state.

Risk Assessment: This category indicates whether the state has conducted a quantitative-probabilistic risk assessment of the state's exposure to hazardous material incidents at particular locations in the state.

State Regulations: This category indicates whether the state has adopted statutes or administrative regulations governing the transportation of hazardous materials within the state (in intra-state commerce). This category does not include general carrier safety regulations that apply to carriers regardless of cargo, but it does include regulations that only apply to hazardous waste of various types.

49 C.F.R.: This category describes whether the state has adopted any of the regulations listed in 49 C.F.R. Parts 106-179 in any form, including adoption in amended form.

Emergency Response Teams: This category indicates whether the state maintains or finances the equipment, training, and maintenance of hazardous materials emergency response teams. States that have hazardous waste emergency response teams that will respond to hazardous materials emergencies are treated as having state hazardous materials teams.

Fees: This category indicates whether the state charges the generators or transporters of hazardous materials or hazardous waste any fees based solely on the generator's or transporter's hazardous material activity. If a fee is charged to all carriers, it is not counted in this category.

Right to Know: This category indicates whether the state has adopted a right-to-know law by statute, requiring the release of information on the hazards associated with chemicals produced or used in a given facility.

IV. CONCLUSIONS

A number of conclusions can be drawn from the results of the survey.

The most striking conclusion is that there is great variety in the approaches that states have taken in regulating hazardous materials transportation. No two states have done exactly the same thing, even when programs are broken down into broad categories, as in this study. The most uniformity that has been achieved has been in the adoption of the federal hazardous materials regulations in 26 states; but no state has adopted the federal regulations without amendment or supplementation.

All states have adopted some type of statutory regulation of hazardous materials. Even in states with the most complete hazardous material transportation safety programs, such as Illinois, not all of the categories are met by the state program. The lowest level of hazardous material policy is the de facto delegation of responsibilities to local governments. There is no highest level of policy.

Eighteen states currently have hazardous materials emergency response teams that are supported by the state government. Five more states are developing state-supported teams.

Only Illinois has conducted a quantitative-probabilistic risk assessment of the hazardous materials threat to the state.

Only Arizona and Virginia have conducted long-term studies of the flow of hazardous materials through the state by all modes of transport. Neither of those states has conducted a risk analysis based on the flow studies, however:

The most common theme expressed in the responses was that the nature of hazardous materials transportation needs to be studied more before policy can be made to increase public safety. Twenty-seven states are studying hazardous materials policy. All of the 27 states that are studying new policy are using state agency task forces, composed of representatives of various state agencies (and sometimes with industry and interest-group representation), to oversee the study process. The advantages of using task forces in this area are the accumulation of expertise (since only Arizona and Illinois have any hazardous material policy expertise in the government), low cost (since the task force

members are already on the state payroll), and legitimacy as the entire bureaucracy signs on to the task force recommendations. This report does not study the extent to which task force recommendations have become state policy.

None of the states that have adopted fee programs for hazardous material carriers in general use the fee revenues to directly fund the prevention and cleanup of hazardous materials incidents. However, all of the states that have fee programs for hazardous waste carriers use the fee revenues to fund prevention and cleanup of hazardous waste transportation incidents. The hazardous materials user fee programs are apparently aimed at the deterrence of incidents, rather than at compensation or abatement; but no state has conducted an evaluation of the effects of its fees on carriers or safety regulation compliance.

Model

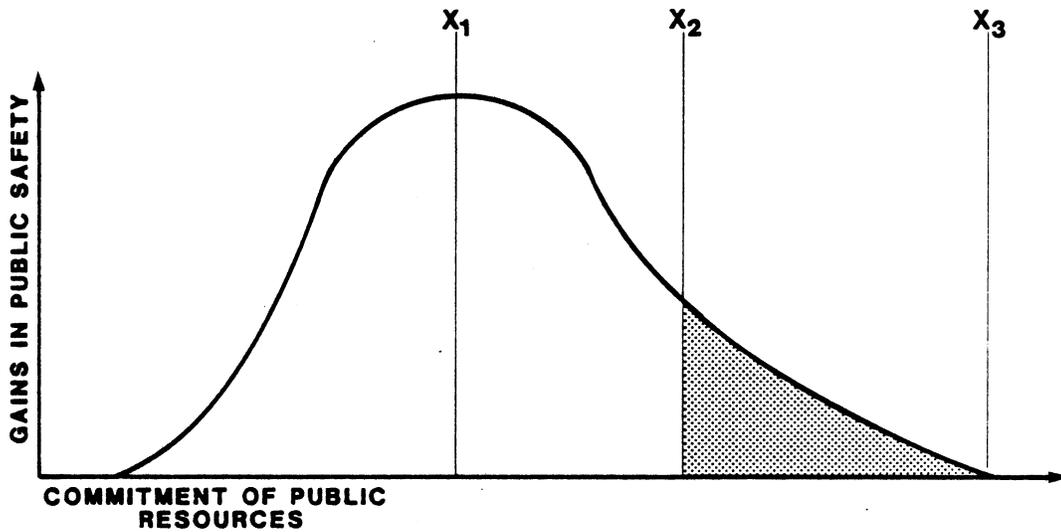
Arizona is the only state in the country that has evaluated its hazardous materials transportation safety policy with rigorous cost-benefit analysis (see Pijawka, Foote & Soesilo, "Risk Assessment of Transporting Hazardous Material: Route Analysis and Hazard Management," in *Improving Transportation of Hazardous Materials Through Risk Assessment and Routing*, TRR 1020 (1985)).

Although this survey was not designed to measure the effects of the states' hazardous materials policies, it is likely that no state has achieved an optimal level of deterring hazardous materials incidents. The respondents indicated that the goal of their state policies was, in economic terms, to minimize the transfer costs (in public safety as well as dollars) from hazardous materials incidents to the state population. The design of state programs (the establishment of user fees and fines) is appropriate for forcing the generators and carriers of hazardous material, who create the hazard, to shoulder the costs of their activity. However, the level of user fees and fines has not produced an optimal level of risk transfer, regardless of how this level is measured.

The problem can be viewed in the following illustrations borrowed from welfare economics methodology. The total benefit curve in Figure 1 illustrates that increasing the commitment of resources through direct expenditure by the government (in enforcement or emergency response) or through indirect expenditure by the private sector (in fines and user fees) will yield increasing gains in public

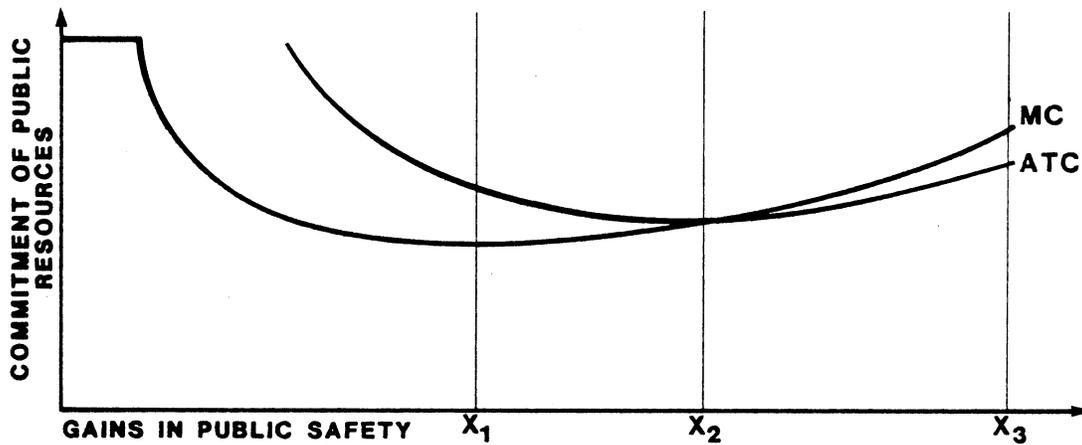
welfare, but only up to a point (at X1). More expenditure, beyond X1, will produce marginally less benefit in welfare.

If viewed in conjunction with the total benefit curve in Figure 1, the cost curves in Figure 2 yield implications for the appropriate levels of public expenditure. At X1 the marginal cost curve reaches its minimum, meaning that every additional increment of public expenditure will result in less benefit than the previous increment of expenditure. This is consistent with the behavior of the total benefit curve in Figure 1. At X1 the amount of total benefit begins gradually to decline, even with increased commitment of resources. From a cost-benefit perspective, public expenditure to this point would be optimal.



TOTAL BENEFIT OF GOVERNMENT INTERVENTION

FIGURE 1



COSTS OF GOVERNMENT INTERVENTION

FIGURE 2

At point X2, where the average total cost of the program and the marginal cost of the program are the same, another possible optimal point is reached. The additional gain in public welfare is equal to the additional cost of the program at X2. Beyond X2, increasing commitment of resources will buy more public welfare, but the cost of the increase in safety will be greater than the gain itself. Thus, X2 is probably the most appropriate target for hazardous materials policies, since the amount of safety not directly provided by the program beyond X2 (the shaded area in Figure 1) can be increased through targeting emergency response efforts not specifically concerned with hazardous materials, such as fire department preparedness.

An absolute degree of safety is achieved at X3. At this point, hazardous materials incidents can be entirely eliminated, but only at a very high public expenditure. For instance, a ban on hazardous materials transportation would eliminate hazardous materials transportation accidents, but at an unacceptable cost.

The interesting aspect of the states' hazardous materials safety programs is that most state officials, when queried about this aspect of their state's program, believe that their state's level of expenditure is somewhere to the right of X1. Thus, no state has achieved an optimal level of hazardous material safety, regardless of the criteria of safety used by the policymakers in the state.

Another concern expressed in seven states is that the state policymakers, the governors, and the state legislatures do not become concerned with hazardous materials transportation safety until after an incident occurs.

This reflects the most definite conclusion that can be drawn about hazardous material policy in the United States. Policy is made in an incremental manner, catalyzed by tragedy. For instance, officials in Tennessee examined hazardous material policy closely only after a disaster at Waverly in 1978, and interest in hazardous materials in Ohio was intensified after the Miamisburg incident in the summer of 1986. Most state administrative officials perceive the probability of such incidents as small, even though most policymakers acknowledge that the severity of incidents may be great. The attention paid by elected officials to hazardous materials policy is usually after the fact.

V. REFERENCE MATRIX

	SINGLE STATE AGENT	ONE LOCAL AGENT	FLOW DATA	INCIDENT DATA	RISK ASSESSMENT	STATE REGS	49 CFR	E.R. TEAMS	FEES	RIGHT TO KNOW
Alabama						•				•
Alaska	•	•				•				
Arizona	•	•	•	•	•	•	•			
Arkansas	•					•			•	
California	•	•				•	•	•	•	
Colorado			•	•	•					
Connecticut	•			•		•	•	•		•
Delaware	•	•				•	•	•		•
Florida	•	•				•	•			•
Georgia	•	•	•	•		•	•			
Hawaii						•	•			
Idaho	•					•	•		•	
Illinois	•	•		•	•	•		•	•	•
Indiana	•	•	•	•		•	•	•		
Iowa	•			•		•				•
Kansas	•					•	•			
Kentucky								•	•	
Louisiana						•	•			•
Maine				•		•	•	•		•
Maryland	•					•	•			•
Massachusetts	•		•	•		•	•	•	•	•
Michigan				•		•	•	•	•	•
Minnesota		•		•	•	•				
Mississippi	•						•			
Missouri	•					•				
Montana	•					•			•	•
Nebraska	•	•				•	•			
Nevada						•		•		
New Hampshire	•	•	•	•					•	
New Jersey	•	•				•	•	•	•	
New Mexico	•			•		•	•			
New York	•					•	•		•	
North Carolina	•					•	•	•		
North Dakota	•					•				
Ohio	•	•	•	•		•	•	•	•	•
Oklahoma	•						•		•	
Oregon			•	•				•	•	•
Pennsylvania	•		•	•		•			•	
Rhode Island	•					•	•	•	•	
South Carolina	•					•	•		•	
South Dakota	•						•			
Tennessee	•	•		•		•	•	•	•	
Texas	•					•	•			•
Utah	•	•	•	•		•	•		•	•
Vermont				•		•		•	•	•
Virginia	•	•	•	•		•	•			
Washington						•				
West Virginia	•		•	•			•			•
Wisconsin	•	•		•		•	•			
Wyoming	•		•	•			•			

VI. STATE PROGRAMS

Alabama

Single Coordinating Agency: The Alabama Public Service Commission is responsible for regulating for-hire carriers of hazardous materials.

Other Coordinating Agencies: The Alabama Highway Patrol is responsible for enforcing the hazardous materials regulations. The Alabama Department of Environmental Management regulates the transportation of hazardous waste.

Regulatory Programs: Alabama has a right-to-know law.

Planning Activities:

Emergency Response: The Department of Environmental Management coordinates hazardous-materials emergency response. The Department of Public Safety's Hazardous Materials Team is trained in emergency response and can assist localities, but emergency response is a local responsibility.

Fees: None

Alaska

Single Coordinating Agency: The Department of Environmental Conservation is responsible for regulating hazardous materials.

Other Coordinating Agencies: The Department of Public Safety, the Department of Transportation, the Department of Labor, and the Department of Fish and Game all regulate hazardous materials.

Regulatory Programs: Each state agency has a separate set of hazardous materials regulations that relate to its specific area.

Planning Activities:

Emergency Response: The Division of Military and Veterans Affairs has an Alaska Division of Emergency Services that responds to major emergencies.

Fees: None

Arizona

Single Coordinating Agency: The Arizona Department of Transportation is responsible for promulgating and enforcing regulations regarding hazardous material.

Other Coordinating Agencies:

Regulatory Programs: Arizona has adopted 49 C.F.R. hazardous material regulations as state law.

Planning Activities: Arizona has conducted a multi-modal study of transportation of hazardous materials in the state, analyzing the volume and type of commodities transported and the probability and severity of accidents.

Emergency Response:

Fees: None

Arkansas

Single Coordinating Agency: The Arkansas Transportation Commission regulates transporters of all types of cargo, including carriers of hazardous materials.

Other Coordinating Agencies: The Department of Pollution Control and Ecology is responsible for promulgating and enforcing regulation of hazardous waste.

Regulatory Programs: The Department of Pollution Control has promulgated a hazardous waste code.

Planning Activities: The amount of hazardous waste transported through the state is measured through the Department of Pollution Control's manifest program.

Emergency Response: Local governments are responsible for emergency response, but the Arkansas Highway Department and the Department of Emergency Services are available to help.

Fees: Arkansas charges transporters of hazardous waste a \$150 fee every five years.

California

Single Coordinating Agency: The California Highway Patrol has the authority to adopt regulations governing hazardous materials transportation.

Other Coordinating Agencies: Local governments may designate alternate transportation routes for shipments as long as they comply with statutory requirements.

Regulatory Programs: California has a large body of law authorizing the regulation of the manufacture, use, transportation, and disposal of hazardous materials. The regulations are substantially similar to the 49 C.F.R. hazardous materials regulations.

Planning Activities: State law requires state and local agencies and businesses handling hazardous materials to develop contingency plans. Additionally, state law requires handlers of hazardous materials to develop a risk-management-and-prevention program to reduce the risk of incident.

Emergency Response: State funds are available to finance local government's emergency-response capability. California's goal is to develop statewide

capability for hazardous material emergency response by assisting and enhancing local emergency-response capabilities and to develop capabilities at the county level throughout the state.

Fees: None

Colorado

Single Coordinating Agency:

Other Coordinating Agencies:

Regulatory Programs: Colorado does not have any hazardous material regulations at the state level, but local governments have regulated hazardous materials shipments by ordinance.

Planning Activities:

Emergency Response:

Fees: None

Connecticut

Single Coordinating Agency:

Other Coordinating Agencies: The Bureau of the State Fire Marshal regulates the transportation of hazardous material. The Hazardous Materials Management Unit of the Department of Environmental Protection regulates the storage of materials and responds to incidents.

Regulatory Programs: 49 C.F.R. hazardous material regulations are the basis of the state regulatory program.

Planning Activities: The Department of Environmental Protection maintains hazardous material accident data. A Task Force on Accidental Toxic Chemical Releases has studied the state's requirements in the hazardous material field.

Emergency Response: The state employs emergency-response teams and many local governments maintain response capability financed by the state.

Fees: None

Delaware

Single Coordinating Agency: The Department of Public Safety regulates hazardous materials transportation.

Other Coordinating Agencies: The Delaware State Police enforce the state hazardous materials regulations.

Regulatory Programs: 49 C.F.R. has been adopted as state regulations.

Planning Activities: A Commission on Hazardous Materials Transportation, chaired by the governor, plans state activity in the hazardous material field.

Emergency Response: A state Emergency Response Team is currently in existence.

Fees: None

Florida

Single Coordinating Agency: The Florida Department of Transportation is responsible for promulgating and enforcing state hazardous materials regulations.

Other Coordinating Agencies: The Department of Environmental Regulation is responsible for regulating hazardous waste transportation.

Regulatory Programs: 49 C.F.R. hazardous materials regulations are the basis of the Florida regulatory program. Florida also has a right-to-know law.

Planning Activities: The governor has appointed a state hazardous materials task force which coordinates the development of hazardous materials policy.

Emergency Response: Emergency response is a local responsibility in Florida, but the Department of Emergency Management coordinates state assistance responding to incidents.

Fees: None

Georgia

Single Coordinating Agency: The Georgia Public Service Commission is responsible for regulating and enforcing hazardous materials transportation safety.

Other Coordinating Agencies: The Environmental Protection Department is responsible for regulating hazardous waste transportation.

Regulatory Programs: Georgia has adopted the 49 C.F.R. hazardous material regulations. Georgia requires registration of for-hire carriers of LNG, PCBs, and radioactive wastes.

Planning Activities: The Environmental Protection Department collects data on hazardous waste incidents.

Emergency Response: Emergency response is a local responsibility.

Fees: A company fee of \$100 or purchase of a \$25 trip permit, good for one trip or 5 days, is required for transporters of LNG, PCBs, or radioactive wastes.

Hawaii

Single Coordinating Agency: Hawaii Department of Transportation is the coordinating agency for hazardous material transportation.

Other Coordinating Agencies: The United States Coast Guard is responsible for enforcing hazardous material safety in the waters around Hawaii.

Regulatory Programs: 49 C.F.R. is adopted as the state regulation of interstate commerce.

Planning Activities:

Emergency Response:

Fees: None

Idaho

Single Coordinating Agency: The governor has designated the Idaho State Police as the lead agency in motor-carrier safety.

Other Coordinating Agencies: The Idaho Transportation Department, the Idaho Public Utilities Commission, and the Idaho Department of Health and Welfare (Division of Environment) are also involved in regulating hazardous material transportation safety.

Regulatory Programs: State law authorizes the State Police and the Transportation Department to promulgate regulations regarding hazardous materials transportation. 49 C.F.R. hazardous materials regulations have been adopted as state regulations.

Planning Activities: The Idaho State Police, the Idaho Transportation Department, and the Bureau of Disaster Services have done limited surveys of hazardous material flow, which indicate that 4-6% of motor carriers in Idaho carry hazardous material. The State Police and the Transportation Department also collect accident data. Idaho participates in the Western Interstate Energy Board and has been involved with Washington and Oregon in drafting a high-level waste compact.

Emergency Response: Emergency response is a local responsibility, but limited training in radiological response has been conducted with State Police Officers. The state plans to use industry emergency response teams and contract emergency response teams to combat incidents.

Fees: The Motor Vehicle Bureau of the Transportation Department requires a \$3.00 annual hazardous material endorsement be purchased by carriers, and \$20.00 per trip or \$250.00 annual permit is required for carriers of hazardous waste.

Illinois

Single Coordinating Agency: The Hazardous Materials Section of the Department of Transportation is responsible for regulating hazardous materials transportation on the highways.

Other Coordinating Agencies: The Department of State Police is responsible for enforcing the highway regulations.

Regulatory Programs: 49 C.F.R. has been adopted and supplemented with a variety of specific regulations.

Planning Activities: An incident reporting system has been implemented, and the Illinois Hazardous Materials Advisory Board is conducting a risk assessment to determine the threat to the state.

Emergency Response: State agencies employ professional emergency response teams to react to various types of contingencies.

Fees: The Illinois Department of Nuclear Safety imposes a fee for spent nuclear fuel travelling within and through Illinois. The fee is \$1,000 by highway and \$2,000 by rail. The Illinois Environmental Protection Agency imposes a fee of approximately \$100 for permits for hazardous waste haulers.

Indiana

Single Coordinating Agency:

Other Coordinating Agencies: The Department of Environmental Management is responsible for regulating hazardous waste. The Indiana State Police is responsible for enforcing the state regulations.

Regulatory Programs: Indiana Code 8-2-8-43.5 adopts 49 C.F.R. hazardous material and MCSAP regulations as state law.

Planning Activities: The Indiana State Police maintains data on the flow of hazardous materials in the state and collects information on hazardous material incidents. The Department of Environmental Management maintains information regarding hazardous waste.

Emergency Response: Emergency response teams use volunteers and are financed by local government. The Indiana Department of Environmental Management maintains a response team to react to hazardous waste contingencies.

Fees: None

Iowa

Single Coordinating Agency:

Other Coordinating Agencies: The Iowa Department of Transportation promulgates and enforces commercial vehicle safety and hazardous materials regulations for motor carriers.

Regulatory Programs:

Planning Activities: The Department of Natural Resources maintains a hazardous substances spills data base. The governor has created a hazardous substance task force to look at the broad hazardous substance issue.

Emergency Response: Local governments are responsible for providing emergency response to hazardous materials incidents.

Fees: None

Kansas

Single Coordinating Agency: The State Corporation Commission is responsible for promulgating regulations regarding hazardous materials transportation in the state.

Other Coordinating Agencies:

Regulatory Programs: Kansas has adopted the 49 C.F.R. hazardous materials regulations as state law.

Planning Activities:

Emergency Response:

Fees: Kansas assesses a \$250 annual fee on companies transporting hazardous waste through the state.

Kentucky

Single Coordinating Agency: Kentucky has a transportation cabinet that oversees the development of the hazardous material program.

Other Coordinating Agencies: The State Fire Marshal, the Disaster and Emergency Services Agency, the Department for Environmental Protection, the Division of Waste Management, and the Kentucky State Police are all involved in regulating hazardous material.

Regulatory Programs:

Planning Activities: A task force on hazardous materials is studying the state's needs for hazardous material regulation.

Emergency Response: Annex Q of the state emergency-response plan outlines the roles of the state agencies in emergency response.

Fees: None

Louisiana

Single Coordinating Agency:

Other Coordinating Agencies: The Hazardous Materials Unit of the Louisiana Department of the Public Safety enforces regulations regarding hazardous material. The Office of Solid and Hazardous Waste regulates hazardous waste.

Regulatory Programs: 49 C.F.R. hazardous material regulations are the basis of the state regulations of hazardous material. Louisiana also has a right-to-know law.

Planning Activities:

Emergency Response:

Fees: None

Maine

Single Coordinating Agency:

Other Coordinating Agencies:

Regulatory Programs: Maine has no state laws regarding hazardous material transportation.

Planning Activities: The Department of Environmental Protection has conducted a study of hazardous material transportation through the state.

Emergency Response: The Department of Environmental Protection Response Service responds to hazardous materials incidents. Their efforts are financed by a variety of funds, including the Hazardous Waste Fund, the Groundwater Fund,

and the Oil Fund, which are all authorized by state law.

Fees: None

Maryland

Single Coordinating Agency: The Hazardous Materials Committee of the Maryland Department of Transportation coordinates state hazardous material policy.

Other Coordinating Agencies:

Regulatory Programs: 49 C.F.R. hazardous material regulations are the basis of the state's regulation of hazardous material. The state legislature has enacted a right-to-know law in Maryland.

Planning Activities:

Emergency Response:

Fees: None

Massachusetts

Single Coordinating Agency: The Division of Solid and Hazardous Waste of the Hazardous Waste Regulatory Program regulates hazardous materials.

Other Coordinating Agencies: The Department of Public Safety is responsible for enforcing the hazardous materials regulations. Local governments regulate the routing of hazardous material by ordinance, particularly in the Boston area.

Regulatory Programs: Massachusetts has adopted the 49 C.F.R. hazardous material regulations as state law.

Planning Activities: The Office of Incident Response maintains data on accidents and releases in the state. The hazardous waste regulation program periodically reviews the hazardous waste and material regulations adopted by the state.

Emergency Response: The Office of Emergency Response manages the hazardous material emergency response program in the state.

Fees: Massachusetts charges transporters of hazardous waste a company fee of \$100 each year and a per vehicle fee of \$200 each year. A fee of .092 cents per gallon of waste generated is imposed on generators of hazardous waste.

Michigan

Single Coordinating Agency:

Other Coordinating Agencies: The Department of Public Health and the Department of Natural Resources publish regulations regarding the transportation of hazardous materials. The State Police enforces those regulations.

Regulatory Programs: 49 C.F.R. has been adopted as the basis of the state regulations. In addition, the state legislature has adopted a right-to-know law, a law requiring proof of financial responsibility by hazardous material carriers, and a law requiring that risk assessment be done at the state level.

Planning Activities: The Hazardous Waste division of the Department of Natural Resources employs hazardous material emergency response teams to assist in handling incidents.

Emergency Response: The Emergency Response Unit of the Department of Natural Resources employs hazardous material emergency response teams to assist in handling incidents.

Fees: The state requires carriers to purchase licenses for carrying hazardous materials through the state.

Minnesota

Single Coordinating Agency:

Other Coordinating Agencies: Fire departments are the local agencies responsible for dealing with hazardous materials.

Regulatory Programs:

Planning Activities: The Department of Public Safety is currently conducting a study to determine the appropriate state response to hazardous materials.

Emergency Response:

Fees: Fees are charged for the shipment of high-level radioactive waste.

Mississippi

Single Coordinating Agency: The Mississippi Public Service Commission regulates hazardous material transportation by common carriers.

Other Coordinating Agencies: The Mississippi Department of Natural Resources Bureau of Pollution Control regulates hazardous waste.

Regulatory Programs: The Public Service Commission has adopted the 49 C.F.R. hazardous materials regulations as state regulations.

Planning Programs: The state relies on U.S. DOT hazardous material incident data.

Emergency Response: Emergency response is basically a local responsibility. The Mississippi Department of Natural Resources of the Bureau of Pollution Control has two trained professionals to respond to hazardous material or hazardous

waste incidents. They become emergency-response managers at the scene.

Fees: None

Missouri

Single Coordinating Agency: The Missouri Department of Natural Resources is authorized to promulgate and enforce regulation of hazardous waste.

Other Coordinating Agencies: The Missouri Department of Public Safety is the coordinating agent for transportation safety, including hazardous material transportation.

Regulatory Programs: By the authority of the Missouri Hazardous Waste Management Law, the Department of Natural Resources has promulgated 10 Code of State Regulations 25-6.262 governing transporters of hazardous waste.

Planning Activities:

Emergency Response:

Fees: None

Montana

Single Coordinating Agency: Department of Health and Environmental Sciences.

Other Coordinating Agencies: The Highway Patrol enforces motor-vehicle safety regulations by inspections. The Gross Vehicle Weight Division of the Department of Highways also has the authority to perform safety inspections on commercial vehicles.

Regulatory Programs: The Department of Health and Environmental Sciences has promulgated state regulations on the transportation of hazardous materials. Montana also has a right-to-know law.

Planning Activities: Although there is no central data base for hazardous materials incidents, the Department of Disaster and Emergency Services Division records hazardous materials accident reports that it receives. The Department of Health and Environmental Services also collects accident reports.

Emergency Response: The Department of Disaster and Emergency Services manages the hazardous material emergency response program in the state, but emergency response is a local responsibility. The Department of Health and Environmental Services has a few people trained in hazardous material emergency response; those people are available as technical advisers to localities.

Fees: None

Nebraska

Single Coordinating Agency: The Nebraska State Patrol is designated by statute as the coordinating agent for hazardous material regulation.

Other Coordinating Agencies: The State Fire Marshal can also regulate flammable- and explosive-material shipments.

Regulatory Programs: The state legislature adopted 49 C.F.R. hazardous material regulations as state law, but the state law has many exceptions for agricultural commodities.

Planning Activities:

Emergency Response: The Nebraska State Patrol has seven members trained in emergency response. Local fire departments also have trained personnel.

Fees: None

Nevada

Single Coordinating Agency:

Other Coordinating Agencies: The Nevada Highway Patrol, the Department of Human Resources, the Nevada Public Service Commission, and the Department of Conservation and Natural Resources are all responsible for regulating hazardous materials.

Regulatory Programs: The 49 C.F.R. hazardous material regulations are the basis of the state hazardous material regulations.

Planning Activities: The governor has established a hazardous material committee to examine the state's requirements for a hazardous material program.

Emergency Response: Local government is responsible for emergency response.

Fees: None

New Hampshire

Single Coordinating Agency:

Other Coordinating Agencies: A number of state and local agencies are authorized by statute to regulate hazardous material transportation: the Department of Safety, the Department of Transportation, the Civil Defense Agency, the Department of Public Health, the Department of Environmental Services, the local fire departments, and the Department of Labor.

Regulatory Programs: The state regulations are promulgated by the agencies listed above.

Planning Activities: The Departments of Safety, Public Health, Environmental Services, and Civil Defense collect flow data. The Department of Safety also collects accident data.

Emergency Response:

Fees: The Department of Safety requires the registration and payment of a fee by hazardous material transporters.

New Jersey

Single Coordinating Agency: The New Jersey Department of Transportation is the coordinating agent for hazardous materials transportation. The State Police is the single agency responsible for enforcing the state regulations.

Other Coordinating Agencies: The Department of Environmental Protection and the Department of Health deal with hazardous waste.

Regulatory Programs: The State Legislature has directed the adoption of 49 C.F.R. in the state and authorized a hazardous material enforcement unit of the State Police under MCSAP.

Emergency Response: The Department of Environmental Protection maintains hazardous spill response teams, which are funded by the state, and the state keeps several private cleanup contractors on retainer.

Fees: Hazardous material generators are taxed through the New Jersey Spill Compensation Fund, which is used to pay for cleanups.

New Mexico

Single Coordinating Agency: The State Corporation Commission is responsible for promulgating regulations regarding hazardous material transportation.

Other Coordinating Agencies: The State Department of Transportation and the State Police are both responsible for enforcing the state regulations.

Regulatory Programs: 49 C.F.R. has been adopted as the state regulations on intrastate transportation of hazardous materials. An executive order mandating "Right-to-Know" regarding state activities is currently in effect.

Planning Activities:

Emergency Response:

Fees: None

New York

Single Coordinating Agency: The New York Department of Transportation is responsible for promulgating regulations regarding hazardous materials transportation.

Other Coordinating Agencies: The Department of Environmental Conservation is responsible for regulating the transportation of hazardous waste. The state police enforce the hazardous materials regulations.

Regulatory Programs: The state has adopted the hazardous materials regulations in 49 C.F.R. as law. In addition, local governments regulate routing by ordinance, particularly in the New York City area.

Planning Activities:

Emergency Response: Emergency response is a local responsibility.

Fees: New York assesses an annual fee of \$500 per vehicle to transporters of liquid industrial waste.

North Carolina

Single Coordinating Agency:

Other Coordinating Agencies: The State Department of Natural Resources and Community Development, the Department of Human Re-

sources, the Department of Agriculture, the Department of Crime Control and Public Safety, the Department of Labor, and each county's emergency management agencies deal with hazardous materials.

Regulatory Programs: The state has adopted 49 C.F.R. as its regulations of intrastate hazardous material transportation.

Planning Activities:

Emergency Response: The state provides funds to localities to help finance emergency-response teams.

Fees: None

North Dakota

Single Coordinating Agency: The Highway Patrol is responsible for regulating transporters of hazardous material.

Other Coordinating Agency: The North Dakota Department of Health is responsible for regulating hazardous waste in the state.

Regulatory Programs: The Highway Patrol has adopted the 49 C.F.R. hazardous materials regulations as state regulations. The Health Department has adopted state regulations regarding radioactive materials. Transporters of hazardous waste are required to register with the Public Service Commission.

Emergency Response: The Fire Marshal has been designated as the state hazardous materials incident response coordinator. The Emergency Management Agency has professional emergency response teams to respond to hazardous materials emergencies.

Fees: None

Ohio

Single Coordinating Agency: The Ohio Hazardous Substance Energy Team (OHSET), composed of the Public Utilities Commission of Ohio, the Ohio EPA, the Ohio DOT, Ohio Department of Health, the Ohio Disaster Emergency Services Agency, Ohio Department of Highway Safety, State Fire Marshal, and the Ohio Attorney General coordinate hazardous materials policy.

Other Coordinating Agencies: The Public Utilities Commission regulates transportation, the EPA handles environmental matters, the Industrial Safety and Hygiene Agency regulates occupational safety, the Ohio Department of Health regulates flammable and explosive materials, and the Agriculture Department regulates pesticides.

Regulatory Programs: The regulatory program will be revised to reflect the new CERCLA regulations. Generally, 49 C.F.R. has been adopted by the state. A Hazardous Materials Advisory Committee has been organized to revise state regulations based on the Miamisburg incident. The Ohio legislature adopted a law in 1984 that initiated a study and created technical reference documents on waste management. The legislature has also adopted three other separate pieces of legislation concerning hazardous waste, including a financial-responsibility requirement for transporters.

Planning Activities: The Public Utilities Commission and the Ohio Department of Highway Safety maintain hazardous material incident data. The Ohio EPA office of Emergency response maintains data on all hazardous waste actions and emergency-response actions in the state. The federal RCRA and TSCA risk assessments have been adopted as state law.

Emergency Response: Emergency response teams, funded by the state, are available to assist localities in emergencies.

Fees: None

Oklahoma

Single Coordinating Agency: The State Department of Public Safety is responsible for regulation and enforcement of hazardous materials.

Other Coordinating Agencies: The Waste Management Service and the Oklahoma Corporation Commission are also involved in regulating hazardous material.

Regulatory Programs: 49 C.F.R. hazardous material regulations are the basis of the state law.

Planning Activities:

Emergency Response: Emergency response is a local responsibility.

Fees: None

Oregon

Single Coordinating Agency:

Other Coordinating Agencies: The Oregon Department of Energy, the Department of Environmental Quality, the State Fire Marshal's Office, the Emergency Management Division, the Accident Prevention Division, the Health Division, and the Public Utility Commission regulate hazardous material transportation.

Regulatory Programs: The state regulatory program is administratively promulgated by the above agencies.

Planning Activities: The Public Utility Commission maintains data on the flow of hazardous materials through the state.

Emergency Response: Professional hazardous material response teams are employed by the state.

Fees: A \$70 per shipment fee is assessed for shipments of radioactive waste.

Pennsylvania

Single Coordinating Agency: The Public Utilities Commission regulates the transportation of hazardous materials.

Other Coordinating Agencies: The Department of Environmental Resources is responsible for regulating hazardous waste in the state. The Department of Transportation is the single coordinating agent for hazardous material safety enforcement.

Regulatory Programs: The Public Utilities Commission requires registration of companies as transporters of hazardous waste. The Department of Transportation has promulgated state regulations regarding the transportation of hazardous materials by highway; the DOT authority comes from the Pennsylvania Hazardous Material Transportation Act of 1984. The Department of Environmental Resources regulates the transportation of hazardous waste. The Department of Labor and Industry has adopted right-to-know regulations.

Planning Activities: The Department of Transportation, the Pennsylvania Emergency Management Agency, and the Department of Environmental Resources collect hazardous material accident data. The Governor's Office of Policy Development is conducting a study of hazardous materials transportation policy in Pennsylvania.

Emergency Response: Emergency response is a local responsibility. However, the Department of Environmental Resources maintains six teams statewide that are available to be called to an accident site to provide technical advice and

supervise clean-up. The Pennsylvania Emergency Management Agency is the state coordinating agency for emergency response.

Fees: The Public Utilities Commission charges transporters of hazardous waste an annual registration fee of \$125 and the Department of Environmental Resources charges transporters of hazardous waste a biannual registration fee of \$200.

Rhode Island

Single Coordinating Agency: The Rhode Island State Police Truck Squad is responsible for regulating hazardous material transportation in the state by enforcing state law.

Other Coordinating Agencies: The Division of Air and Hazardous Materials of the Department of Environmental Management is responsible for promulgating and enforcing hazardous material regulations. The Public Utilities Commission is responsible for regulating common carriers in general.

Regulatory Programs: 49 C.F.R. hazardous materials regulations have been adopted as state law. Rhode Island requires driver certification and training of operators of hazardous waste vehicles.

Planning Activities: A supplemental accident report form is being used to collect hazardous material accident data.

Emergency Response: Emergency response is primarily the responsibility of local fire departments, although the Department of Environmental Management is available to coordinate clean-up.

Fees: None

South Carolina

Single Coordinating Agency: The South Carolina Public Service Commission is responsible for promulgating regulations governing hazardous material transportation.

Other Coordinating Agencies: The South Carolina Department of Health and Environmental Control regulates hazardous waste.

Regulatory Programs: The 49 C.F.R. hazardous materials regulations have been adopted.

Planning Activities: The Department of Health and Environmental Control collects data on hazardous waste transporters and incidents in the state.

Emergency Response: The Department of Health and Environmental Control coordinates emergency response and manages the state superfund, which can be used to pay for cleanup of hazardous materials spills. Emergency response is a local responsibility.

Fees: None

South Dakota

Single Coordinating Agency: The Highway Patrol is responsible for enforcing the state hazardous materials regulations.

Other Coordinating Agencies:

Regulatory Programs: The 49 C.F.R. hazardous materials regulations have been adopted by statute.

Planning Activities:

Emergency Response: The Emergency and Disaster Services Office of the Department of Military and Veterans Affairs is responsible for coor-

inating emergency response, which is a local responsibility.

Fees: None

Tennessee

Single Coordinating Agency: The Public Service Commission is responsible for regulating hazardous materials transportation.

Other Coordinating Agencies: The Department of Transportation, the Department of Health and Environment, and the Department of Agriculture are also involved in regulating hazardous materials and hazardous waste.

Regulatory Programs: 49 C.F.R. hazardous material regulations have been adopted as state law. Tennessee has a right-to-know law.

Planning Activities: Tennessee has an average of 2.3 hazardous-materials accidents per day. The flow of hazardous materials and the number of accidents is closely monitored by the Tennessee Emergency Management Agency.

Emergency Response: The Tennessee Emergency Management Agency maintains professional hazardous materials emergency response teams throughout the state.

Fees: The Office of Solid Waste of the Department of Health and Environment imposes an annual fee of \$200 per company on transporters.

Texas

Single Coordinating Agency: The Texas Department of Public Safety regulates hazardous waste transportation in the state.

Other Coordinating Agencies: The Texas Water Commission regulates hazardous waste transportation in the state.

Regulatory Programs: The 49 C.F.R. hazardous-material regulations have been adopted as state law. Texas has a right-to-know law.

Planning Activities: A Hazardous Substance Planning Team at the Texas Water Commission is responsible for the Texas Hazardous Substance Emergency Response Plan, which outlines responsibilities in dealing with a hazardous materials emergency.

Emergency Response: The Texas Division of Emergency Management coordinates hazardous material emergency response in the state, but emergency response is generally a local responsibility.

Fees: Texas charges transporters of hazardous waste a \$25 one-time fee.

Utah

Single Coordinating Agency: The Utah Department of Transportation.

Other Coordinating Agencies: The Utah Highway Patrol MCSAP Unit enforces motor-carrier safety in general. The State Health Department is responsible for regulating and enforcing the transportation of hazardous waste.

Regulatory Programs: 49 C.F.R. has been adopted as the state regulations of intrastate commerce.

Planning Activities: The Utah Department of Transportation is currently collecting flow data and accident-history data.

Emergency Response: The Highway Patrol has a hazardous materials coordinator who assists local emergency-response organizations at accident sites.

Fees: None

Vermont

Single Coordinating Agency: The Vermont Agency of Transportation is responsible for promulgating regulations on the transportation of hazardous material.

Other Coordinating Agencies: The Department of Health plays a limited role in the regulation of radioactive material and the Vermont Emergency Management Agency is sometimes involved in incidents handled by localities.

Regulatory Programs: 49 C.F.R. has been adopted at the state level. Right-to-Know laws as well as laws concerning hazardous waste disposal and disposal sites for radioactive materials have been passed.

Planning Activities:

Emergency Response: A mini-super fund is available to defray the cost of spill cleanups.

Fees: A \$10-per-haul-unit-per-year permit fee is charged transporters and is used to support a mini-super fund.

Virginia

Single Coordinating Agency: The Department of Emergency Services is responsible for coordinating the state hazardous materials program.

Other Coordinating Agencies: The Department of Natural Resources is involved in regulating hazardous waste. The State Police enforces the state regulations.

Regulatory Programs: 49 C.F.R. hazardous material regulations have been adopted by reference as the state law.

Planning Activities: A multi-modal hazardous material study has been conducted by the Depart-

ment of Transportation Safety to determine the type and volume of hazardous materials transported in the state. The Department of Natural Resources maintains hazardous material incident data. A task force on hazardous materials is studying the state's future needs in dealing with hazardous materials.

Emergency Response: Emergency response is primarily the responsibility of the local fire departments by statute, but the Department of Fire Services oversees their training and certification in the hazardous material field. The Department of Emergency Services is organizing state-funded emergency response teams.

Fees: None

Washington

Single Coordinating Agency:

Other Coordinating Agencies:

Regulatory Programs: Local governments regulate hazardous materials routing and safety by ordinance.

Planning Activities:

Emergency Response: Emergency response is a local responsibility.

Fees: None

West Virginia

Single Coordinating Agency: The West Virginia Public Service Commission regulates for-hire transporters of hazardous materials in the state. The West Virginia Department of Highways regulates other carriers of hazardous materials.

Other Coordinating Agencies:

Regulatory Programs: 49 C.F.R. hazardous materials regulations have been adopted by administrative action.

Planning Activities: The Department of Highways collects data on hazardous materials accidents in the state. A Hazardous Waste Task Force studies the amount of hazardous waste generated and transported in the state each year.

Emergency Response: The West Virginia State Office of Emergency Services coordinates emergency response in the state. Local fire departments have primary emergency-response responsibility.

Fees: None

Wisconsin

Single Coordinating Agency:

Other Coordinating Agencies: The Department of Transportation's Division of State Patrol is responsible for enforcing the state regulations. The Division of Emergency Government is responsible for emergency response. The Department of Health and Social Services regulates nuclear waste. The Department of Agriculture, Trade, and Consumer Protection regulates pesticides. The Department of Natural Resources regulates cleanup and recovery from incidents.

Regulatory Programs: 49 C.F.R. hazardous material regulations are the basis of the state regulations.

Planning Activities: A Governor's Interagency Working Group on Hazardous Materials Transportation is examining the state's regulation and enforcement requirements.

Emergency Response: Local governments are responsible for emergency response.

Fees: None

Wyoming

Single Coordinating Agency: The Department of Environmental Management is responsible for regulating and enforcing hazardous-materials and hazardous waste safety.

Other Coordinating Agencies:

Regulatory Programs: The state has adopted the 49 C.F.R. hazardous-materials regulations.

Planning Activities: The Department of Environmental Management hazardous materials officer collects data on hazardous materials accidents.

Emergency Response: The Department of Environmental Management coordinates hazardous materials emergency response, but the primary emergency responsibility is local.

Fees: None

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