



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

JUN 22 2018

Eva Glimsche
Save the Situation
Mühlenstr. 30A
Langwedel, Germany 24631

Reference No. 17-0082R

Dear Ms. Glimsche:

This letter is a revised response to your July 14, 2017, email and subsequent phone conversation with a member of my staff on January 31, 2018, requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to emergency response information. Specifically, you seek clarification regarding the requirements for emergency response information.

We have paraphrased and answered your questions as follows:


- Q1. You ask does a Material Safety Data Sheet (MSDS), now currently known as a Safety Data Sheet (SDS) through the Occupational Safety and Health Administration, accompanying a shipment satisfy the requirements of the emergency response information as per §§ 172.600 through 172.606. In addition, you indicate the emergency response telephone number is included on the shipper's declaration (shipping paper) or IMO (International Maritime Organization) declaration.
- A1. The answer is yes, provided the SDS satisfies § 172.602(b)(3)(ii) by providing the basic description and technical name of the hazardous material as required by §§ 172.202 and 172.203(k), the International Civil Aviation Organization (ICAO) Technical Instructions, the International Maritime Dangerous Goods (IMDG) Code, or the Transportation of Dangerous Goods (TDG) Regulations, as appropriate, and the emergency response information required by Part 172, Subpart G.
- Q2. You ask if referencing the NFPA 1 (National Fire Protection Association) Fire Code on the shipping paper or the IMO declaration satisfies the requirements of the emergency response information as per §§ 172.600 through 172.606.
- A2. The answer is no, unless it meets the requirements of § 172.602(a)(1) through (a)(7). It is our understanding that the NFPA 1 Fire Code is a document covering aspects of fire protection and prevention derived from other developed NFPA codes and standards and provides information for hazardous materials in an industrial or storage setting. This

document is not universally known to reference emergency response information and is not intended to mitigate or provide response information for hazardous materials in transportation.

- Q3. You ask would the requirements for emergency response information be fulfilled solely by the description of the dangerous goods on the shipping paper or on the IMO declaration if the shipper received written confirmation that aircraft crew had the IATA (International Aviation Transportation Association) Emergency Response Guide onboard the aircraft and confirmation from forwarding companies in the U.S. that they have the DOT Emergency Response Guide readily available.
- A3. The answer is yes. Emergency response information must contain the basic description and technical name of the hazardous material, as required by §§ 172.202 and 172.203(k). Section 172.602(b)(3) requires that the emergency response information is presented (i) on a shipping paper; (ii) in a document, other than a shipping paper, that include both the basic description and technical name of the hazardous material; or (iii) related to information on a shipping paper, in a separate document in a manner that cross-references the description of the hazardous material on the shipping paper with the emergency response information contained in the document (e.g., aboard aircraft, the ICAO's "Emergency Response Guidance for Aircraft Incidents Involving Dangerous Good" or aboard vessels, the IMO's "Emergency Procedures for Ships Carrying Dangerous Goods"). Thus, your method satisfies the third option for presenting emergency response information. Note, the emergency response information must be maintained in the same manner aboard aircrafts as the notification of pilot-in-command and aboard vessels in the same manner as the dangerous cargo manifest (see § 172.602(c)).

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

Sincerely,



Dirk Der Kinderen
Chief, Standards Development Branch
Standards and Rulemaking Division

Baker
§ 172.600 + 172.606
Emergency Response
17-0082

Dodd, Alice (PHMSA)

From: INFOCNTR (PHMSA)
Sent: Tuesday, July 18, 2017 3:15 PM
To: Hazmat Interps
Subject: FW: Written Emergency Information as per 49 CFR 172.600 to § 172.606

Hi Shante/Alice,

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

Thanks,
Jodi

From: Eva Glimsche [mailto:eva@savethesituation.de]
Sent: Sunday, July 16, 2017 2:57 AM
To: Cardez, Eugenio CTR (PHMSA) <eugenio.cardez.ctr@dot.gov>
Subject: Re: Written Emergency Information as per 49 CFR 172.600 to § 172.606

Dear Eugenio,

thank you very much for your reply.

I checked the different sources you mentioned. Yet they don't answer my question.

That's why I'd like to request a written interpretation answering them.

Thanks for your help.

Best regards,

Eva

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Am 14.07.2017 um 17:15 schrieb Cardez, Eugenio CTR (PHMSA) <eugenio.cardez.ctr@dot.gov>:

Dear Eva Glimsche,

We have received your inquiry about the hazardous materials regulations (HMR) (49 CFR Parts 171-180).

The HMR prescribes the requirements of the Department of Transportation governing the offering and transportation of hazardous materials in interstate, intrastate, and foreign commerce by rail car, aircraft, motor vehicle, and vessel. While we cannot provide an

exhaustive list of each applicable requirement, we suggest you review section(s) 172.602, 172.604 for additional information on Emergency Response Information. The hazardous materials regulations are available at the following URL:

<http://phmsa.dot.gov/regulations>

Additionally, you may wish to review the following [Letter of Interp/Publication/Guidance Document] at the following

URL: <http://phmsa.dot.gov/staticfiles/PHMSA/DownloadableFiles/Files/Interpretation%20Files/2013/130081.pdf>

If you require additional assistance, you may contact the Hazardous Materials Information Center, which is staffed with regulatory specialists who can quickly answer your questions by phone, Monday through Friday, 9 AM - 5 PM EST at +1(202) 366-4488.

Sincerely,

Eugenio, Hazardous Materials Specialist

An e-mail response from this office is considered informal guidance. Formal guidance may be requested in accordance with 49 CFR 105.20. <http://phmsa.dot.gov/hazmat/regs/interps>

From: Eva Glimsche [<mailto:eva@savethesituation.de>]

Sent: Friday, July 14, 2017 3:44 AM

To: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>

Subject: Written Emergency Information as per 49 CFR 172.600 to § 172.606

Dear Sir or Madam,

I require a written interpretation regarding the written Emergency Information as per 49 CFR 172.600 to § 172.606.

As I understand it the shipper can fulfill this requirement by having an MSDS accompanying the shipment or by entering the respective NFPA-1 fire code in the Shipper's Declaration or in the IMO Declaration.

Would the requirement for the Emergency Information also be fulfilled by the 24h Emergency Contact Telephone Number entered in the Shipper's Declaration or in the IMO Declaration if it is ensured that the aircraft crew and the forwarding companies in the US all have the emergency response guide readily available?

Looking forward to hearing from you.

Best regards

Eva Glimsche

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