



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

FEB 05 2019

Nicholas Wright
MCSAP State Training Coordinator
Kansas Highway Patrol
1220 S. Enterprise
Olathe, KS 66061

Reference No. 18-0083

Dear Mr. Wright:

This letter is in response to your May 25, 2018, email and phone call requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to shipping paper accessibility requirements for highway transportation.

Specifically, you describe the following scenario:

- A hazardous material shipping paper is mounted permanently behind a clear plastic plate that is riveted to the driver's door of a cargo tank motor vehicle (CTMV).
- The shipping paper cannot be removed without removing the rivets that affix the plate to the door.
- The CTMV only transports a single commodity and the carrier uses a permanent shipping paper as provided in § 172.201(e).
- The CTMV contains emergency response information (ERI) that meets the requirements of Part 172 Subpart G which can be removed from the CTMV.

You ask whether this scenario meets the requirements for hazardous material shipping paper accessibility.

In this scenario, the answer is yes. Section 177.817(e) requires the shipping paper to be readily available to, and recognizable by, authorities in the event of accident or inspection. Provided the shipping paper storage requirements of § 177.817(e)(2) are met and all information required by Subpart C of Part 172 is readily visible to a person entering the driver's compartment, it is the opinion of this Office that the permanent shipping paper mounted as described meets the intent of the HMR.

Please note that although the HMR instructs carriers to maintain ERI in the same manner as shipping papers, the HMR expressly requires that, in accordance with § 172.602(b)(2), ERI must be available for use away from the package containing the hazardous material and thus may not be carried in the same manner as the shipping paper described above.

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 Branch
Standards and Rulemaking Division

Patrick
Shipping Papers
18-0083

January, Ikeya CTR (PHMSA)

From: INFOCNTR (PHMSA)
Sent: Friday, June 01, 2018 1:31 PM
To: Hazmat Interps
Subject: FW: Interpretation question regarding 177.817(e)

Hello Ikeya and Alice,

Eugenio Cardez has been in communication with Mr. Wright and provided him letter 16-0164. However, Mr. Wright has insisted that he have a letter written to him personally.

Regards,

-Breanna

From: Nicholas Wright [KHP] [mailto:Nicholas.Wright@KS.GOV]
Sent: Friday, May 25, 2018 9:19 AM
To: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>
Subject: Interpretation question regarding 177.817(e)

Dear Sir or Ma'am:

I am writing for a written, formal letter of interpretation in response to a question received from an enforcement member about shipping paper accessibility. The question is, **"Can a haz-mat shipping paper be permanently mounted to the inside of the driver's door by the use of rivets or a similar non-removable device?"**

This particular inspector has located a haz-mat carrier who uses a generic, reusable shipping paper that was mounted to the door under a clear plastic plate that was riveted to the door. The shipping paper CANNOT be removed from plastic cover without removing the rivets. This is not a holder as referenced in 177.817(e). This is NOT a temporarily mounted device such as Velcro or a plastic holder.

The ultimate question is whether there is a violation of the regulation for not being available for use away from the transport vehicle (permanently mounted), assuming all information is correct on the shipping paper. 177.817(e), requires the shipping paper be, *"readily available to, and recognizable by, authorities..."* 177.817(e)(2)(i)(B), requires the shipping paper be, *"...in a holder which is mounted to the inside of the door on the driver's side of the vehicle."*

It appears the aforementioned permanently mounted shipping paper riveted to the inside of the door meets all of the requirements of 177.817(e). I am not aware of any requirement for shipping papers to be, "Available for use away from the package containing the hazardous material," as the emergency response information is required (reference 172.602(b)(2)). I have looked through previous interpretation letters for 177.817, and was unable to find any letters addressing this specific issue.

I look forward to your response to this issue. Thank you in advance for your time and attention to this question.

Technical Trooper Nick Wright, K-100

Kansas Highway Patrol

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