



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

1200 New Jersey Avenue, SE
Washington, DC 20590

November 22, 2024

Ms. Enora Berre
Supply Chain Operations and Logistics Analyst
Schneider Electric
13091 Vanier Place, Unit 100
Richmond, BC V6V 2J1
Canada

Reference No. 24-0085

Dear Ms. Berre:

This letter is in response to your September 13, 2024, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to a shipper's certification on a shipping paper. In your email, you state Schneider Electric ships lithium batteries by common carrier to various distribution partners and individual domestic partners and—if required—works with customers on the lithium battery return process. You further explain the return process includes providing the customer documents and video packing instructions, verifying proper package preparation electronically via photographs following the completion of package preparation by the customer, and certifying compliance with the HMR by a qualified employee by signing the shipper's certification statement. Specifically, you ask whether Schneider Electric may act as the "shipper's agent" for its customers by preparing and signing the bill of lading (i.e., the shipping paper) remotely—thereby certifying the shipment is prepared in accordance with the HMR.

The answer is yes. Under the provisions of § 172.204(d)(1), a shipper's certification "must be legibly signed by a principal, officer, partner, or employee of the shipper or his agent." At the request of your customers or through a contractual agreement, a third party may perform the functions of an offeror—such as signing the certification statement on a shipping paper to certify that hazardous materials are being offered for transportation in compliance with the HMR. The person signing the shipper's certification, whether they be third-party or otherwise, must be properly trained in accordance with §§ 172.700 through 172.704. Moreover, the person signing the shipper's certification is certifying that "the hazardous material is properly classified, described, packaged, marked, labeled, and in proper condition for transportation according to the applicable regulations of the Department of Transportation" as required by § 172.204(a)(1), regardless of whom has performed some of these pre-transportation functions. Any person

performing functions of an offeror is responsible for performing those functions in accordance with the HMR.

Please note that because Schneider Electric is acting as an agent of your customers, either Schneider Electric or your customers may be held responsible for non-compliance with the HMR. The degree of regulatory liability is usually determined on a case-by-case basis and is dependent on the facts of the specific situation.

I hope this information is helpful. Please contact us if we can be of further assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dirk Der Kinderen".

Dirk Der Kinderen
Chief, Standards Development
Standards and Rulemaking Division