



Request for Formal Interpretation Regarding Sharing of Shipper's Dangerous Goods Declarations Among Ocean Common Carriers Under Vessel Sharing Agreements

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Fri, Jun 19, 2026 at 5:10 PM

To: infocntr@dot.gov

Cc: arthur.pollack@dot.gov

Dear Director Kelley,

I write on behalf of our principals, MSC Mediterranean Shipping Company S.A., Geneva, to request a formal interpretation and regulatory clarification on the extent to which a Shipper's Dangerous Goods Declaration (DGD) must be shared among ocean common carriers participating in Vessel Sharing Agreements (VSAs).

Specifically, MSC seeks confirmation whether one participating ocean carrier is required to provide another VSA carrier with the full certified DGD, or if the exchange of operationally necessary hazardous materials safety information derived from the DGD is sufficient to satisfy applicable safety and carriage obligations under the Hazardous Materials Regulations and The International Maritime Dangerous Goods (IMDG) Code.

MSC respectfully requests clarification on the following points:

- Whether a VSA-participating ocean carrier is required to provide the full DGD to another participating carrier or if sharing relevant hazardous materials safety information - such as dangerous goods manifest data, UN number, hazard class, packing group, stowage and segregation requirements, and emergency response information - is sufficient for safe and compliant transportation.
- Whether carriers may limit disclosure of commercially sensitive shipper, customer, and cargo information when such information is not operationally necessary, consistent with applicable competition principles under the Shipping Act.

MSC believes PHMSA's Interpretation No. 08-0301R, issued December 11, 2009, provides the most relevant framework. In that interpretation, PHMSA stated that a vessel operator is the initial U.S. carrier when the vessel enters U.S. navigable waters; that the vessel operator may not transport hazardous materials without a shipping paper prepared in accordance with Part 172, including the shipper's certification required by 49 CFR 172.204; and that the vessel operator is not required to furnish the shipper's certification to subsequent highway or rail carriers for onward transportation.

MSC understands this interpretation to recognize an important distinction between retaining the certified shipping document and routinely transmitting the full document to other carriers. In MSC's view, the regulations require that the appropriate carrier or vessel operator receive and retain the DGD or shipper's certification as required, but do not necessarily require routine distribution of the full DGD where sufficient operational safety information has otherwise been provided.

This issue is particularly relevant in modern container liner operations, where cargo booked by one ocean carrier may be physically carried aboard a vessel operated by another carrier under a VSA. In that context, MSC seeks confirmation that it is permissible for carriers to exchange the hazardous materials information necessary for safe loading, stowage, segregation, carriage, and emergency response, while limiting disclosure of the full certified DGD unless operationally, legally, or regulatorily necessary.

MSC respectfully submits that the following framework should be permissible:

1. Safety Information Shared as Needed. Participating carriers may exchange operational hazardous materials information necessary for safe and compliant carriage, including dangerous goods manifest data, UN number, hazard class, packing group, stowage information, segregation requirements, and emergency response information.
2. Certified DGD Retained by the Responsible Party. The full DGD, including the shipper's certification, may be retained by the carrier of record, vessel operator, or other party responsible for maintaining the original certification, consistent with applicable documentation requirements and PHMSA Interpretation No. 08-0301R.
3. Minimum Necessary Disclosure. Carriers may limit disclosure of shipper identity, customer identity, and other commercially sensitive cargo information where such information is not necessary for safe carriage, regulatory compliance, or emergency response.
4. Emergency or Regulatory Exception. The full DGD may be disclosed where necessary in connection with a fire, spill, accidental release, marine casualty, enforcement action, regulatory inspection, or lawful governmental request, provided the disclosure is tied to safety, emergency response, or regulatory compliance.

MSC also requests guidance on whether routine sharing of full DGDs among VSA partners - particularly where the documents include shipper identity, customer identity, and detailed cargo information not required for safe vessel operations - could constitute an unnecessary exchange of commercially sensitive information. Because the Shipping Act provides limited antitrust immunity only within the scope of an effective filed agreement, MSC seeks to avoid practices that could exceed what is operationally necessary and create avoidable competition or regulatory risk.

Accordingly, MSC respectfully requests PHMSA's confirmation that:

- The Hazardous Materials Regulations require the appropriate carrier or vessel operator to receive and retain the DGD or shipper's certification as applicable.
- The regulations do not require routine sharing of the full DGD with another ocean carrier participating in a VSA, provided sufficient hazardous materials safety information is exchanged to support safe and compliant transportation.
- Limiting DGD-derived information sharing to operationally necessary safety and compliance data is permissible.
- Routine or unrestricted sharing of full DGDs among VSA partners, where not operationally necessary, may create avoidable competition or regulatory risk by disclosing commercially sensitive information beyond what is needed for safe carriage.

Based on PHMSA Interpretation No. 08-0301R, MSC's understanding is that full DGD sharing is not expressly required in all circumstances as a matter of regulation but may be an operational decision that should be controlled, justified, and limited to circumstances where the complete certified document is required for operational, regulatory, or emergency purposes.

MSC respectfully seeks confirmation of this interpretation to ensure alignment with U.S. hazardous materials transportation requirements and appropriate information-sharing practices among ocean common carriers.

Thank you for your consideration. Please do not hesitate to contact the undersigned should you require additional information.

Sincerely and Best Regards,

Scott Higman

Director, Safety, Security, and Compliance

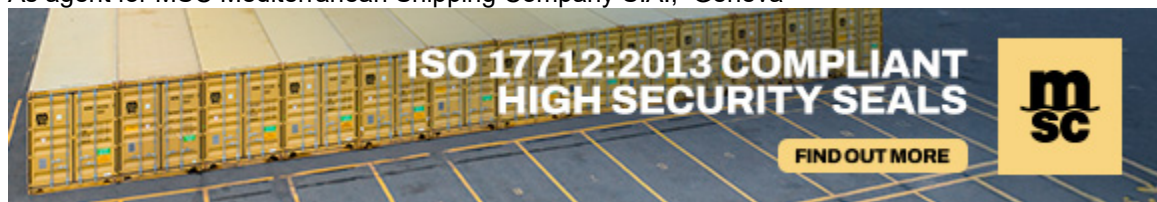
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MEDITERRANEAN SHIPPING COMPANY

Mr. Shane Kelley
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1200 New Jersey Avenue, SE East Building, 2nd Floor
Washington, DC 20590

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Yours sincerely,

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