rail in a freight container or transport vehicle must be loaded so that it cannot fall or slide and must be safeguarded in such a manner that other freight cannot fall onto or slide into it under conditions normally incident to transportation. When this protection cannot be provided by using other freight, it must be provided by blocking and bracing.

* * * * *

■ 6. In § 174.67:

■ a. Revise paragraph (b)(3);

■ b. Revise paragraph (d); and

■ c. Remove and reserve paragraph (n).

The revisions read as follows:

§ 174.67 Tank car unloading.

* * * * *

(b) * * *

(3) *Interior type.* All debris must be carefully removed from around the cover before the yoke is unscrewed.

* * * * *

(d) When unloading through the bottom outlet of a car equipped with an interior manhole type cover, and in each case where unloading is done through the manhole (unless a special cover with a safety vent opening and a tight connection for the discharge outlet is used), the manhole must be protected against the entrance of sparks or other sources of ignition of vapor.

* * * * *

■ 7. In § 174.101, revise paragraphs (o)(2) and (3) to read as follows:

§ 174.101 Loading Class 1 (explosive) materials.

* * * * *

(o) * * *

(2) Each truck body or trailer must be secured on the rail car so that it will not permanently change position or show evidence of failure or impending failure of the method of securing the truck body or trailer under impact from each end of at least 13 km (8.1 miles) per hour. Its efficiency must be determined by actual test, using dummy loads equal in weight and general character to the material to be shipped.

(3) Lading must be loaded, blocked, and braced within or on the truck body or trailer so that the lading will not change position under impact from each end of at least 13 km (8.1 miles) per hour.

* * * * *

■ 8. In § 174.112, revise paragraphs (b) and (c)(3) to read as follows:

§ 174.112 Loading Division 1.3 materials and Division 1.2 (explosive) materials (Also see § 174.101).

* * * * *

(b) Except as provided in § 174.101(b), (n), or (o), Division 1.3 materials and Division 1.2 (explosive) materials must be transported in a closed car or container car which is in good condition, and into which sparks cannot enter. The car does not require the car certificates prescribed in § 174.104(c) through (f). If the doors are not tight, they must be stripped to prevent the entrance of sparks. Wood floored cars must be equipped with spark shields (see § 174.104). Packages of Division 1.3 materials and Division 1.2 (explosive) materials must be blocked and braced to prevent their shifting and possible damage due to shifting of other freight during transportation.

* * * * *

(c) * * *

(3) Packages of Division 1.2 materials and Division 1.3 (explosive) materials are blocked and braced within the truck body, trailer, or container to prevent their shifting and possible damage due to shifting of other freight during transportation (ends, sidewalls, or doors of the truck body, trailer, or container may not be relied on to prevent the shifting of heavy loads).

■ 9. In § 174.115, revise paragraphs (a) and (b)(3) to read as follows:

§ 174.115 Loading Division 1.4 (explosive) materials.

(a) Division 1.4 (explosive) materials may be loaded into any closed car in good condition, or into any container car in good condition. Car certificates are not required. Packages of Division 1.4 (explosive) materials must be blocked and braced to prevent their shifting and possible damage due to shifting of other freight during transportation.

* * * * *

(b) * * *

(3) Packages of Division 1.4 (explosive) materials are blocked and braced within the truck body, trailer, or container to prevent their shifting and possible damage due to shifting of other freight during transportation. Ends, side walls, or doors of the truck body, trailer, or container may not be relied on to prevent shifting of heavy loads.

■ 10. In § 174.290, revise paragraph (e) to read as follows:

§ 174.290 Materials extremely poisonous by inhalation shipped by, for, or to the Department of Defense.

* * * * *

(e) Bombs, projectiles, and cannon ammunition being transported by rail must be loaded, blocked, and braced as shown in Department of Defense specifications. When a shipment is loaded in a gondola car it must be securely blocked and braced and not loaded higher than the sides of the car.

* * * * *

Issued in Washington, DC, on July 31, 2026, under the authority delegated in 49 CFR 1.97.

Paul J. Roberti,

Administrator, Pipeline and Hazardous Materials Safety Administration.

[FR Doc. 2026–15815 Filed 8–3–26; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Part 172

[Docket No. PHMSA–2025–0092 (HM–268D)]

RIN 2137–AG06

Hazardous Materials: Reducing Undue Paperwork Burdens to Domestic Carriers

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: This final rule removes undue regulatory burdens by providing domestic carriers and facility operators the option to maintain electronic copies of emergency response information rather than requiring a hard copy printed on paper.

DATES: This final rule is effective September 3, 2026.

FOR FURTHER INFORMATION CONTACT: Arthur Pollack, Standards and Rulemaking Division, Pipeline and Hazardous Materials Safety Administration (PHMSA), 1200 New Jersey Avenue SE, Washington, DC 20590, 202–366–8553, *arthur.pollack@dot.gov.*

I. PHMSA Action

A. What action is PHMSA taking in this Final Rule?

PHMSA is revising 49 CFR 172.602 to provide domestic carriers and facility operators the option to maintain electronic copies of emergency response information rather than requiring a hard copy printed on paper.

B. Does this action apply to me?

Effective 30 days after publication of this final rule, carriers of hazardous materials and facility operators where a hazardous material is received, stored or handled during transportation will have the option to maintain emergency response information in an electronic format rather than requiring a hard copy printed on paper. Carriers and facility operators are responsible for ensuring the reliability of their chosen method. A lack of cellular signal, device power loss, or device failure will not excuse compliance with the hazardous materials regulations (HMR).

C. Why is PHMSA taking this action?

PHMSA is taking this action in response to commenter feedback and to modernize the HMR to keep pace with modern technology by allowing domestic carriers and facility operators to maintain emergency response information using electronic means in lieu of hard copies. This action may reduce regulatory burdens for companies that choose to utilize this alternative form of compliance.

II. Summary of Comments Received in Response to the Notice of Proposed Rulemaking

PHMSA published a notice of proposed rulemaking (NPRM), cited as *HM–268D,* to gather feedback on modernizing the HMR to provide domestic carriers and facility operators the option to maintain electronic copies of emergency response information rather than requiring a hard copy printed on paper.[1] Please refer to the NPRM for background and discussion of the proposed change.

The following table alphabetically lists commenters to the NPRM:

Commenter name	Docket No.
Alliance for Chemical Distribution (ACD)	PHMSA–2025–0092–0009
Association of American Railroads and the American Short Line and Regional Railroad Association	PHMSA–2025–0092–0012
Brotherhood of Locomotive Engineers and Trainmen (BLET)	PHMSA–2025–0092–0008
Commercial Vehicle Safety Alliance (CVSA)	PHMSA–2025–0092–0010
Council on Safe Transportation of Hazardous Articles, Inc. (COSTHA)	PHMSA–2025–0092–0004
Dangerous Goods Advisory Council (DGAC)	PHMSA–2025–0092–0006
National Tank Truck Carriers	PHMSA–2025–0092–0003
Offen Petroleum LLC	PHMSA–2025–0092–0002
Sheet Metal, Air, Rail, Transportation—Transportation Division (SMART–TD)	PHMSA–2025–0092–0007
Transportation Trades Department, AFL–CIO (TTD)	PHMSA–2025–0092–0011
William Forbes	PHMSA–2025–0092–0005

The NPRM drew a range of reactions from various stakeholders. Supporters argued that the proposal would modernize regulatory frameworks to reflect current operational realities where drivers already utilize electronic devices for compliance. Several commenters emphasized the significant financial benefits, noting that the industry spends tens of thousands of dollars printing paper copies that are frequently rendered obsolete, and that the proposal would reduce violations associated with outdated paperwork. Regarding safety, the National Tank Trunk Carriers commented that its members have consistently reported that paper emergency response information is rarely consulted by first responders who rely on their own protocols or information contained directly on the cargo tank, and that paper documents can be rendered inaccessible if a vehicle catches fire. For example, DGAC added that electronic formats allow the most recent version of the Emergency Response Guidebook (ERG) to be uploaded, ensuring that drivers have the most current emergency response instructions. Furthermore, CVSA supported the proposal for reducing administrative burdens on inspectors and industry alike. However, commenters such as COSTHA and ACD recommended that emergency response information be downloaded locally to devices to ensure accessibility in areas lacking cellular connectivity. In response to these comments, PHMSA notes that this final rule merely provides the option to maintain electronic copies of emergency response information. There is no requirement at this time to move to an electronic-only system. Therefore, regulated entities, to maintain compliance, should continue to maintain paper copies or have electronic copies downloaded to a device if the geographic areas in which they are operating present concerns about network connectivity.

Some commenters had additional questions or raised concerns and opposition. BLET and SMART–TD stated that relying solely on electronic formats is unsafe because railroads traverse remote areas where cellular service is unreliable or nonexistent. They assert that electronic devices can lose power or become damaged during an incident, making paper a critical redundancy. They also emphasize that train crews are the first people on the scene and need immediate access to a physical manifest to assess personal safety before first responders arrive. Lastly, TTD argued that electronic communication technology is ''not mature enough'' to replace printed communication completely, citing the lack of internet access in remote areas. They contend that electronic formats should only be permitted in addition to paper copies, rather than replacing the paper copies entirely.

PHMSA acknowledges these concerns but disagrees with the contention that electronic formats should be restricted to a supplemental role or that they are inherently unsafe due to connectivity limitations. PHMSA emphasizes that the amendment establishes a performance-based requirement—mandating that emergency response information be immediately available (*i.e.,* to first responders and inspectors) at all times—regardless of the medium employed. The carrier has an obligation to ensure the reliability of the method chosen; any carrier whose emergency response information is not immediately available during an incident due to a lack of cellular signal, power loss, or device failure is in violation of the HMR. Therefore, carriers and facility operators choosing to use electronic devices must ensure their systems remain accessible in all operating environments, including those discussed above, effectively eliminating concerns regarding remote areas or technical maturity.

For these reasons, PHMSA is publishing this final rule to modernize 49 CFR 172.602 as proposed. PHMSA finds these revisions will not have any adverse impact on safety.

III. Regulatory Analysis and Notices

A. Legal Authority

This final rule is published under the authority of the Secretary of

[1] Jul. 1, 2025 (90 FR 28563).

Transportation as set forth in the Federal Hazardous Materials Transportation Laws (49 U.S.C. 5101 *et seq.*) and delegated to the PHMSA Administrator pursuant to 49 CFR 1.97.

B. Executive Order 12866; Regulatory Planning and Review

Executive Order (E.O.) 12866 (*Regulatory Planning and Review*), as implemented by 49 CFR part 5, subpart B, requires agencies to regulate in the "most cost-effective manner," to make a "reasoned determination that the benefits of the intended regulation justify its costs," and to develop regulations that "impose the least burden on society."[2] In arriving at those conclusions, E.O. 12866 requires that agencies should consider "both quantifiable measures . . . and qualitative measures of costs and benefits that are difficult to quantify" and "maximize net benefits . . . unless a statute requires another regulatory approach." E.O. 12866 also requires that "agencies should assess all costs and benefits of available regulatory alternatives, including the alternative of not regulating." Pursuant to 49 CFR part 5, subpart B, PHMSA and other Operating Administrations must generally choose the "least costly regulatory alternative that achieves the relevant objectives" unless required by law or compelling safety need. In addition, 49 CFR part 5, subpart B specifies that regulations should generally "not be issued unless their benefits are expected to exceed their costs."

E.O. 12866 and 49 CFR part 5, subpart B also require that PHMSA submit "significant regulatory actions" to the Office of Information and Regulatory Affairs (OIRA) within the Executive Office of the President's Office of Management and Budget (OMB) for review. This final rule is not a significant regulatory action pursuant to E.O. 12866 and has not been designated as a "major rule" as defined by the Congressional Review Act (5 U.S.C. 801 *et seq.*).

PHMSA has complied with the requirements in E.O. 12866 as implemented by 49 CFR part 5, subpart B and determined that this final rule will result in cost savings by reducing regulatory burdens and regulatory uncertainty for hazardous materials shippers and carriers. The final rule will eliminate the need to print and maintain paper copies of emergency response information when the paper copies can be replaced with reliable electronic copies, producing cost savings for the transportation industry and the public to whom those entities may generally transfer a portion of their compliance costs. In comments to the docket, COSTHA indicated that two of its members estimated that allowance of electronic emergency response information could eliminate approximately $33,000 to $70,000 in costs for obtaining paper copies every ERG cycle. PHMSA, however, lacks information to extrapolate these potential cost savings nationwide.

C. Executive Orders 14192 and 14219

PHMSA has determined that this final rule is an E.O. 14192 (*Unleashing Prosperity Through Deregulation*) deregulatory action.[3] PHMSA finds the total costs of the rule on the regulated community will be less than zero. This final rule does not implicate any of the factors identified in section 2(a) of E.O. 14219 (*Ensuring Lawful Governance*) indicative of a regulation that is "unlawful . . . [or] that undermine[s] the national interest."[4]

D. Energy-Related Executive Orders 13211, 14154, and 14156

PHMSA has analyzed this final rule in accordance with the principles and criteria contained in E.O. 14156 (*Declaring a National Energy Emergency*) and E.O. 14154 (*Unleashing American Energy*).[5] The President has declared a national emergency to address America's inadequate energy development, production, transportation, refining, and generation capacity and asserted a Federal policy to unleash American energy by ensuring access to abundant supplies of reliable, affordable energy from, *inter alia,* the removal of "undue burden[s]" on the identification, development, or use of domestic energy resources. PHMSA finds this final rule to be consistent with E.O. 14156 and E.O. 14154 because it will not hinder or unduly burden the transportation or production of energy or energy-related products.

In addition, this final rule is not a "significant energy action" under E.O. 13211 (*Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use*), which requires Federal agencies to prepare a Statement of Energy Effects for any "significant energy action."[6] Because this final rule is not a significant action under E.O. 12866, it will not have a significant adverse effect on supply, distribution, or energy use; accordingly, OIRA has not designated this final rule as a significant energy action.

E. Executive Order 13132: Federalism

PHMSA analyzed this final rule in accordance with the principles and criteria contained in E.O. 13132 (*Federalism*) and the Presidential Memorandum (*Preemption*) published in the **Federal Register** on May 22, 2009. E.O. 13132 requires agencies to assure meaningful and timely input by State and local officials in the development of regulatory policies that may have "substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government." The Federal Hazardous Materials Transportation laws contain an express preemption provision at 49 U.S.C. 5125(b) that preempts State, local, and Tribal requirements on certain covered subjects, unless the non-Federal requirements are "substantively the same" as the Federal requirements, including the following:

(1) The designation, description, and classification of hazardous material;

(2) The packing, repacking, handling, labeling, marking, and placarding of hazardous material;

(3) The preparation, execution, and use of shipping documents related to hazardous material and requirements related to the number, contents, and placement of those documents;

(4) The written notification, recording, and reporting of the unintentional release in transportation of hazardous material; and

(5) The design, manufacture, fabrication, inspection, marking, maintenance, recondition, repair, or testing of a packaging or container represented, marked, certified, or sold as qualified for use in transporting hazardous material in commerce.

This final rule addresses items covered in Paragraph 1 above and will preempt State, local, and Tribal requirements not meeting the "substantively the same" standard. Though the final rule may operate to preempt some State requirements, it will not impose any regulation that has substantial direct effects on the States, the relationship between the National Government and the States, or the distribution of power and

[2] 58 FR 51735 (Oct. 4, 1993); 91 FR 22431 (Apr. 27, 2026); DOT Order 2100.7 (*Ensuring Reliance Upon Sound Economic Analysis in Department of Transportation Policies, Programs, and Activities*); *see also* DOT Order 2100.6B (*Policies and Procedures for Rulemakings*).

[3] 90 FR 9065 (Feb. 6, 2025).

[4] 90 FR 10583 (Feb. 25, 2025).

[5] 90 FR 8433 (Jan. 29, 2025); 90 FR 8353 (Jan. 29, 2025).

[6] 66 FR 28355 (May 22, 2001).

responsibilities among the various levels of government. The preemptive effect of the regulatory amendments in this final rule is limited to the minimum level necessary to achieve the objectives of the Federal Hazardous Materials Transportation laws. Therefore, the consultation and funding requirements of E.O. 13132 do not apply.

F. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires Federal agencies to conduct a Final Regulatory Flexibility Analysis (FRFA) for a final rule that has been subject to notice-and-comment rulemaking under the APA unless the agency head certifies that the final rule will not have a significant economic impact on a substantial number of small entities. E.O. 13272 (*Proper Consideration of Small Entities in Agency Rulemaking*) obliges agencies to establish procedures promoting compliance with the Regulatory Flexibility Act.[7] DOT posts information on a dedicated web page to help small businesses understand and navigate Federal regulatory processes.[8] This final rule was developed in accordance with E.O. 13272 and DOT implementing guidance to ensure compliance with the Regulatory Flexibility Act. Because the final rule will reduce burdens, PHMSA certifies that it does not have a significant impact on a substantial number of small entities.

G. Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act (UMRA, 2 U.S.C. 1501 *et seq.*) requires agencies to assess the effects of Federal regulatory actions on State, local, and Tribal governments, and the private sector. For any proposed or final rule that includes a Federal mandate that may result in the expenditure by State, local, and Tribal governments, in the aggregate of $100 million or more (in 1996 dollars) in any given year, the agency must prepare, among other things, a written statement that qualitatively and quantitatively assesses the costs and benefits of the Federal mandate.

This final rule does not impose unfunded mandates under UMRA because it does not result in costs of $100 million or more (in 1996 dollars) per year for either State, local, or Tribal governments, or to the private sector.

H. National Environmental Policy Act

PHMSA has analyzed this rule pursuant to the National Environmental Policy Act (NEPA; 42 U.S.C. 4321 *et seq.*) and has determined it is categorically excluded under 23 CFR 771.117(c)(20), which applies to the promulgation of rules, regulations, and directives. Under Section 9 of DOT Order 5610.1D, PHMSA may apply a categorical exclusion (CE) established in another Operating Administration's procedures. PHMSA followed the requirements outlined in DOT Order 5610.1D to apply the Federal Highway Administration's CE to this deregulatory action. PHMSA has determined no unusual circumstances are present under 23 CFR 771.117(b). PHMSA's Categorical Exclusion Determination memo for this action is available on PHMSA's website.[9]

I. Executive Order 13175

PHMSA analyzed this final rule according to the principles and criteria in E.O. 13175 (*Consultation and Coordination with Indian Tribal Governments*) and DOT Order 5301.1A (*Department of Transportation Tribal Consultation Policies and Procedures*).[10] E.O. 13175 requires agencies to assure meaningful and timely input from Tribal government representatives in the development of rules that significantly or uniquely affect Tribal communities by imposing ''substantial direct compliance costs'' or ''substantial direct effects'' on such communities or the relationship or distribution of power between the Federal Government and Tribes.

PHMSA assessed the impact of the final rule and determined that it will not significantly or uniquely affect Tribal communities or Indian Tribal governments. The rulemaking's regulatory amendments have a broad, national scope; therefore, this final rule will not significantly or uniquely affect Tribal communities, much less impose substantial compliance costs on Tribal governments or mandate Tribal action. For these reasons, PHMSA has concluded that the funding and consultation requirements of E.O. 13175 and DOT Order 5301.1A do not apply.

J. Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and its implementing regulations at 5 CFR 1320.8(d) requires that PHMSA provide interested members of the public and affected agencies with an opportunity to comment on information collection and recordkeeping requests. This rulemaking will not create, amend, or rescind any existing information collections.

K. Executive Order 13609 and International Trade Analysis

E.O. 13609 (*Promoting International Regulatory Cooperation*) requires agencies to consider whether the impacts associated with significant variations between domestic and international regulatory approaches are unnecessary or may impair the ability of American business to export and compete internationally.[11] In meeting shared challenges involving health, safety, labor, security, environmental, and other issues, international regulatory cooperation can identify approaches that are at least as protective as those that are or would be adopted in the absence of such cooperation. International regulatory cooperation can also reduce, eliminate, or prevent unnecessary differences in regulatory requirements.

Similarly, the Trade Agreements Act of 1979 (Pub. L. 96–39), as amended by the Uruguay Round Agreements Act (Pub. L. 103–465), prohibits Federal agencies from establishing any standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. For purposes of these requirements, Federal agencies may participate in the establishment of international standards, so long as the standards have a legitimate domestic objective, such as providing for safety, and do not operate to exclude imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards.

PHMSA engages with international standards setting bodies to protect the safety of the American public. PHMSA has assessed the effects of the final rule and has determined that its regulatory amendments will not cause unnecessary obstacles to foreign trade.

L. Cybersecurity and Executive Order 14028

E.O. 14028 (*Improving the Nation's Cybersecurity*) directed the Federal Government to improve its efforts to identify, to deter, and to respond to ''persistent and increasingly sophisticated malicious cyber campaigns.''[12] PHMSA has considered

[7] 67 FR 53461 (Aug. 16, 2002).

[8] DOT, *Rulemaking Requirements Related to Small Entities* (last accessed Sept 3, 2024), available at: *https://www.transportation.gov/regulations/rulemaking-requirements-concerning-small-entities.*

[9] DOT, PHMSA, *Implementing Procedures* (Aug. 28, 2025), available at: *https://www.phmsa.dot.gov/planning-and-analytics/environmental-analysis-and-compliance/implementing-procedures.*

[10] 65 FR 67249 (Nov. 9, 2000).

[11] 77 FR 26413 (May 4, 2012).

[12] 86 FR 26633 (May 17, 2021).

the effects of the final rule and has determined that its regulatory amendments will not materially affect the cybersecurity risk profile for affected entities.

M. Privacy Act Statement

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to inform its rulemaking process better. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy.* DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000, and may be viewed on DOT's website at *http://www.dot.gov/privacy.*

List of Subjects in 49 CFR Part 172

Education, Hazardous materials transportation, Hazardous waste, Incorporation by reference, Labeling, Markings, Packaging and containers, Reporting and recordkeeping requirements.

In consideration of the foregoing, PHMSA amends 49 CFR Chapter I as follows:

PART 172—HAZARDOUS MATERIALS TABLE, SPECIAL PROVISIONS, HAZARDOUS MATERIALS COMMUNICATIONS, EMERGENCY RESPONSE INFORMATION, TRAINING REQUIREMENTS, AND SECURITY PLANS

■ 1. The authority citation for part 172 continues to read as follows:

Authority: 49 U.S.C. 5101–5128, 44701; 49 CFR 1.81, 1.96, and 1.97.

■ 2. In § 172.602, revise paragraph (b)(1) to read as follows:

§ 172.602 Emergency response information.

* * * * *

(b) * * *

(1) Printed legibly in English (either in hard copy printed on paper or in electronic format);

* * * * *

Issued in Washington, DC, on July 31, 2026, under the authority delegated in 49 CFR 1.97.

Paul J. Roberti,

Administrator, Pipeline and Hazardous Materials Safety Administration.

[FR Doc. 2026–15808 Filed 8–3–26; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

49 CFR Part 172

[Docket No. PHMSA–2025–0098 (HM–268J)]

RIN 2137–AG12

Hazardous Materials: Reduce Training Burdens for America's Farmers

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: This final rule makes an inflationary adjustment to the monetary threshold for farmers to be eligible for an exception from security plan and in-depth security training requirements.

DATES: This final rule is effective September 3, 2026.

FOR FURTHER INFORMATION CONTACT: Jose Cajar, Standards and Rulemaking Division, Pipeline and Hazardous Materials Safety Administration (PHMSA), 1200 New Jersey Avenue SE, Washington, DC 20590, 202–366–8553, *jose.cajar@dot.gov.*

I. PHMSA Action

A. What action is PHMSA taking in this final rule?

PHMSA is making an inflationary adjustment to the monetary threshold for farmers to be eligible for the exception from the security plan requirements in 49 CFR 172.800(c). Specifically, farmers with less than $825,000 in 2025 dollars annually in gross receipts will be excepted from security plan requirements in 49 CFR part 172, subpart I. Farmers who are exempt from the security plan requirements in 49 CFR 172.800(c) are also exempt from the in-depth security training requirements for hazardous materials employees in 49 CFR 172.704(a)(5). Indexing to 2025 dollars will ensure that the threshold automatically accounts for future inflationary changes.

B. Does this action apply to me?

Effective 30 days after publication of this final rule, farmers with less than $825,000 in 2025 dollars annually in gross receipts from the sale of agricultural commodities are not subject to the security plan requirements in 49 CFR 172.800(c). PHMSA notes that the Notice of Proposed Rulemaking (NPRM) inadvertently styled the effect of the proposed revision as limited to an exception from the in-depth security training requirements.[1] This final rule clarifies that the actual scope of the rulemaking pertains to both the exception in 49 CFR 172.800(c) for security plan requirements and the in-depth training requirements associated with a security plan found at 49 CFR 172.704(a)(5).

C. Why is PHMSA taking this action?

PHMSA is taking this action based on positive commenter feedback and to advance the goals expressed in Executive Order (E.O.) 12866 (*Regulatory Planning and Review*).[2] E.O. 12866 requires agencies to regulate in the ''most cost-effective manner,'' to make a ''reasoned determination that the benefits of the intended regulation justify its costs,'' and to develop regulations that ''impose the least burden on society.'' Raising the threshold for eligibility for relief from the security plan ($500,000 in 2005 to $825,000 in 2025 dollars) will provide relief to small farmers that have been unnecessarily burdened by this provision not being adjusted for inflation over time. As outlined in the final Regulatory Impact Analysis (RIA), PHMSA estimates this change would result in annualized cost savings of $5.7 million. A copy of the final RIA is available for review in the rulemaking docket. PHMSA does not expect the change to have any adverse impact on safety as it simply makes an inflationary adjustment to the exception from the security plan and in-depth security training requirements for small farmers.

II. Summary of Comments Received in Response to the Notice of Proposed Rulemaking

PHMSA published an NPRM, cited as *HM–268J,* to gather feedback on revising the Hazardous Materials Regulations to raise the monetary threshold for farmers to be required to have a security plan.[3] Please refer to the NPRM for background and discussion of the proposed change. PHMSA received one comment from the Dangerous Goods Advisory Council in support of the proposal. PHMSA did not receive any negative comments in response to the NPRM. Therefore, PHMSA is revising 49 CFR 172.800(c) to except farmers who generate less than $825,000 in 2025 dollars annually in gross receipts from the sale of agricultural commodities or products from the security plan requirements in 49 CFR part 172, subpart I.

[1] 90 FR 28528 (Jul. 1, 2025).

[2] 58 FR 51735 (Oct. 4, 1993).

[3] 90 FR 28528 (Jul. 1, 2025).