



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

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

FEB 10 2004

Mr. Herbert Giles
Hyundai America Shipping Agency, Inc.
Meridian Building
1425 Greenway Drive
Suite 600
Irving, TX 75038

Ref. No. 03-0318

Dear Mr. Giles:

This responds to your letter of December 9, 2003, requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask whether a carrier is responsible for verifying the emergency response telephone number provided by the shipper in accordance with § 172.604. You also ask if a carrier can be responsible for an invalid 24-hour emergency response telephone number on a shipping paper.

Section 172.604(a) provides that a person who offers a hazardous material for transportation in commerce must provide an emergency response telephone number for use in the event of an emergency involving the hazardous material. The telephone number must be monitored at all times the hazardous material is in transportation, including incidental storage. Subsection (b) requires the emergency response telephone number to be the number of the person offering the hazardous material for transportation or the number of an agency or organization capable of and accepting responsibility for providing emergency response information about the shipment.

A carrier who receives a hazardous material shipment from an offeror (or a prior carrier), accompanied by a shipping paper containing an emergency response telephone number, is not required to independently verify that the emergency response telephone number meets the requirements of § 172.604. However, a carrier may not accept for transportation or transport a shipment of hazardous material when the carrier is aware (or should be aware) of facts indicating that the emergency response telephone number is not operative and does not meet the requirements of § 172.604(b).

I hope this information is helpful. If we can be of further assistance, please contact us.

Sincerely,

Edward T. Mazzullo
Director, Office of Hazardous
Materials Standards



030318

172.604



HYUNDAI

AMERICA SHIPPING AGENCY, INC.

BAAH
§172.604
Emergency Response Telephone
Number
03-0318

9 December 2003

To: U. S. Department of Transportation
Office of Hazardous Material Standards (DHM 10)
400 7th Street SW
Washington, D. C. 20590

From: Hyundai America Shipping Agency
(Hazardous Material Department)
1425 Greenway Drive, Suite 600
Irving, Texas 75038

Subj: Letter of Interpretation.

1. The Code of Federal Regulations 49 (CFR 49) in Part 172.604 requires that a 24-hour emergency telephone number be listed on all hazardous material shipping papers. Is it the carrier's responsibility to ensure the telephone numbers provided by shippers on their shipping papers are valid? Additionally, can a carrier be cited for an in-valid 24-hour emergency telephone number on the shipper's hazardous material shipping papers when presenting shipping papers to authorities?

2. Although I have made it a matter of procedure for my staff under my direct control to check the 24-hour emergency telephone numbers on shipping papers being provided by shipper's located in North America when exporting hazardous materials, I find it virtually impossible to check the telephone numbers on shipping papers being provided by overseas shippers on import hazardous material shipping papers (IMO Dangerous Goods Declarations). However, truckers draying the import containers from the discharge terminal to in-land destinations, i.e., a warehouse or a rail facility, continue to be cited by local authorities for invalid 24-hour telephone numbers on the hazardous material shipping papers that have been provided by the overseas shipper.

3. I look forward to your response.

Best Regards,

Herbert Giles
Manager, Hazardous Material
Hyundai America
972-550-2645