



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', written in a cursive style.

Dirk Der Kinderen
Chief, Standards Development
Standards and Rulemaking Division

From: [INFOCNTR \(PHMSA\)](#)
To: [Dodd, Alice \(PHMSA\)](#)
Cc: [Hazmat Interps](#)
Subject: FW: Interpretation Request Shippers Agent - Schneider Electric
Date: Monday, September 16, 2024 2:25:56 PM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[PHMSA clarification request.pdf](#)
[Schneider Boost Repackaging Guide \(TME51073\).pdf](#)
[EXAMPLE - Linde Gas & Equipment Inc.pdf](#)

Hello Alice,

Please see the attached interpretation request. Let us know if you need anything.

Sincerely,
Janaye

From: Enora Berre <enora.berre@se.com>
Sent: Friday, September 13, 2024 4:50 PM
To: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>
Cc: Jahangir Aryn-Ciyear <Jahangir.Aryn-Ciyear@se.com>; James Beck <James.Beck.CA@se.com>
Subject: Interpretation Request Shippers Agent - Schneider Electric

CAUTION: This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Sir or Madame,

In accordance with 49 CFR § 105.20, I am writing to the United States Pipeline and Hazardous Materials Safety Administration (PHMSA) on behalf of Schneider Electric USA Inc to seek clarification on our interpretation of the Hazard Materials Transportation Regulations – specifically clause 49 CFR parts 171 through 180, and whether a Schneider Electric Employee can act as the “Shippers Agent” for our customers when shipping our batteries back to our location.

Schneider Electric ships lithium batteries that contain hazardous material by common carrier to various distribution partners and individual domestic customers across North America. Schneider Electric uses common carriers to deliver the products and, if required, works with customers on the battery return process. Schneider Electric employees performing the “Shippers” function are extensively trained in the Subpart H Hazardous Materials regulations; however, in most situations customers are not trained in Subpart H 49 CFR § 172.704 Hazardous Material Training.

Schneider Electric’s return service for batteries is detailed below:

- Provide the attached documents and video on how to prepare the package to the customer. ([packing battery link](#) – [unpacking battery link](#))
- Upon completion of the package preparation, Schneider Electric, as the shipper, requests pictures to verify labeling, DOT markings, and battery condition ensuring compliance with hazmat material shipping requirements.
- A qualified employee from Schneider Electric signs the BOL Shippers certification statement, verifying compliance with 49 CFR § 172.204.

The PHMSA Regulation we are referencing is below:

49 CFR § 172.204 Shipper's Certification

- *Except as provided in paragraphs (b) and (c) of this section, each person who offers a hazardous material for transportation shall certify that the material is offered for transportation in accordance with this subchapter by printing (manually or mechanically) on the shipping paper containing the required shipping description the certification contained in paragraph (a)(1) of this section or the certification (declaration) containing the language contained in paragraph (a)(2) of this section.*

49 CFR § 172.204 (d) Signature

- *The certifications required by paragraph (a) or (c) of this section: (1) Must be legibly signed by a principal, officer, partner, or employee of the shipper or his agent.*

Based on the Schneider Electric process and PHMSA regulation, my question is:

Can Schneider Electric act as the “Shipper” agent, prepare the bill of lading, and sign the BOL certifying the shipment is marked and labeled correctly despite not being at the site?

In addition, please find attached a request for interpretation and subsequent answer issued by the PHMSA to a company regarding the “Shippers Agent” and movement of hazmat materials.

Thank you,

Enora Berre

Supply Chain Operations and Logistics Analyst
Prosumer Group | Innovation Division
Schneider Electric

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E enora.berre@se.com
MS Teams [enora.berre@se.com](https://teams.microsoft.com/join/enora.berre@se.com)

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49 CFR § 172.204 (d) Signature

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Based on the Schneider Electric process and PHMSA regulation, my question is:

Can Schneider Electric act as the “Shipper” agent, prepare the bill of lading, and sign the BOL certifying the shipment is marked and labeled correctly despite not being at the site?

In addition, please find attached a request for interpretation and subsequent answer issued by the PHMSA to a company regarding the “Shippers Agent” and movement of hazmat materials.

Enora Berre

Supply Chain Operations & Logistics Analyst

enora.berre@se.com

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Schneider Boost

Battery, 10 kWh

BAT10K1

Repackaging Guide

Legal Information

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Contact Information

For country-specific details, please contact your local Schneider Electric Sales Representative or visit the Schneider Electric website at: <https://www.se.com/>

Safety Information

Important Information

Read these instructions carefully and look at the equipment to become familiar with the device before trying to install, uninstall, or operate it. The following special messages may appear throughout this documentation or on the equipment to warn of potential hazards or to call attention to information that clarifies or simplifies a procedure.



The addition of either symbol to a "Danger" or "Warning" safety label indicates that an electrical hazard exists which will result in personal injury if the instructions are not followed.



This is the safety alert symbol. It is used to alert you to potential personal injury hazards. Obey all safety messages that follow this symbol to avoid possible injury or death.



5 mins

Stored energy hazard and discharge time



Refer to the Installation or Operation instructions

DANGER

DANGER indicates a hazardous situation which, if not avoided, **will result in** death or serious injury.

WARNING

WARNING indicates a hazardous situation which, if not avoided, **could result in** death or serious injury.

CAUTION

CAUTION indicates a hazardous situation which, if not avoided, **could result in** minor or moderate injury.

NOTICE

NOTICE is used to address practices not related to physical injury.

Please Note

Electrical equipment should be installed or uninstalled only by qualified personnel. No responsibility is assumed by Schneider Electric for any consequences arising out of the use of this material.

A qualified person is one who has skills and knowledge related to the construction, installation, and operation of electrical equipment and has received safety training to recognize and avoid the hazards involved. For more information, see "Audience" on page 5.

Audience

Qualified personnel have also received specific training from the manufacturer on installing and operating the Schneider Boost.

Scope

This document describes how to repackage the Schneider Boost battery.

IMPORTANT: This document is in addition to, and incorporates by reference, the relevant product manuals for the *Schneider Boost Installation Guide (TME12665)*. Unless specified, information on safety, specifications, installation and operation is as shown in the primary product document. Ensure that you are familiar with that information before proceeding.


Related Information

For more information about the Schneider Boost or compatible equipment, go to <https://www.se.com/> or [Schneider Boost Installation Guide \(TME12665\)](#).

Product Safety Information

Before installing, uninstalling, or operating the battery, read all instructions and cautionary markings on the unit, and all appropriate sections of this guide.

IMPORTANT: Refer to your warranty for instructions on obtaining service.

<div> DANGER</div> <div>HAZARD OF ELECTRIC SHOCK AND ARC FLASH<ul style="list-style-type: none">▪ This equipment must only be installed, uninstalled and serviced by qualified electrical personnel.▪ Use appropriate personal protective equipment (PPE) and follow safe electrical work practices according to NFPA 70E or CSA Z462.▪ Equipment energized from multiple sources including PV, AC, and additional batteries. Before removing covers identify all sources, de-energize, lock-out, and tag-out and wait five minutes for circuits to discharge.▪ To turn the battery(ies) off: On all batteries, press the power button for six seconds, and turn the disconnect switch to the OFF position.▪ Verify de-energization with a voltage sensing device, rated 600 V or higher.▪ Never energize the system or turn the battery disconnect switch(es) to the ON position with the wiring or fuse access covers removed.<p>Failure to follow these instructions will result in death or serious injury.</p></div>
--

DANGER

HAZARD OF ELECTRIC SHOCK, FIRE, EXPLOSION AND ARC FLASH

- Do not remove the fuse access cover. Access is restricted to personnel authorized by Schneider Electric.
- Prior to servicing the fuses, authorized personnel must verify that all fuse terminals are de-energized, using the probe holes on the internal fuse cover.
- Replace the Schneider Boost fuses only with 60 A, 700 VDC fuses: Mersen MEV70V60-S.

Arc Flash Information for Fuse Servicing:

- 18.4 cal/cm²**
- Incident Energy at a Working Distance of 18 in. 5 ft 9 in.
- Arc Flash Boundary

Failure to follow these instructions will result in death or serious injury.

DANGER

HAZARD OF ELECTRIC SHOCK, EXPLOSION, ARC FLASH, AND FIRE

- This equipment must only be disassembled or recycled by qualified personnel.
- Do not attempt to open, disassemble, repair, tamper with, or modify the battery. The battery cells are not replaceable.
- Do not drop, deform, impact, cut or spear with a sharp object. Damage to this equipment may cause electrolyte leakage.
- Do not dispose of the Schneider Boost in a fire or with general household waste. Always follow local guidelines for recycling and disposal.
- Do not immerse the equipment or its components in water or other fluids.

Failure to follow these instructions will result in death or serious injury.

WARNING

HAZARD OF ELECTRIC SHOCK, EXPLOSION, ARC FLASH, AND FIRE

- If there are any signs of smoke, unusual smell, or excessive heat coming from the Schneider Boost, evacuate the area and call local emergency response teams.
- In case of a flood: If any part of the battery or wiring is submerged, stay out of the water.

Failure to follow these instructions can result in death, serious injury, or equipment damage.

WARNING

RISK OF EXPLOSION, FIRE, PERSONAL INJURY, OR EQUIPMENT DAMAGE

- The Schneider Boost weighs approximately 280 lbs (127 kg). A lifting device must be used to lift the Schneider Boost. In addition to a lift device, two people are required to position the battery.
- Always use straps to tie the Schneider Boost to the hand truck.
- Verify that the handle threads are not crossed, and that the handles are tightened so that they will not turn or come loose during use.

Failure to follow these instructions can result in death, serious injury, or equipment damage.

NOTICE

RISK OF EQUIPMENT DAMAGE

During installation, ensure that you do not scratch the paint on the Schneider Boost battery:

- Do not move the batteries without proper lifting equipment, as this could result in paint surface scratches, which can lead to corrosion.
- If the protective paper cover is installed at the foot of the battery, do not remove it from the battery until the battery can be placed directly onto the mounting bracket.

Failure to follow these instructions can result in equipment damage.

Required Tools and Materials

The following materials and tools are not supplied but are required to complete the following procedures.

General

- Appropriate PPE (e.g. Safety Gloves, Protective Footwear, etc.)
- Lock-out/Tag-out (LOTO) Kit
- Platform lift truck (min. 300 lb [136 kg] load capacity)
- (2) Straps (ratcheting or tie-down) to secure the battery to the platform lift truck
- Power Drill and/or Impact Driver
- Drill Bit: 3/16 × 3 in.
- Impact Socket: 1/2 in. (metric size 13)
- Torque Screwdriver (20 in-lb to 50 in-lb capable)
- Screwdriver or Bit: Phillips #2
- Torque Wrench, 10 to 25 ft-lb (120 to 300 in-lb)
- 3 in. extension for torque wrench
- Screwdriver or bit: Torx T15
- Small 90 degree #2 Phillips driver (e.g. Klein 65200 Mini Ratchet)
- Amphenol Universal Unlocking Tool (PN: H4TU0000)
- Hammer
- Small crowbar (Cat's Paw)
- Flathead screwdriver

Uninstalling the Schneider Boost

WARNING

RISK OF EXPLOSION, FIRE, PERSONAL INJURY, OR EQUIPMENT DAMAGE

- The Schneider Boost weighs approximately 280 lbs (127 kg). A lifting device must be used to lift the Schneider Boost. In addition to a lift device, two people are required to position the battery.
- Always use straps to tie the Schneider Boost to the hand truck.
- Verify that the handle threads are not crossed, and that the handles are tightened so that they will not turn or come loose during use.

Failure to follow these instructions can result in death, serious injury, or equipment damage.

See the following procedures for uninstalling the Schneider Boost and preparing for repackaging:

- "Removing the Wiring" on the next page
- "Unpacking the New Battery" on page 11
- "Unloading the New Battery" on page 12
- "Removing the Old Battery" on page 13

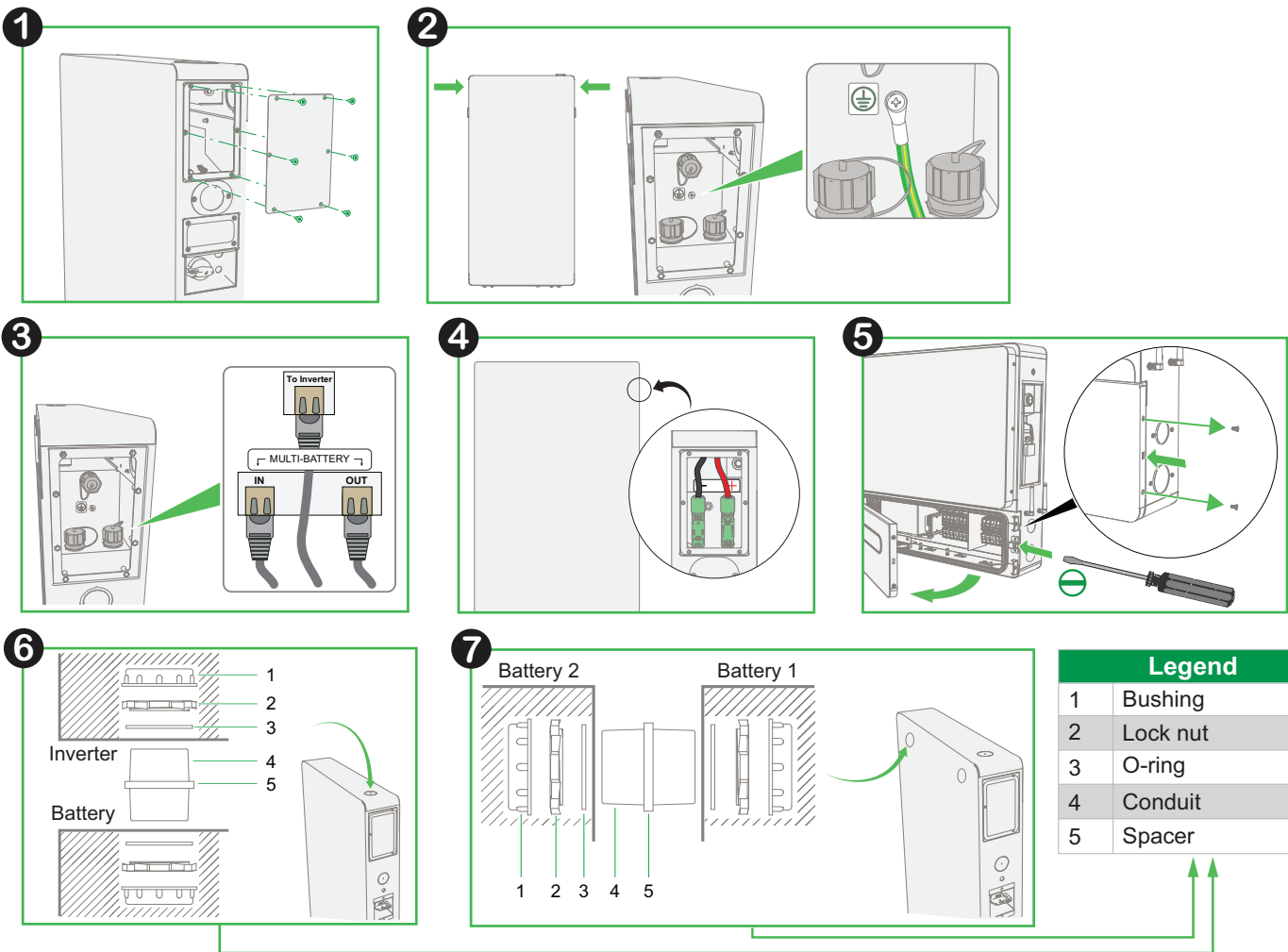
Removing the Wiring

IMPORTANT:

- Before you begin, de-energize, lock-out, and tag-out all energy sources including PV, AC, and all batteries, and wait 5 minutes for circuits to discharge. For more information, see "Product Safety Information" on page 5.
- Do not remove any wires from the inverter, as you will need to use these wires to connect the new battery to the inverter.

To remove the wiring from the old battery(ies):

1. Remove the left and right wiring covers.
2. Remove the ground wire(s).
3. Remove the communication connectors from the RJ45 ports.
4. Remove the positive and negative power cables from the right side of the battery(ies).
5. Open the inverter wiring door. For more information, see the *Schneider Inverter Installation Guide (TME12664)*.
6. Remove and save the conduit assembly between the inverter and battery.
7. If multiple batteries are stacked front-to-back, remove the conduit assemblies from between the batteries.

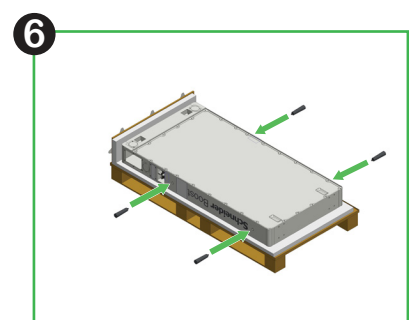
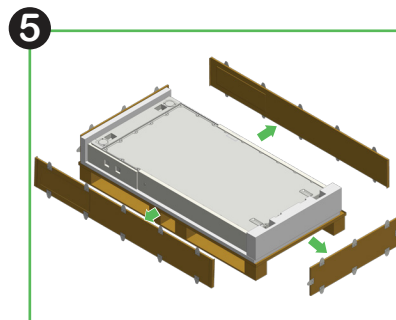
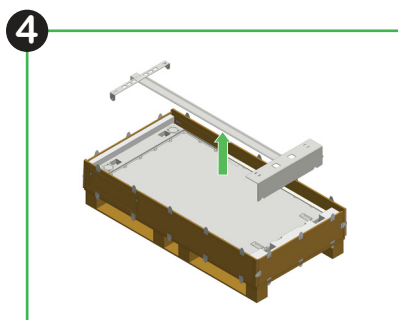
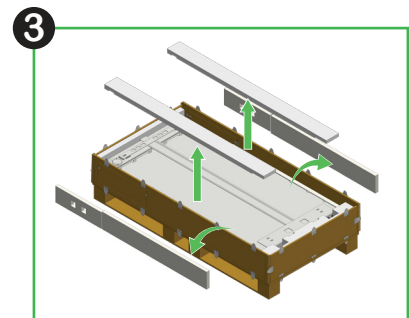
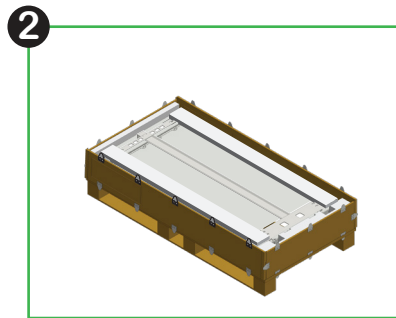
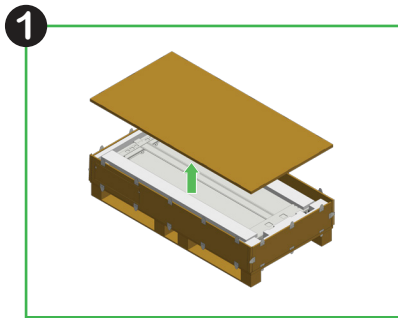


Unpacking the New Battery

IMPORTANT: Before installing the Schneider Boost, check it over for any signs of shipping damage, including damaged or missing labels (see "Repackaging the Old Battery" on page 14). If any damage is found, contact Technical Support.

To unpack the new battery:

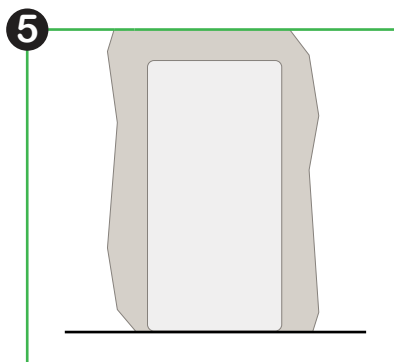
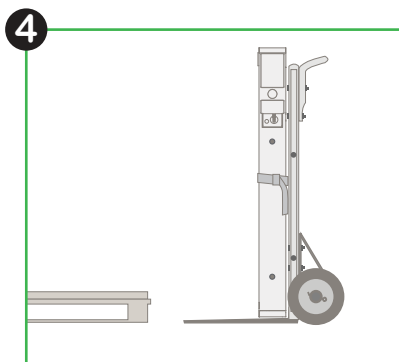
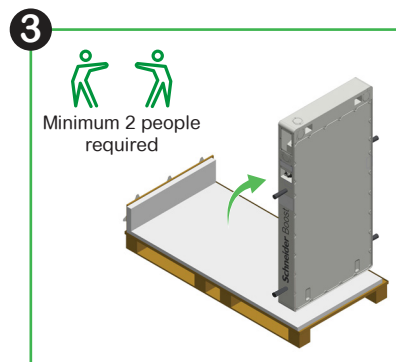
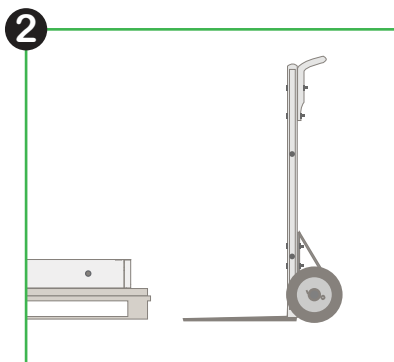
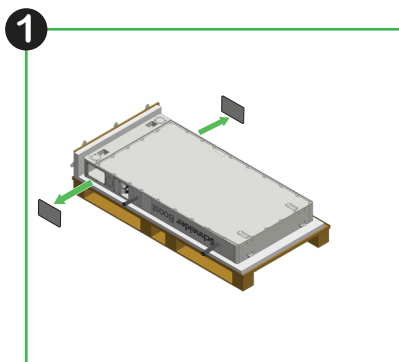
1. Using a cat's paw crowbar or flathead screwdriver, and being careful not to break any of the metal tabs, open the top cover of the new battery crate.
2. Before removing the new battery from the crate, take pictures of the battery and packaging materials while it is lying in the crate. You will need to refer to these pictures when repackaging the old battery. If you plan on returning the old mounting bracket, include a picture of the new mounting bracket in the crate for reference later.
3. Remove and save all packaging materials.
4. Remove the new mounting bracket from the package and set it aside.
5. Using a cat's paw crowbar or flathead screwdriver, open the rest of the metal tabs, removing and saving all of the crate walls.
6. Screw in the four handles (provided).



Unloading the New Battery

To unload the new battery:

1. Remove the covers over the left and right wiring compartments.
2. Position the platform lift truck near the foot of the crate.
3. With a minimum of two people, use the handles to tilt the battery to an upright position.
4. Position the battery onto the lift truck.
5. Move the battery out of the way (for later installation).

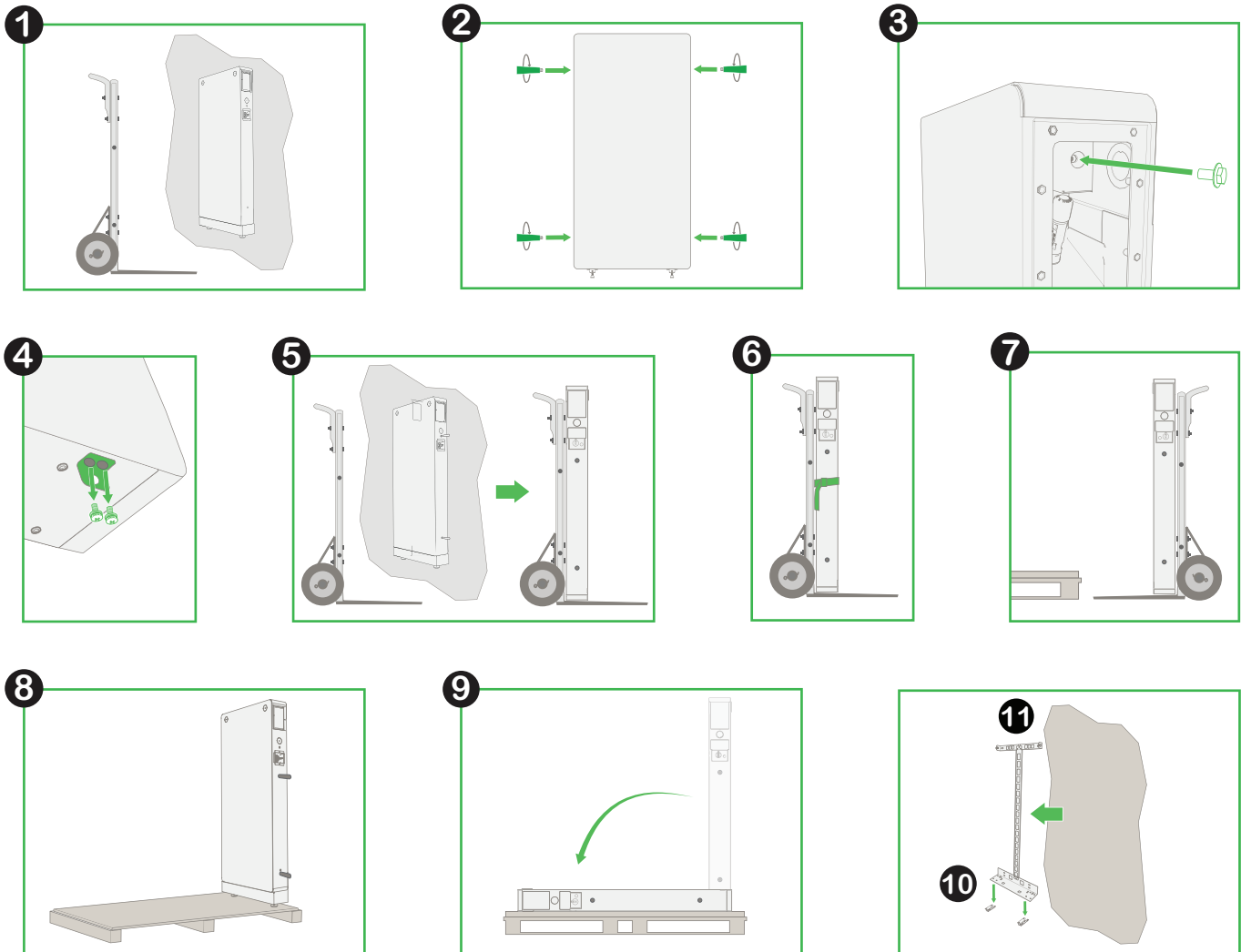


Note: Put the battery down on a soft, even surface to prevent damaging the battery. Examples of surfaces that may damage the battery include concrete and gravel.

Removing the Old Battery

To remove the old battery:

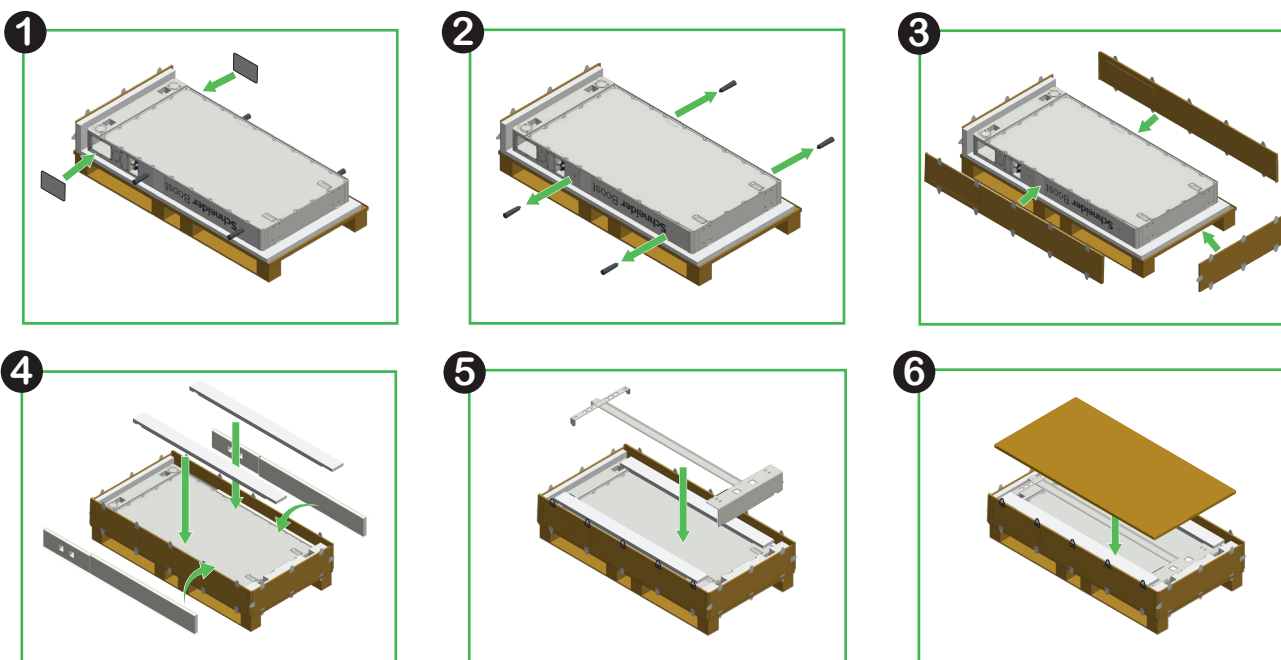
1. Align the lift truck with the old battery.
2. Install the four lift handles.
3. Unscrew the two M8 x 16 mm hex head flanged bolts located near the top of the mounting bracket.
4. Unscrew the two footrest locator brackets.
5. With a minimum of two people, use the handles to position the battery onto the lift truck.
6. Use straps to tie the battery to the lift truck.
7. Move the battery close to the foot of the crate and then remove the straps.
8. With a minimum of two people, position the battery onto the crate.
9. Lay the battery down in the crate, with the front of the battery facing down.
10. If you have a floor-mounted battery, remove the two footrest mounting brackets. Follow local guidelines for recycling the parts.
11. Optional: Remove the old wall mounting bracket. Follow local guidelines for recycling the mounting bracket or return the bracket with the old battery.



Repackaging the Old Battery

To repack the old battery:

1. Reinstall the covers over the left and right wiring compartments.
2. Remove the four handles.
3. Reinstall and carefully clamp the sides of the crate. Do not install the top cover yet.
4. Add all of the packaging materials, using the pictures from step 2 on page 11 for reference.
5. If you are returning the old wall mounting bracket, place it on top of the battery, using the pictures from step 2 on page 11 for reference.
6. Add and clamp the top cover.
7. Check that the lithium battery sticker is on the outside of the crate, and that the text on the crate which reads, "UN3480 Lithium Ion Batteries," is legible (see the IMPORTANT box below).



IMPORTANT: The lithium battery sticker and the text "UN3480 Lithium Ion Batteries" must be on the crate. Both the sticker and text must be legible and undamaged in order to return the battery. If you are missing the sticker, or if the sticker is damaged, contact Schneider Electric customer service to get a replacement sticker:

- Toll Free: 1 (877) 734-6631
- Phone: 1 513-605-8000



Recycling and Disposal

DANGER

HAZARD OF ELECTRIC SHOCK, EXPLOSION, ARC FLASH, AND FIRE

- This equipment must only be disassembled or recycled by qualified personnel.
- Do not attempt to open, disassemble, repair, tamper with, or modify the battery. The battery cells are not replaceable.
- Do not drop, deform, impact, cut or spear with a sharp object. Damage to this equipment may cause electrolyte leakage.
- Do not dispose of the Schneider Boost in a fire or with general household waste. Always follow local guidelines for recycling and disposal.
- Do not immerse the equipment or its components in water or other fluids.

Failure to follow these instructions will result in death or serious injury.



Electric appliances marked with the symbol shown must be professionally treated to recover, reuse, and recycle materials in order to reduce negative environmental impact. When the product is no longer usable, the consumer is legally obligated to ensure that it is collected separately under the local electronics recycling and treatment scheme.

Schneider Electric

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As standards, specifications, and designs change from time to time,
please ask for confirmation of the information given in this
publication.

For other country details please contact your local Schneider
Electric Sales Representative or visit the Schneider Electric website
at: <https://www.se.com/>

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

1200 New Jersey Avenue, SE
Washington, DC 20590

December 22, 2022

Mr. Mike Stephens
Linde Gas & Equipment Inc.
217 Loren St.
Washington, IL 61571

Reference No. 22-0037

Dear Mr. Stephens:

This letter is in response to your April 15, 2022, email and subsequent telephone conversation with a member of my staff requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to two scenarios pertaining to a shipper's certification on a shipping paper. In both scenarios, you state that you have domestic customers to whom you ship cylinders containing hazardous materials via a common carrier. In most cases, you state that your customers are not trained in accordance with the training requirements specified in § 172.704. In such instances, the common carrier delivers the filled cylinders to your customers, and you work with your customers on the cylinder return process. You state that you offer this service when your customers are unable to perform shipper functions in accordance with the HMR. Finally, you include an example of a document that specifies instructions on package preparation that you provide to your untrained customers, and you describe two scenarios as follows:

Scenario #1:

You state that your company prepares a bill of lading in accordance with the HMR from a remote location, after you have confirmed through photographic evidence—provided by your customer—that the return package has been prepared in accordance with the HMR. An employee of your company certifies that the material offered for transportation complies with the HMR by signing the “shipper's certification” on the bill of lading as specified by § 172.204(d)(1). Your company subsequently provides the bill of lading to the carrier, or to your customer for forwarding to the carrier. Based on this scenario, you ask whether your company can—acting as the “shipper's agent”—prepare and sign the bill of lading and certify that the shipment complies with the HMR although your company is not physically located at the site of the return shipment.

Scenario #2:

You state that your company acts as the carrier. When your driver arrives at your customer's location, the driver confirms that the shipment meets all the requirements of the HMR. The driver then creates a bill of lading and signs the "shipper's certification" on the bill of lading before loading and transporting the return cylinders. Based on this scenario, you ask whether your company can—acting as the "shipper's agent"—prepare and sign the bill of lading and certify that the shipment is in compliance with the HMR.

Under both scenarios, the answer to your question 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 direction of your customers or through contractual arrangement, 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 of the HMR. In addition, the person signing the shipper's certification is certifying that the consignment is properly classified, described, packaged, marked, labeled, and in proper condition for transportation according to the applicable regulations of the Department of Transportation regardless of whom has performed 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 in both scenarios, because your company is acting as an agent of your customer, either your company or your customer 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,



T. Glenn Foster
Chief, Regulatory Review and Reinvention Branch
Standards and Rulemaking Division

Wolcott

22-0037

From: [INFOCNTR \(PHMSA\)](#)
To: [Dodd, Alice \(PHMSA\)](#)
Cc: [Hazmat Interps](#)
Subject: FW: Interpretation request Shippers Agent Linde Gas and Equipment
Date: Monday, May 2, 2022 2:58:43 PM
Attachments: [172.204 Shippers Certification Shippers Agent.docx](#)
[Air Gas Shipper Certification interpretation 040021.pdf](#)
[Customer Cylinder return Procedure.docx](#)

Hello Alice,

Please see the below and attached interpretation request.

Should you have any questions, do not hesitate to reach out.

Regards,

-Breanna

From: LG US DISTRIBUTION COMPLIANCE <LG.US.DISTRIBUTION.COMPLIANCE@linde.com>
Sent: Friday, April 15, 2022 12:01 PM
To: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>
Cc: Mike R Stephens <mike.r.stephens@linde.com>
Subject: Interpretation request Shippers Agent Linde Gas and Equipment

CAUTION: This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Standards and Rulemaking Division,
Pipeline and Hazardous Materials Safety Administration, Attn: PHH-10,
U.S. Department of Transportation,
East Building,
1200 New Jersey Avenue, SE.,
Washington, DC 20590-0001.

Re: Request for Interpretation

Dear Sir or Madame:

In accordance with 49 CFR § 105.20, this letter is being submitted to PHMSA to request an interpretation of the Hazard Materials Transportation Regulations.

Linde Gas and Equipment Inc (LGE) requests PHMSA to provide an interpretation on

whether a Linde Gas and Equipment Employee acting as the “Shippers Agent” for our customers when shipping our cylinders back to our location.

We have many domestic customers that we ship cylinders that contains hazardous material by common carrier. We use common carriers to deliver the products and then work with the customers on the cylinder return process. In most situations, customers are not trained in Subpart H 49 CFR § 172.704 Hazardous Material Training where LGE employees performing the “Shippers” function are extensively trained in the Subpart H Hazardous Materials regulations

When these customers do not have the size or capability to perform shipping functions for Hazmat, we have offered the cylinder return service. The attached Word document specifies the instructions to the customer on the package preparation and details. We require photographic evidence that the package is in a shippable condition. If we confirm this, we prepare the BOL in accordance with the regulations.

We, Linde Gas and Equipment INC, take the position as the shipper, ask for pictures that verify the labeling, DOT markings and Cylinder condition so we can CERTIFY that the cylinder shipment meets the Shippers Certification.

After the Bill of Lading is completed, an employee of Linde Gas and Equipment (LGE) will sign the BOL Shippers certification statement verifying that the cylinder shipment meets the certification statement as written in 49 CFR § 172.204.

49 CFR § 172.204 Shipper's certification

(a) General. Except as provided in paragraphs (b) and (c) of this section, each person who offers a hazardous material for transportation shall certify that the material is offered for transportation in accordance with this subchapter by printing (manually or mechanically) on the shipping paper containing the required shipping description the certification contained in paragraph (a)(1) of this section or the certification (declaration) containing the language contained in paragraph (a)(2) of this section.

49 CFR § 172.204 (d) Signature.

The certifications required by paragraph (a) or (c) of this section: [172.204(d)]
(1) Must be legibly signed by a principal, officer, partner, or employee of the shipper or his agent.

We have attached a relevant similar Interpretation issued to another company along the same request as “Shippers Agent” interpretation.

Following the process above, the question is,

Can LGE act as the “Shipper” agent, prepare the bill of lading, sign the BOL certifying the shipment is marked and labeled correctly even though we are not at the site?

If PHMSA has any questions related to this document, please contact:

Mike Stephens
Linde Gas & Equipment Inc
217 Loren St
Washington, IL 61571
Phone 314-568-6764
e-mail: LG.US.Distribution.Compliance@Linde.com

The information contained in this email and any attachments may be confidential and is provided solely for the use of the intended recipient(s). If you are not the intended recipient, you are hereby notified that any disclosure, distribution, or use of this e-mail, its attachments or any information contained therein is unauthorized and prohibited. If you have received this in error, please contact the sender immediately and delete this e-mail and any attachments. No responsibility is accepted for any virus or defect that might arise from opening this e-mail or attachments, whether or not it has been checked by anti-virus software.

Please find the data protection notices of EU based Linde Group companies on this website:
dataprotection.linde.com

Reverse Logistics

As special needs arise to help our customers return empty cylinders to the fill or stocking location we may be called on to create the necessary paperwork and the handling of setting up the proper common carrier to transport cylinder gas products back to the stocking/filling location.

The following guidelines should allow for a proper documentation and smooth transition.

- 1) Request pictures from the customer of the cylinders to be returned.
 - A) Verify proper labels attached. These should include the shoulder labels that show they are PDI cylinders along with proper DOT labels.
 - B) Verify the DOT shipping description is visible and legible for each cylinder.
 - C) Verify that the serial number of the cylinder is legible.
- 2) Verify the cylinders shall be secured to a pallet with all DOT labels visible and legible. Once securement is verified complete the next step.

NOTE: If Product labels including all DOT information is not visible this shipment will be considered an overpack and additional marking and labeling will be required.
- 3) Create a generic Straight BOL for the shipper to utilize. It should have all the required information filled in including the serial numbers of the cylinders in the shipment, then sign the BOL at the shippers certification.
- 4) The shipper will be the customer where the cylinders are being picked up from.
- 5) We can provide FREIGHT PREPAID services for the customer. This means that the customer is responsible for the charges.
- 6) Contact the Carrier the customer specifies and schedule the pickup from the customer location.

NOTE: Verify they can transport hazardous materials
- 7) If we provide a FREIGHT COLLECT shipment a handling fee will be charged for generating the paperwork and paying the freight bill upon receipt. Prior agreement with customer should indicate that we are allowed to bill the freight charges back.
- 8) The cylinders should be shipped by the best method using the Connectship tool.

If any questions arise, please see your supervisor for clarification.



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

APR 19 2004

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

Mr. Richard J. Lloyd
Air Products and Chemicals, Inc.
7201 Hamilton Boulevard
Allentown, PA 18195-1501

Ref. No.:04-0021

Dear Mr. Lloyd:

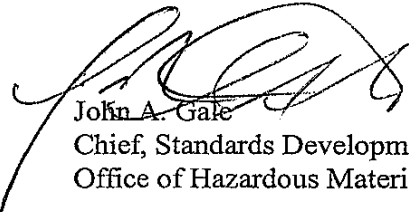
This responds to your letter of February 11, 2004, and your follow-up letter of March 30, 2004, regarding the shippers' certification prescribed in 49 CFR 172.204 of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you asked whether, on your company's behalf, a third-party carrier could perform the shipper's certification function on the shipping paper for the pick-up and transportation of hazardous materials containers being returned to your company's plant.

You have customers whose primary business does not involve hazardous materials and, consequently, they will not issue or prepare shipping papers for the return shipment of empty containers with a residue of a hazardous material. Your company would supply the third-party carrier you use for pick-up with an unsigned shipping paper. Once the empty containers with residue are inspected by the driver and found to be in compliance, the carrier would sign the shipping paper certifying the material is offered for transportation in compliance with the HMR. You asked for confirmation that your understanding is correct that a third-party carrier may perform the shipper's certification function.

Your understanding is correct. At your company's direction or through contractual arrangement, a third-party carrier may perform the functions of the offeror (shipper), such as signing the certification statement on a shipping paper to certify that an empty container with the residue of a hazardous material is being offered for transportation in accordance with the HMR. Under the HMR, any person performing functions of an offeror must take responsibility for performing those functions in compliance with the applicable rules.

I hope this satisfy your inquiry. If we can be of further assistance, please contact us.

Sincerely,


John A. Gale
Chief, Standards Development
Office of Hazardous Materials Standards



040021

§ 172.204 (a)



Air Products and Chemicals, Inc.
7201 Hamilton Boulevard
Allentown, PA 18195-1501
Tel 610 481-4911

Engram
§172.204 (a)
Shipping Papers
04-0021

11 February 2004

Mr. Edward Mazzullo
U. S. Department of Transportation
Research and Special Programs Administration
Office of Hazardous Materials Standards DHM - 10
400 Seventh Street, S. W.
Washington, D. C. 20590

Dear Mr. Mazzullo:

Re: Interpretation 49 CFR 172.204 (a) Shipper's Certification

Recently, we called the Hazardous Materials Information Center for an interpretation of the Shipper's Certification requirements specified in 49 CFR 172.204 (a). Specifically, we asked if our company could authorize a third-party carrier to perform the shipper's certification offer's function on our behalf for the pickup of hazardous materials containers being returned to our plant. The Information Center representative advised us that a third-party carrier could sign the shipper's certification provided the person was properly trained in the Hazardous Materials Regulations.

We have some customers whose primary business does not involve hazardous materials and, consequently, will not issue shipping papers for the return shipment of empty containers with residue material remaining in the container. Our nearest plant may be located a significant distance from the customer and it is not practical to send a person from our plant to the customer's facility to sign the shipper's certification for the return shipment of the residue containers. Instead, we propose to provide the third-party carrier that we use for the pickup with a properly prepared unsigned shipping paper. The carrier would sign the shipping paper certifying the material is offered for transportation in accordance with the Hazardous Materials Regulations once the return shipment is inspected by the driver and found to be in compliance.

Please confirm that our understanding of your interpretation of the Shipper's Certification requirements is correct allowing us to use a third-party carrier for the certification function.

Sincerely,


Richard J. Lloyd
Manager Regulatory Compliance

Standards and Rulemaking Division,
Pipeline and Hazardous Materials Safety Administration, Attn: PHH-10,
U.S. Department of Transportation,
East Building,
1200 New Jersey Avenue, SE.,
Washington, DC 20590-0001.

Re: Request for Interpretation

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We, Linde Gas and Equipment INC, take the position as the shipper, ask for pictures that verify the labeling, DOT markings and Cylinder condition so we can CERTIFY that the cylinder shipment meets the Shippers Certification.

After the Bill of Lading is completed, an employee of Linde Gas and Equipment (LGE) will sign the BOL Shippers certification statement verifying that the cylinder shipment meets the certification statement as written in 49 CFR § 172.204.

49 CFR § 172.204 Shipper's certification (a) General.

Except as provided in paragraphs (b) and (c) of this section, each person who offers a hazardous material for transportation shall certify that the material is offered for transportation in accordance with this subchapter by printing (manually or mechanically) on the shipping paper containing the required shipping description the certification contained in paragraph (a)(1) of this section or the certification (declaration) containing the language contained in paragraph (a)(2) of this section.

49 CFR § 172.204 (d) Signature.

The certifications required by paragraph (a) or (c) of this section: [172.204(d)] (1) Must be legibly signed by a principal, officer, partner, or employee of the shipper or his agent.

Following the process above, the question is,

Can LGE act as the "Shipper" agent, prepare the bill of lading, sign the BOL certifying the shipment is marked and labeled correctly even though we are not at the site?

If PHMSA has any questions related to this document, please contact:

Mike Stephens
Linde Gas & Equipment Inc
217 Loren St
Washington, IL 61571
Phone 314-568-6764
e-mail: LG.US.Distribution.Compliance@Linde.com