



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

400 Seventh Street, S.W.
Washington, D.C. 20590

SEP 26 2002

Mr. Christopher Kraus
Director, Program Development
3E Company
1905 Aston Ave
Carlsbad, CA 92008

Ref. No. 02-0067

Dear Mr. Kraus:

This is in response to your February 21, 2002 letter requesting clarification on the emergency response telephone number requirements as specified in the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you request information on offeror and carrier responsibilities. Your questions are paraphrased and answered as follows:

- Q1. If a carrier contracts with an emergency response information service and provides an emergency response telephone number, is the offeror required to enter into a contract with the emergency response service as well?
- A1. Section 172.604(b) of the HMR provides that (1) the emergency response service must "accept responsibility for providing the detailed information concerning the hazardous material," and (2) the person offering the hazardous material for transportation must "ensure that agency or organization has received current information on the material." If these arrangements are made, there does not need to be a written contract.
- Q2. Is it acceptable for the carrier to provide this service?
- A2. Yes, if the requirements set forth in § 172.604(a) are satisfied.
- Q3. Does the emergency response telephone number requirement apply only to those materials actively in transportation?
- A3. Yes. The HMR only requires that the telephone number be monitored while the hazardous material is in transportation, including storage incident to transportation.



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172.604

Q4. Does the emergency response telephone service need to be able to supply generator, offeror, or carrier information?

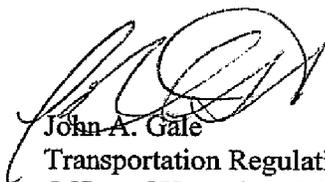
A4. No. The emergency response telephone number must be staffed by a person who is either knowledgeable of the characteristics of the hazardous material and has comprehensive emergency response information, or has immediate access to a person who possesses such knowledge. This person does not need to provide specific knowledge of the generator, offeror, or carrier.

Q5. What is the minimum information that a first responder is required to provide the persons staffing the emergency response telephone number in order to receive an appropriate response?

A5. The first responder at a hazardous material incident is not subject to the HMR.

I hope this satisfies your request.

Sincerely,



John A. Gale
Transportation Regulations Specialist
Office of Hazardous Materials Standards



Via 2nd Day Mail

February 21, 2002

Mr. Edward T. Mazzullo
Director, Office of Hazardous Materials
U.S. DOT/RSPA (DHM-10)
400 7th Street SW
Washington, DC 20590-001

BAH
§ 172.604
Emergency Response
Telephone Number
02-0067

Dear Mr. Mazzullo,

This letter serves as a request for a formal interpretation of the requirements for a third party emergency response center and the persons monitoring the 24-hour emergency response number referenced in section §172.604 of the regulations.

1) If a carrier provided a shipper a 24-hour emergency response number, would the shipper also be required to contract with the third party emergency response service?

2) Is it acceptable that the carrier has contracted with and supplied detailed information (including manifests and Material Safety Data Sheets) to the emergency response center so that it is immediately accessible in the event of an emergency?

3) Furthermore, are the information requirements established in the regulation limited in scope to those materials that are actively in transit in association with a specific manifest? Additionally, do the regulations require that the persons staffing a 24-hour emergency contact number have any specific knowledge concerning the generator, shipper, or carrier infrastructures or affiliations?

4) In the event of an emergency involving hazardous material(s) actively in transit, what is the minimum information that a first responder is required to provide, the persons staffing a 24-hour emergency contact number, in order to receive an appropriate response?

Thank you in advance for your interpretation. If you should have any questions or require clarification, please contact me directly at (800) 360-3220.

Regards,
3E Company

Christopher Kraus, CHMM, REA, CPEA
Director, Program Development

1905 Aston Avenue

Carlsbad, CA 92008

1 800.360.3220

www.3ecompany.com