

Definition of Registration Terms

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Note: most definitions are from the Hazardous Materials Regulations (HMR) 49 CFR 171.8. You can read the most up-to-date definitions at regulation 171.8.

Bulk Packaging

A bulk packaging is a packaging, other than a vessel or a barge, with (1) a maximum capacity greater than 450 liters (119 gallons) as a receptacle for a liquid; (2) a maximum net mass greater than 400 kilograms (882 pounds) and a maximum capacity greater than 450 liters (119 gallons) as a receptacle for a solid; or (3) a water capacity greater than 454 kilograms (1000 pounds) as a receptacle for a gas.

The distinction between bulk and non-bulk packagings is important in determining whether the placarding requirements apply. All shipments that require placarding also require registration. Hazardous materials (particularly Class 9 hazardous wastes) that do not require placarding but are transported in bulk packagings with capacities greater than 3,500 gallons or 468 cubic feet require registration under category D. However, shipments of hazardous materials that do not require placarding (for example, Class 9 materials), placed in bulk packagings with capacities less than 3,500 gallons or 468 cubic feet, do not require registration.

It is important to note that the use of bulk packagings requires registration no matter how small the quantity of hazardous materials actually offered or transported. For example, persons who have hazardous waste picked up in tank trucks, and persons who return unpurged tank trucks or rail tank cars from which they have unloaded hazardous materials so that the tanks still contain residues of hazardous materials when returned, must register under the provisions of Category F (or Category D if the material is a Division 6.2 or Class 9 material).

Source: Hazardous Materials Regulations defined at 49 CFR 171.8

Calendar Year

Although the registration year extends from July 1 of a year through June 30 of the following year, a calendar year is used to report activity in item 9 of the registration statement, "Prior-Year Survey Information." This calendar year is the twelve-month period (January 1 through December 31) immediately preceding the beginning date of the registration year (or years) for which you are filing the registration statement. You are asked to supply information on your activities in calendar year 2012 on the statement submitted for 2013-2014 (or 2013-2015, or 2013-2016). The use of the preceding calendar year in reporting activity provides a definite and verifiable (rather than speculative) basis for this section of the form.

Source: Hazardous Materials Regulations defined at 49 CFR 171.8

Farmer

The term "farmer" means a person engaged in the production or raising of crops, poultry, or livestock.

Source: Hazardous Materials Regulations defined at 49 CFR 171.8

Highway Route Controlled Quantity

The criteria for determining whether a shipment of radioactive material is a "highway route controlled quantity" are found in 49 CFR 173.403, which further references 49 CFR 173.435. Please note that any shipment of a "highway route controlled quantity" of a radioactive material, whether by highway, rail, air, or water, subjects the offeror and carrier to the registration requirement. If you think you are an offeror or carrier of highway route controlled quantities, please review the defining criteria carefully. Shipments of highway route controlled quantities must be specifically identified as such by the offeror on the shipping papers (see 49 CFR 172.203(d)(4)).

Source: Hazardous Materials Regulations defined at 49 CFR 173.403

Modes of Transportation

The four modes of transportation that are covered under the Hazardous Materials Regulations, including the registration requirement, are highway, rail, air, and water. Highway transportation includes all interstate, intrastate, and foreign shipments that meet the registration criteria and are not specifically excepted by regulation. Water transportation does not include hazardous materials loaded or carried on board a vessel without benefit of containers or labels and received and handled by the vessel carrier without mark or count. This type of shipment, for which the vessel is the container, such as LNG or oil tanker vessels, falls under the authority of the U.S. Coast Guard in the Department of Homeland Security.

Source: Hazardous Materials Regulations defined at 49 CFR 171.8

Not-for-Profit Organization

A Not-for-Profit Organization is an organization exempt from taxation under 26 U.S.C. 501(a), which exempts organizations described in subsection (c) or (d), unless the exemption is denied under sections 502 or 503. This category of registrant was first established for the 2003-2004 registration year. Not-for-profit organizations registering for years before 2003-2004 must pay the fee appropriate to the SBA size category (small or not-small) according to the SBA size standard established for the NAICS code of its primary business activity.

Source: Hazardous Materials Regulations defined at 49 CFR 107.612 (c) (2) and (d) (2)

Person

A person is defined by federal hazardous material law as including an individual, firm, copartnership, corporation, company, association, joint-stock association, including any trustee, receiver, assignee, or similar representative thereof, or government, Indian tribe, or agency or instrumentality of any government or Indian tribe when it offers hazardous materials for transportation in commerce or transports hazardous materials to further a commercial enterprise.

Source: Hazardous Materials Regulations defined at 49 CFR 171.8

Person who Offers or Offeror

A person who offers or offeror is any person who performs or is responsible for performing any pre-transportation function required by the hazardous materials regulations or who tenders or makes the hazardous material available to a carrier for transportation in commerce.

Source: Hazardous Materials Regulations defined at 49 CFR 171.8

Pre-Transportation Functions

A pre-transportation function is any function specified in the hazardous materials regulations that is required to assure the safe transportation of a hazardous material in commerce, including but not limited to:

1. determining the hazard class of a hazardous material;
2. selecting a hazardous materials packaging;
3. filling a hazardous materials packaging, including a bulk packaging;
4. securing a closure on a filled or partially filled hazardous materials package or container or on a package or container containing a residue of a hazardous material;
5. marking a package to indicate that it contains a hazardous material;
6. labeling a package to indicate that it contains a hazardous material;
7. preparing a shipping paper;

8. providing and maintaining emergency response information;
9. reviewing a shipping paper to verify compliance with the hazardous materials regulations or international equivalents;
10. for each person importing a hazardous material into the United States, providing the shipper with timely and complete information as to the hazardous materials regulations requirements that will apply to the transportation of the material within the United States;
11. certifying that a hazardous material is in proper condition for transportation in conformance with the requirements of the hazardous materials regulations;
12. loading, blocking, and bracing a hazardous materials package in a freight container or transport vehicle;
13. segregating a hazardous materials package in a freight container or transport vehicle from incompatible cargo; and
14. selecting, providing, or affixing placards for a freight container or transport vehicle to indicate that it contains a hazardous material.

Source: Hazardous Materials Regulations defined at 49 CFR 171.8. The above functions are enumerated in 49 CFR 171.1(b) and 171.8.

Shipment

The term "shipment" as used in the registration regulations means the offering or loading of hazardous material at one loading facility using one transport vehicle, or the transport of that transport vehicle (see 49 CFR 107.601(c)).

Source: Hazardous Materials Regulations defined at 49 CFR 107.601 (c).

Small Business

A person is a "small business" if its size does not exceed the size standard established by the U.S. Small Business Administration (SBA) in 13 CFR 121 for the primary commercial activity of the person (company).

Since the 2000-2001 registration year, the amount of the annual registration fee has depended on whether the registering company meets the SBA size standard for a small business. The SBA assigns a size standard, which is expressed, with a few exceptions, either as the number of employees or as the gross annual receipts of the company, for each industry group. In registration years 2000-2001, 2001-2002, and 2002-2003, we used the SBA size standard assigned to the Standard Industrial Classification (SIC) code for each industry group identified in the SIC system. In a rulemaking published in the Federal Register on September 16, 2002, (67 FR 58343) we adopted the SBA's use of the North American Industry Classification System (NAICS) codes as the basis for establishing size standards. You are to report the NAICS code that represents the major business activity of the registering company and use this code to determine whether your company qualifies as a small business. A [representative list of the NAICS code and the current size standard](#) for the most frequently reported hazardous materials industry groups is supplied here. If your

industry group is not included in this list, the SBA's complete list of current size standards by NAICS code, is provided on the [SBA's website](#).

The NAICS system was revised by the Office of Management and Budget in 2012 (referred to as NAICS 2012), which has been adopted by the SBA. If you do not know your NAICS code, visit the [U. S. Bureau of the Census' complete table of the NAICS 2012 codes](#), with links to fuller 2012 NAICS definitions for each of the codes.

The Census NAICS 2012 table provides a search box. Enter a descriptive word or phrase. You may have to enter alternative words to find the appropriate code. The search box searches both the NAICS titles and the descriptions. You may also enter a NAICS code in the search box to see the definition of that code. Once you determine which NAICS code is appropriate to your major business activity, you will need to go the SBA's table of size standards to find the size standard appropriate for the NAICS code.

The NAICS system is revised every five years. Please note that some codes used in the 2007 version do not exist in the 2012 version. To find the 2012 equivalent of a 2007 code, type the 2007 code into the "2007 NAICS Search" box. The results page will show the corresponding codes in the 2002, 2007, and 2012 versions. Report the 2012 code on the Hazardous Materials Registration application.

The [SBA's Size Standards Internet site](#) provides other useful information on the SBA size standards. You may also call the size specialist in the appropriate [SBA field office](#) for assistance in determining your company's industry group and its size standard.

With a few exceptions, the size standard is either the number of employees or the gross annual receipts. The number of **employees** is defined by SBA as being the average number of employees (including all individuals employed on a full-time, part-time, temporary, or other basis) employed during the pay periods in the preceding twelve months. See 13 CFR 121.106 for the applicable SBA definition.

Gross annual receipts is defined by SBA at 13 CFR 121.104. "Receipts" generally means "total income" (or in the case of a sole proprietorship, "gross income") plus the "cost of goods sold" as these terms are defined or reported on Internal Revenue Service (IRS) federal tax returns. The term, however, excludes net capital gains or losses, taxes collected for and remitted to a taxing authority if included in gross or total income, and proceed from the transactions between a concern and its domestic or foreign affiliates (if also excluded from gross or total income on a consolidated return filed with the IRS). If your company has been in business for three or more years, the "annual receipts" is the receipts over its last three completed fiscal years divided by three. For companies in existence less than three years, the "annual receipts" is calculated by taking the receipts for the period the company has been in business divided by the number of weeks in business, multiplied by 52.

Whether annual receipts or number of employees is the size standard established for your industry group, you should consider the receipts or number of employees for the person required to register to determine whether your company (person) must pay the fee for a "Small Business" or "Not a Small Business." The person required to register may pay the fee appropriate for a small business even though it may be part of an "entity" (which

includes affiliates) that the SBA does not consider a small business concern for its purposes.

The SBA periodically adjusts its size standards to reflect changes in industry characteristics and in 2010 began a comprehensive review of the standards. Almost all revisions to the size standards increase the number of employees or annual receipts that a company may have in order to qualify as a small business. The SBA recognizes only the current size standards for determining small business status.

Source: Small Business Administration Regulations defined at 13 CFR 121

Transportation

Transportation means the movement of property and loading, unloading, or storage incidental to the movement (49 U.S.C. 5102(13)).

Transportation functions are defined at 49 CFR 171.1(c)

Source: Hazardous Materials Regulations defined at 49 CFR 171.1 and 49 CFR 171.8