




Cargo Securement Harmonization
Public Forum Agenda
Ottawa, Ontario, Canada
November 4, 2022
09:00 AM – 05:00 PM ET
Revised Date: October 6, 2022

Chair: Jeremy Disbrow
Vice Chair: Terrance Hendricks
Secretary: Marc Studer
CVSA Liaison: Kerri Wirachowsky

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<p>1. Opening Remarks & Self Introductions</p> <p>Conference Code of Conduct/Media Policy Review</p>
<p>2. Adoption of Agenda</p> <p>Issues should be submitted in advance, if possible, to the North American Cargo Securement Harmonization Public Forum through CVSA’s Issue/Request for Action (IRFA) form on the CVSA website. New issues may also be raised at the forum. Issues are generally discussed in the order received.</p>
<p>3. Review/Approval of Meeting Minutes from Bellevue, WA - April 3, 2022</p> <p align="center">  Attachment 1 – 2022 Bellevue Cargo Securement Meeting Minutes.pdf </p> <p>Meeting minutes are included for review.</p>



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4. Review of Committee Structure, Terms of Reference & Business Processes

This forum does not have any regulatory or enforcement authority but instead either requests consideration by U.S. and/or Canadian regulators or provides feedback to CVSA's Vehicle Committee, which in turn may effect changes in CVSA policies or Out-of-Service Criteria (OOSC) accordingly. The forum works to facilitate uniform policies, regulations and enforcement for cargo securement in North America. The forum is open to all interested parties.

5. Regulators Group Status Report

Regulators from the U.S. and Canada provide relevant cargo securement regulatory policy or research updates unrelated to the Request for Action issues throughout the agenda. Those will be addressed throughout the meeting.

Request for Action Items (NEW)

6. 22-031-VEH: OOSC, Part II, Item 2. Cargo Securement, a. General Securement – Dirt and Sand

Submitted by: Steve Keppler, Scopelitis Transportation Consulting

Summary of Issue

The commodity-specific cargo securement requirements in Part 393 of the Federal Motor Carrier Safety Regulations are silent on a number of commodity types. In particular, they do not address securement methods for vehicles that carry dirt, sand, gravel, hay and similar materials that are typically related to construction activities. There have been instances occurring in the field where vehicles carrying these materials that are not tarped or otherwise covered, are being cited for loads spilling, blowing, or falling off of the vehicle. Inspectors are citing violations under several different sections of 49 CFR, including 393.100(b), 392.9(a) and 392.2. In some cases, inspectors are also placing these vehicles out of service under 393.100(b). Each of these violations carry different weightings in the SMS methodology that is part of CSA, and the OOS condition also adds more points.

Justification or Need

It is our view that, in most cases, these types of materials do not present an imminent hazard condition to warrant placing these vehicle OOS. We believe 49 CFR 393.100(b) is primarily intended to address egregious violations and more significant types of cargo that present a clear danger to safety should their method of securement fail. This position is evidenced by the fact that 393.100(b) is a 7-point violation in CSA – plus it is also included in the OOS Criteria. Conversely, as an example, 392.9(a) is a 1-point violation in CSA. Additionally, the inconsistencies being cited under the different regulatory sections has a direct bearing on the motor carrier's safety performance, as well as how they compare against their peers with respect to their CSA scores.

Request for Action

We respectfully request that CVSA consider amending its Operational Policies, issuing an Inspection Bulletin, and consider requesting an interpretation from FMCSA to provide guidance and clarification relating to securement methods for these types of loads. This will help in furthering uniformity and consistency in enforcement. We point



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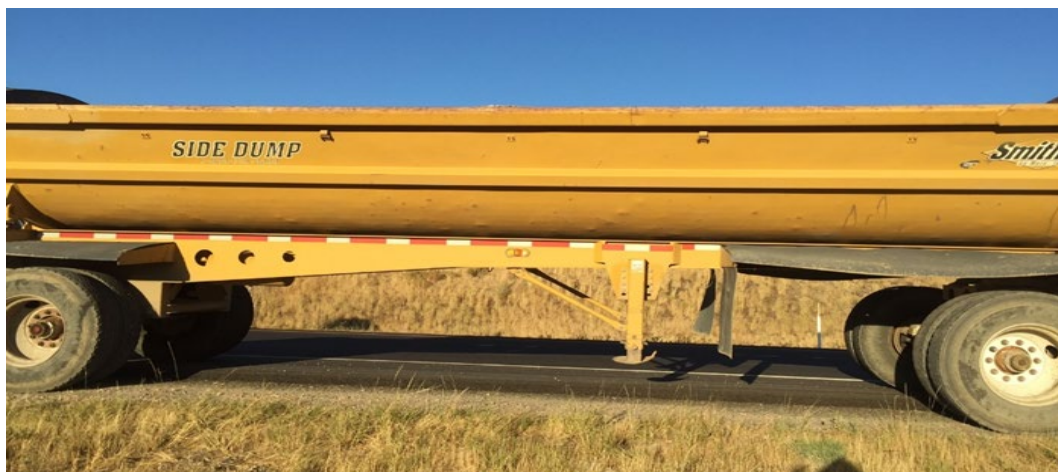
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to a Utah law (noted below) as an example that in our view serves to address this issue to both preserve safety, as well as to provide more guidance to enforcement and motor carriers for compliance.

72-7-409 Loads on vehicles – Limitations – Confining, securing, and fastening load required – Penalty. Section 3 (a) A vehicle carrying dirt, sand, gravel, rock fragments, pebbles, crushed base, aggregate, any other similar material, or scrap metal shall have a covering over the entire load unless:

- (i) The highest point of the load does not extend above the top of any exterior wall or sideboard of the cargo compartment of the vehicle; and
- (ii) The outer edges of the load are at least six inches below the top inside edges of the exterior walls or sideboards of the cargo compartment of the vehicle.

Thank you very much for consideration of this request. In the attached we have provided a few pictures to show examples of the equipment/loads in question.





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7. 22-037-VEH: OOSC, Part II, Item 2. Cargo Securement, d. Aggregate WLL

Submitted by: Stephen Purdy, Canadian Nuclear Laboratories

Summary of Issue

Looking for an interpretation – this package was shipped to us in the shown configuration. The turnbuckles are holding the flask/package in the shipping skid and the skid itself is secured to the trailer. The Crosby branded turnbuckles don't have a WLL stamped on them because they are typically found in industrial rigging rather than roadside, but have "generic" WLL's assigned to them based on their size (which is stamped)

Justification or Need

Interpretation of tie-down assembly definition -- would the turnbuckles be considered the tiedown by a roadside inspector or is it viewed as a mechanical assembly that is part of the load?

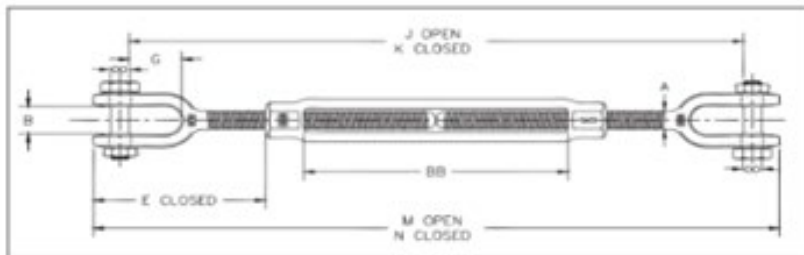
Request for Action

Review of the package configuration as shown and provide guidance on the applicability of NSC 10/US federal regulations.

PRODUCT DESCRIPTION

Crosby 1-3/4" x 24" HG-228 Jaw & Jaw Turnbuckle - 28000 lbs WLL - #1033036

- Meets the performance requirements of Federal Specifications FF-T-791b, Type 1, Form 1, Class 7, and ASTM F-1145, except for those provisions required of the contractor
- End fittings are Quenched and Tempered or Normalized, bodies heat treated by normalizing
- Hot-dip galvanized steel
- Forged jaw ends are fitted with bolts and nuts on size 1/4 - 5/8, and pins and cotter on sizes 3/4 through 2-3/4
- Modified UNJ thread on end fittings for improved fatigue properties, body has UNC threads
- **TURNBUCKLES RECOMMENDED FOR STRAIGHT OR IN-LINE PULL ONLY**
- Lock nuts available





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8. OOSC, Part II, Item 2. Cargo Securement, I. Intermodal Containers - Inter-box Connectors

Submitted by: Mike Mullen, Washington State Patrol

Summary of Issue:

Clarification or Inspection Guidance on using inter-box connectors as corner securement.

Justification or Need:

Intermodal containers no longer have a minimum of eight corner castings. Now intermodal containers have corner castings and inter-box connections which are situated on either side of the container, usually a few feet back from each corner. These inter-box castings are used for vertical stacking of shipping containers. They use twist lock stacking pins. The pins are designed to safely and securely stack empty or loaded shipping containers vertically, they feature a twist lock action and are made to fit into container corner castings.

Request for Action:

Can CVSA provide clarification or guidance on using inter-box connections as meeting a corner securement point. So, if a container has corner securement castings and also has the inter-box castings, would the use of the inter-box casting rather than using the provided corners securement castings meet the commodity specific securement standards of CFR 393.126? CFR 393.126 states all lower corners of the intermodal container must be secured to the container chassis.

393.126 What are the rules for securing intermodal containers?

Securement of intermodal containers transported on container chassis vehicle(s).

(1) All lower corners of the intermodal container must be secured to the container chassis with securement devices or integral locking devices that cannot unintentionally become unfastened while the vehicle is in transit.

(2) The securement devices must restrain the container from moving more than 1.27 cm (1/2 in) forward, more than 1.27 cm (1/2 in) aft, more than 1.27 cm (1/2 in) to the right, more than 1.27 cm (1/2 in) to the left, or more than 2.54 cm (1 in) vertically.

(3) The front and rear of the container must be secured independently.





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Open Issue/Request for Action Items

9. 21-034-VEH OOSC, Part II, Item 2. Cargo Securement-Tiedown Defect Table-Textile Link Tiedown

Submitted by: Russ Christoferson, Montana Department of Transportation

Summary of Issue:

Update the Doleco USA Textile Line Tiedown Assembly tiedown defect table in OOSC.

Justification or Need:

There are currently 3 manufacturers that are selling the textile link tiedown assembly. The defect table is currently specific to only one manufacturer, Doleco USA.

Request for Action:

Make the tiedown defect table for textile link tiedowns more generic instead of manufacturer specific.

Bellevue Meeting

There are currently 3 manufacturers that are selling the textile link tiedown assembly. The defect table is currently specific to only one manufacturer, Doleco USA.

Comments were made about the lack of marking on newer products offered by companies other than Doleco. Canada considers an unmarked tiedown to have a WLL of zero. The US does not have the same default measures and would assume the lowest WLL for the type and size of tiedown. Representatives from Doleco have expressed concern over interchanging products when no WLL is marked.

Jeremy advised the group that current manufacturers were invited to the meeting. No manufacturers were present. It was agreed that more information was needed from the manufacturers prior to any changes in the OOS. Kerri asked the enforcement members to send pictures to her of any of these systems when found roadside.



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10. 21-013-VEH OOSC, Part II, Item 2. Cargo Securement-Working Load Limit/Breaking Strength-393.102

Submitted by: Scott Spray, Modular Transportation

 Attachment 2 – Petition Letter to FMCSA for WLL and Breaking Strength.pdf

Summary of Issue:

393.102 (a)(1) and (2) (a)(1) is discussing Breaking strength. This information is not readily available. Clarification needs to be made to better understand the requirements of this section. Even the "Practical Cargo Securement" guidebook, states that cargo must be secured to the rear (preventing forward movement) .8g of deceleration. It muddies the water even more in (a)(2) (a)(2) talks about WLL and does not clearly define that to comply with this number you must follow the guidelines of 393.106(d) which states that 1/2 of the weight of the cargo must be covered by the WLL of the securement devices. It goes on to say that .43g deceleration and .5g acceleration need to be covered... that is not quite consistent with (a)(1). If the driver has access to the breaking strength numbers or uses the WLL=1/3 of the breaking strength (which is an industry standard but not the rule and typically not labeled on the securement device) then when you work out the math it normally comes out to close to the same requirements. BUT, it is not exact, so why have it in there? it just makes the regulation difficult to understand and be in compliance. Maybe someone can explain it better, but I have worked the numbers several times (see attached) and they just don't make sense. It leaves carriers to make their own assumptions/rules on the requirements.

Justification or Need:

To better clarify the cargo securement regulations and make a distinction/unification of the two conflicting regulations.

Request for Action:

Amend 393.102, to unify (a)(1) and (a)(2), reflecting equalized results from using either method, OR remove (a)(1) because the breaking strength is not readily available information to the end user... the driver. Also reflect greater protection against forward movement of the cargo, .435g protection against deceleration and .5g protection against acceleration is backward, it should, at a minimum, be the other way around.

Fall 2021 Meeting:

A petition option was mentioned to request that FMCSA remove the reference to breaking strength. It is not in the NSC Standard or the model regulation, so it is solely a U.S. issue. It was also discussed that if a petition is sent in about breaking strength, a request should also be made to the U.S. to revisit the WLL that they appoint to direct tiedowns. In Canada, the direct tiedown gets full WLL and in the U.S. it only receives half of the WLL. This is problematic for cross-border transportation. A petition was suggested to request that the US harmonize the information on "g" forces and the WLL provided to direct tiedowns to mirror what is in NSC Standard 10.

Luke gave comment on wording for the petition and to make it precise to the request for removing 393.102a and adopting the performance standard in NSC 10. Also, part of the petition is to amend 393.106 to remove the direct/indirect wording and make everything 100% WLL. The petition wording was drafted and reviewed by those in



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attendance. Luke stated he had no issues with the wording. The only wording changes on the petition dealt with breaking strength.

Bellevue Meeting:

Jeremy recapped this issue from the Fall meeting. 393.102(a)(1) and (2)(a)(1) talks about breaking strength. Breaking strength is not available to officer's roadside and neither drivers or inspectors have the ability to measure "g" forces. WLL in 393.106 is the standard used by carriers, drivers and enforcement personnel.

A petition was approved by the Vehicle Committee and was submitted to FMCSA on May 31, 2022.



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11. 21-002-VEH: OOSC, Part II, Item 2. Cargo Securement, Friction Mats – WLL

 Attachment 3 – Petition Letter to FMCSA for Friction Mats.pdf

Summary of Issue:

Currently 393.108(g) states friction mats which are not marked or rated by the manufacturer shall be considered to provide resistance to horizontal movement equal to 50 percent of the weight placed on the mat. There is no further guidance for their use as far as when they can and cannot be used in determining the working load limit (WLL) under 393.106. There needs to be guidance added to Operational Policy 15 or regulatory guidance added to the FMCSRs to allow for uniformity in determining the WLL when friction mats are used as well as when and what types of cargo can friction mats be used on.

Justification or Need:

A recent inspection of an oversize load with a shipping weight of 120,000 lbs. was secured with a total of 4 chains – 2 on the front and 2 at the rear per cargo specific requirements in 393.130(c) that had a total working load limit of 40,000 lbs. aggregate WLL. The driver claimed he was using friction mats that were located under the front axle of the machine to meet the requirements of 393.106. (See the attached pictures). With no clear guidance on the use of friction mats, we had no choice but to count the friction mats towards the WLL of the machine being transported. However, there is no way of knowing the amount of weight being placed on the mat to determine what the mat is worth, and it is unclear if the friction mat can be used at all in this situation.

Request for Action:

Operational Policy 15 or regulatory guidance needs to be created to address the use of friction mats and when they can or cannot be used when determining the WLL under 393.106 and if they can be used to meet cargo specific requirements. Some suggestions would be: A friction mat cannot be used to replace a tiedown required by the cargo specific sections in 393.116 to 393.136. A friction mat cannot be the sole means of load securement in any application. Friction mats can only be used on items that weigh less than 10,000 lbs. Over 10,000 lbs., they can only be used as a supplement means of securement (blocking and bracing) but will not count towards the WLL.

Bellevue Meeting:

Jeremy gave a recap of the issue with friction mats and the lack of definition for friction mats in the US. A petition to FMCSA was created and presented to the forum for review and discussion. The intent of the petition is to harmonize with the Canadian regulation. Luke asked if there was any intent to list or restrict when a friction mat could be used or if there was specific cargo they should not be used with. This was not part of the original discussion and the petition is to define what constitutes an actual friction mat.

After discussion, no changes were required to the proposed drafted petition. Submitted to FMCSA on May 31, 2022.

This issue was presented to the Vehicle Committee on 4/5/2022 and approved to move forward in the petition process.



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12. 11-043-VEH: Marking and Rating of Tiedowns – Working Load Limit (WLL) on Hooks

 Attachment 4 – NACM Hook Spec - Final.pdf

 Attachment 5 – FMCSA 393.108 NACM Chart Petition.pdf

 Attachment 6 – FMCSA 393.108 NACM Petition Acknowledgment Letter.pdf

National Association of Chain Manufacturers (NACM) finalized a document that outlines the performance specifications and marking of removable hooks used in tiedown assemblies. This issue has been outstanding for several years, so the forum decided to ask the Vehicle Committee to ask the Board of Directors to petition FMCSA to make an update to the regulations. The Board of Directors agreed in Portland to direct CVSA staff to petition FMCSA. FMCSA sent an acknowledgement letter and is processing the petition and will decide whether to grant or deny the petition. If they grant it, this means that they will decide whether to publish a public Notice for Comment. FMCSA will report on the status of this petition.

2021 Spring Virtual Meeting Minutes, Update:

Petition filed by CVSA to FMCSA reference WLL on hooks. Luke Loy advised petition was acknowledged so if there is rule making this year this issue can be rolled in and dealt with.

Bellevue Meeting:

National Association of Chain Manufacturers (NACM) finalized a document that outlines the performance specifications and marking of removable hooks used in tiedown assemblies. This issue has been outstanding for several years, so the forum decided to ask the Vehicle Committee to ask the Board of Directors to petition FMCSA to make an update to the regulations. The Board of Directors agreed in Portland to direct CVSA staff to petition FMCSA. FMCSA sent an acknowledgement letter and is processing the petition and will decide whether to grant or deny the petition. If they grant it, this means that they will decide whether to publish a public Notice for Comment. FMCSA will report on the status of this petition.

Luke Loy gave an update on status of the submitted petition. Initial thought was to deny the petition but now believes the petition should be approved. An unmarked hook in the US would essentially take the entire tiedown to the lowest WLL for its size. Comments from the forum implied most hooks have a rating unless perhaps they are purchased from a discount type store. After discussion it was decided to move forward with approval on the petition.

Luke will update the forum at the next meeting on the status of the petition.



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13. 11-030-VEH: Securing Metal Coils in Sided Vehicles

The question was raised several meetings ago regarding 393.120(e) and NSC 10(58) which articulate the requirements for securing metal coils in a sided vehicle without anchor points. It could be interpreted to exclude the use of sided vehicles with anchor points, which does not seem to be its intent. This section should be interpreted to mean that metal coils transported in sided vehicles with anchor points should be loaded a manner to prevent shifting and tipping consistent with either 393.120(b), 393.120(c), 393.120(d) or 393.120(e), or in a vehicle without anchor points consistent with 393.120(e). CVSA sent a letter to FMCSA requesting clarification. The regulators indicated new wording is being considered that would stipulate when there are anchor points in a sided vehicle, it will not be mandatory to use them if they are not the most suitable way to secure cargo.

The regulators worked on draft language for the model regulation in Montreal that will trickle down into NSC Standard 10 and the FMCSRs. This language will make it clear that metal coils transported in sided vehicles with or without anchor points will be able to be secured by adequate blocking and bracing. The regulators were to get together and draft the next revision of the model regulation. They reported that possibly by this meeting but no later than the fall meeting of 2019, they should have revised language for the model regulation referencing this issue and a few others that are on the agenda.

Bellevue Meeting:

The original issue started with a load of “slinky coils” in a van box trailer. The load originated in Canada, which does not consider “slinky coils” to be metal coils by definition. The load was stopped in New York and placed OOS for not using existing anchor points in the trailer per commodity specific requirements. The carrier sent another van box type trailer without anchor points, transferred the load and was released because it now met the cargo securement requirements. Luke is asking CVSA to submit a letter to FMCSA requesting to remove an old memorandum that changed the definition of a coil. Basically taking metal coil back to its original intent. This will require a new letter being issued to FMCSA. Carriers in the room expressed concern over letters and memos traded between FMCSA and enforcement with no way to be made aware or updated on changes. The original intent of the petition to FMCSA was to remove the requirement for anchor points. The issue will remain open while Luke does some more looking into the FMCSA letter defining what a metal coil is.



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14. 12-033-VEH: NSC Standard 10 – Section 89(2) Accessory Equipment

 Attachment 7 - FMCSA 393.130 Securing Accessory Equipment Petition.docx

 Attachment 8 - FMCSA 393.130 Securing Accessory Equipment Acknowledgement Letter.pdf

This question and discussion in previous forum meetings discussed whether or not accessory equipment requires a tiedown. The Regulators Group assessed that this is not necessary and that the intent of the model regulation for the accessory equipment to be “lowered and secured” can be achieved by the hydraulics; therefore, the accessory equipment does not need a tiedown over it to be secured. Regulators from both Canada and the US concurred with this assessment. Regulators sought information from manufacturers indicating that accessory equipment—shovels, dozer blades, and similar—lowered and secured by hydraulics is adequately secured.

It was determined in the Portland meeting that FMCSA should amend Interpretation #3 in 393.130 to reflect the same language that Canada has in NSC Standard 10. CVSA petitioned FMCSA to amend the guidance in 393.130 to be consistent with what is in NSC Standard 10 currently. FMCSA sent an acknowledgement letter. In the past, regulatory guidance was not considered the rule, it was only guidance, however, the way the current political climate is in the U.S., guidance receives the same scrutiny as regulation they will request a Notice for Public Comment to suggest the change. FMCSA will report on the progress of this petition.

Bellevue Meeting:

Luke advised the forum that the petition is moving forward. The petition has been accepted and the new determination must be published in the federal register. We could possibly see something by or before the fall meeting.



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- 15. 16-020-VEH: Amend 393.118(d)(3) of the FMCSR’s requiring belly straps on loads over 2 tiers high
- 16. 12-010-VEH: Cargo Securement - Dressed lumber or Similar Building Products

- Attachment 9 – FMCSA Petition Regarding Dressed Lumber Petition.pdf
- Attachment 10 – FMCSA Response to 393.118 Dressed Lumber Petition.pdf

These issues were combined as they both relate to how the commodity specific regulation requires belly straps on dressed lumber. The securement issue arises when trailers are loaded from home improvement stores with several different types of building materials. The material does not make even levels for material placed beside each other which makes the use of belly straps ineffective. The Regulators have discussed that when the rules were developed it was never intended to include stacks of uneven goods, only goods that were even and stacked the same and were actually dressed lumber or similar building products. They further indicated these items in the pictures were all different types of materials and not specifically dressed lumber. FMCSA is working towards regulation that will not require belly straps on loads that are 6 feet or less, however, there is nothing in the model regulation to deal with loads over 6 feet high. Pictures have been shown of tiedowns that are going through the middle and they are not even because it is not possible. The model regulation and testing for the specific commodity section did not contemplate the uneven loads. The study was done for loads coming from the mill, it was never really intended for the loads coming from a retail store to the end user. It has further been discussed that most retail outlets indicate that they can live with staying under the 6 foot level in order to avoid the use of belly straps. Mike indicated that FMCSA reached out to the regulators in Canada to see what sort of testing was done in Canada to affect the revision that was made. It was determined that there was no testing done but other issues that caused the amendment. FMCSA will likely draft a notice to the federal register requesting comments on certain aspects of this issue. They are hoping to harmonize with Canada. The second issue is for belly straps on tiers that are not the same height. The mixed loads do not always allow for belly straps as they are not always equal from side to side. In some cases, belly straps will make the load less secured than if there were no belly straps present. This may or may not be addressed in the upcoming notice regarding the 6-foot belly strap issue. FMCSA will report on the status of the petition.



Bellevue Meeting:

Luke advised FMCSA has accepted the petition submitted. There are several items that are being rolled together in one package and moving forward.



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17. 18-011-VEH: Cargo Securement – Shipper Responsibility

The committee discussed the issue, and it was decided that both the regulators in the US and Canada would have to determine whether they wanted shipper responsibility for cargo securement. The committee voted to send the attached letter encouraging the Federal Motor Carrier Safety Administration (FMCSA) and the Canadian Council of Motor Transport Administrators (CCMTA) to examine the issue of shipper responsibility. This issue was reopened to track the status of the response letters from CCMTA and FMCSA. It was requested by the Cargo Securement Forum to be reopened for tracking.

Canada has decided in most cases to make the driver the responsible party. The person that is in care and control of the load. Companies are working on securement products that are automated and able to be monitored for tightness and securement.

Bellevue Meeting:

Current guidance requires responsibility to be placed on the carrier or driver. Carrier's in the group expressed concern over CSA points assigned when their driver had no way to inspect the load. CVSA does control CSA points but the idea was brought up that there could possibly be a "nominal" type violation for this case, somewhat resembling what is done with HOS violations.

Policy and Regulatory Affairs has this issue on their agenda and is requesting someone from this forum to be in attendance and present this issue. Terry Hendricks will go to Policy and Regulatory this week to explain the issue.

Policy and Regulatory Affairs, Rapid City:

On 9/20/2022, Terry Hendricks re-introduced the "Shipper Responsibility" issue back to the Policy and Regulatory Affairs Committee. The issue was briefly discussed, and it seemed that it was deemed by most to be a viable problem throughout the country. Policy and Regs has agreed to take this back to their committee for further discussion and it has been sent to the Reauthorization Task Force. The recommendation to the task force will be to gather data by adding shipper information to inspections and adding a selection for shipper responsibility. CVSA cannot modify CSA points or regulation but gathering data can identify the need for change.



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18. Equivalent Means of Securement

The issue was presented and discussed again as shown in the previous meeting minutes. There was agreement in the group that FMCSA should have a central place for enforcement members to search for FMCSA issued waivers. Kerri presented the idea to the CVSA board to house documents and waivers on the CVSA website, which the board approved.

Mike Kasprzak and Luke Loy agreed they would review documents and agree (not approve) to allow letters to be used by enforcement.

There was discussion on whether or not one companies engineering documents would cover just the single carrier or all of industry. According to Luke it would have to be specific to the carrier that completed engineering analysis.

Moving forward, documents already approved could be placed in the new depository immediately. CVSA staff was tasked with developing a model for review.

The link below, is a sample of what the site could look like.

<https://www.cvsa.org/inspections/equivalent-means-of-securement/>

New Business