



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

OCT 11 2018

Tom Mueller
Manager, Safety and Compliance
Oak Harbor Freight Lines, Inc.
8960 Terabyte Drive
Reno, NV 89521

Reference No. 18-0057

Dear Mr. Mueller:

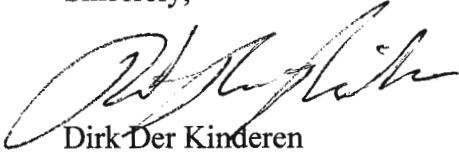
This letter is in response to your April 9, 2018, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to shipping paper accessibility. You state that your company transports trailers containing multiple consignments of hazardous materials and provides the drivers with “packets” that include separate shipping papers for each consignment as part of a manifest documenting the contents of the trailer. Specifically, you ask if tabbing the first shipping paper and highlighting the subsequent shipping papers—while leaving the subsequent shipping papers un-tabbed—would fulfill the requirement of § 177.817(e) when shipping papers are arranged together in the middle of a packet. You further ask if it is permissible to leave subsequent shipping papers un-tabbed when multiple shipping papers are arranged on top of the document packet.

The answer is yes. Section 177.817(e)(1) requires that a hazardous materials shipping paper be clearly identifiable if carried with other shipping papers or other papers of any kind. If all of the shipping papers that correspond to shipments of hazardous materials are arranged in the same section of the packet, as you described, no additional distinction beyond the first tab is required. The requirements of § 177.817(e)(1) are intended to ensure that shipping papers are readily available and easily identifiable in the event of an inspection or emergency. Therefore, while not required, it is permissible to provide additional tabs for each shipping paper or, as in your example, by highlighting subsequent shipping papers to help emergency responders or investigators locate necessary information more easily. Please note, however, that the HMR provide only two options for distinguishing shipping papers when carried with other shipping

documents: (1) having the hazardous materials shipping papers appear first or (2) distinctively tabbing the documents. Further indicating or distinguishing hazardous materials shipping papers by highlighting, color coding, edge marking the paper, or using a paper clip is permissible, but not required.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Dirk Der Kinderen', written in a cursive style.

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

Casey
177.817
Shipping Papers
18-0057

January, Ikeya CTR (PHMSA)

From: INFOCNTR (PHMSA)
Sent: Tuesday, April 10, 2018 5:12 PM
To: Hazmat Interps
Subject: FW: Shipping Paper Guidance

Hi Alice & Ikeya,

Below is a request for a letter of interpretation. Mr. Mueller spoke with Jonathon regarding his question. Let me know if you have any questions.

Thank you,
Jodi

From: Tom Mueller [mailto:Tom.Mueller@oakh.com]
Sent: Monday, April 09, 2018 7:10 PM
To: PHMSA HM InfoCenter <PHMSAHMInfoCenter@dot.gov>
Cc: Gilbert Pena <Gilbert.Pena@oakh.com>; Chris Hobbs <Chris.Hobbs@oakh.com>
Subject: Shipping Paper Guidance

Request for written interpretation

177.817e-shipping papers

I am looking for detailed guidance on computer generated multiple HM shipments and their Shipping papers.

Circumstances:

My company generates a printed "drivers packet" for our drivers. The printed packet contains:

A trailer manifest for each trailer along with shipping papers for each HM shipment. There could be up to 4 or 5 HM shipments of HM in any one trailer and the shipping paper for each shipment is attached to the manifest of the corresponding trailer.

Question-1. A given trailer has 3 separate HM shipments thus causing three or more individual HM shipping papers pages to be printed. The multiple shipping papers are all together within the "middle of the packet". The top HM shipping paper is tabbed and its content highlighted while the following pages are highlighted only. Is this in compliance or does each page need to be tabbed?

Question-2. If all of the HM shipping papers are on top of the document packet (Lets say there are 3 or 4 shipments) does the second shipping paper and beyond need to be tabbed or are they ok without tabs since they are "on top"?---is only the very top copy exempt from tabbing?

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Oak Harbor Freight Lines, Inc.

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