



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

1200 New Jersey Avenue, SE  
Washington, DC 20590

**MAY 02 2018**

Jonathan Sales  
President  
B&H Systems  
2301 Arthur Avenue  
Elk Grove Village, IL 60007

Reference No. 17-0113

Dear Mr. Sales:

This letter is in response to your October 4, 2017, email and subsequent phone conversations requesting clarification of the registration requirements. You describe the following scenario:

- A chemical company contracts out every aspect of transportation of its hazardous material, including all pre-transportation functions.
- The company is never in possession of and does not perform any pre-transportation functions for the hazardous material.
- The chemical company is listed as the shipper on the shipping paper.

You ask if the chemical company in the above scenario is subject to the registration requirements in 49 CFR subpart G of part 107.

The chemical company would not be required to hold a current registration, provided it does not offer the material into transportation; transport the material in commerce; or perform any pre-transportation functions, such as marking or labeling the package, determining the hazard class, selecting the packaging, securing a closure, preparing and verifying a shipping paper, and providing and maintaining emergency response information. However, it should be noted that the chemical company being listed as the shipper on the shipping paper may cause confusion in transportation, as under normal circumstances the shipper is an offeror and would be expected to register.

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  
Standards and Rulemaking Division

Walcott  
\$107.608  
Registration  
17-0113

**Dodd, Alice (PHMSA)**

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**From:** INFOCNTR (PHMSA)  
**Sent:** Friday, October 13, 2017 9:37 AM  
**To:** Hazmat Interps  
**Subject:** FW: Request for Interpretive Letter Re: Hazmat Registration

Hi Alice,

Please submit this as a letter of interpretation. Let me know if you have any questions.

Thanks,  
Jodi

**From:** Jonathan Sales [mailto:jsales@bhsystems.com]  
**Sent:** Wednesday, October 04, 2017 3:29 PM  
**To:** PHMSA HM InfoCenter <PHMSAHMInfoCenter@dot.gov>  
**Cc:** Jonathan Sales <jsales@bhsystems.com>  
**Subject:** Request for Interpretive Letter Re: Hazmat Registration

Good Afternoon,

This question is whether a company must register as a hazmat shipper:

A chemical company devises formulas to treat water. Some of these products when shipped require placarding. The company contracts every aspect of manufacture, labeling, shipping paperwork, and delivery to a chemical blending company. The chemical company provides the formulas and tells the blender what to ship to its customers. The chemical company never has possession of any raw materials or finished product. The blender and the delivery service are both hazmat registered. Does the chemical company need to register?

Would it matter if the name of the chemical company appeared as the shipper on the shipping paperwork if otherwise no different than described above?

Thank you,

**Jonathan Sales | President**



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