



U.S. Department of Transportation
**Pipeline and Hazardous Materials
Safety Administration**

1200 New Jersey Ave, S.E.
Washington, D.C. 20590

MAR 10 2009

Mr. Joseph A. Taranovich
American Honda Motor Company
25000 Honda Parkway
Marysville, Ohio 43040

Ref. No. 09-0007

Dear Mr. Taranovich:

This responds to your December 18, 2008 letter requesting clarification of requirements in the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to EX numbers and emergency response telephone numbers. Your questions are paraphrased and answered below.

According to your letter, your company assists in retrieval of "live" inflators, modules, or pretensioners (UN 3268, Class 9) for analysis by your company, Honda factories, or suppliers. The inflators, modules, and pretensioners are manufactured by various suppliers for Honda. The supplier applies for an approval from the Associate Administrator for Hazardous Materials Safety and forwards the assigned EX number to your company for your records and shipping documents.

Q1. Is a shipper required to retain a copy of the approval letter for products it places in transportation?

A1. No. Only the person applying for the approval is required to retain a copy of the approval letter. However, you may wish to obtain a copy of the approval from the supplier. You may also obtain a copy of the approval from PHMSA's Office of Hazardous Materials Special Permits and Approvals at 202-366-4535. In addition, we are in the process of making the competent authority/approvals available at our web site: hazmat.dot.gov.

Q2. Must an EX number be marked on the outside of the package?

A2. No. Marking requirements in §172.320 do not apply to your UN3268, Class 9 product. EX numbers are required to be marked on packages containing explosive materials in accordance with §172.320. For approved inflators, modules, or pretensioners, the shipping paper must include the EX number or product code in association with the basic shipping description. Product codes must be traceable to the specific EX number

assigned. See §173.166(c). When the EX number is provided on the shipping paper, it need not also be marked on the package.

Q3. We contract with a third-party emergency services company for 24-hour emergency telephone service in accordance with § 172.604. May another entity use our emergency contact telephone number if we are not the shipper or recipient indicated on the shipping papers?

A3. In accordance with § 172.604, a person who offers a hazardous material for transportation must provide an emergency response telephone number for use in the event of an emergency involving the hazardous material. The telephone number must be the number of the offeror or the number of an agency or organization capable of, and accepting responsibility for, providing detailed information about the hazardous material. Another entity may use your emergency response telephone number by prior arrangement with you and the third-party provider. The emergency response provider may require evidence, such as your company name or registration number, indicating that your company contracted for the emergency response services. An indication of this contractual relationship on the shipping paper will promote linkage between the provider and the person arranging to use the provider's service, ensuring compliance with § 172.604. Accordingly, a person who arranges with an organization to provide emergency response services required by the HMR should ensure that the shipping papers that accompany the shipment include the information necessary to enable the provider to identify the person who has contracted for the services.

I hope this answers your inquiry.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles E. Betts", written in a cursive style.

Charles E. Betts
Chief, Standards Development
Office of Hazardous Materials Standards

Boothie
 §172.200
 §172.604
 §173.476

Drakeford, Carolyn <PHMSA>

From: INFOCNTR <PHMSA>

Sent: Thursday, December 18, 2008 3:48 PM

To: Drakeford, Carolyn <PHMSA>

Subject: FW: Feedback: Shippers-General Requirements for Shipments and Packagings (Sections 173.1 – 173.476)

Shipping Papers
 09-0007

Carolyn, a letter of interp request please, thank you! MBN

-----Original Message-----

From: PHMSA-Feedback [mailto:PHMSA-Feedback]

Sent: Thursday, December 18, 2008 1:37 PM

To: PHMSA HM InfoCenter; PHMSA Webmaster

Subject: Feedback: Shippers-General Requirements for Shipments and Packagings (Sections 173.1 – 173.476)

Dear Mr. Edward Mazzullo,

Two areas of discussion exist within our organization and I seek your office for clarification. I have used the PHMSA Interpretation search engine and I apologize in advance if I have missed a previous response that applies to this inquiry. The site was very helpful and it was educational to review previous questions and response.

1. EX Number /Competent Authority- American Honda Motor Company assists in retrieval of "live" inflators, modules, or pretensioners (UN3268/Class 9) for analysis purpose by us, Honda factories and suppliers. These components are manufactured by various suppliers for "Honda"; the supplier has made application for the EX number and forwards assigned number to American Honda for our records and shipping requirements.

American Honda will utilize the suppliers EX number for shipping purposes by ourselves, Honda factories, and its authorized dealer network. At times, I have been requested by FAA or FedEx to produce a physical copy of the Competent Authority relating to the assigned EX number. It is my understanding that the product be traceable to the specific EX number but that the shipper (American Honda, Honda factories and dealer network) is not required to have on hand a physical copy or produce such copy of the Competent Authority.

Could you please clarify if the shipper as noted in this scenario would be required to have at hand, physical copy of the Competent Authority prior to placing product in commerce or be required to produce after shipment such as for audit/review purposes by DOT, FAA or other regulatory agencies?

2. EX number/Outside package- It is noted that the EX number is not required to be marked on the outside package.

Is there any scenario that would require that the EX number be marked on the outside package?

3. Emergency Contact Telephone Number – As noted in item (1), American Honda requests and assists in retrieval of various automotive parts that are regulated as dangerous goods. In some cases we are directly receiving these parts, in other cases, another "Honda" company or supplier will be recipient

with American Honda acting as a third party. American Honda is under contract with an information and compliance service for our emergency contact number.

Is it acceptable to use our Emergency Contact Telephone Number if we are not the shipper or in some cases the recipient (as described above) on the shipping papers?

Should it be specified on the shipping papers that the Emergency Contact Telephone Number is not the shippers but that of the recipient or an involved third party?

Respectfully,

Joseph A. Taranovich
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