



U.S. Department
of Transportation

Pipeline and Hazardous
Materials Safety
Administration

1200 New Jersey Avenue, SE
Washington, DC 20590

DEC 19 2018

Mike Alston, CHMM, CDGP
Vice President Operations
Transportation Compliance Associates, Inc.
1340 Route 30
Clinton, PA 15026-1732

Reference No. 18-0095

This letter is in response to your June 28, 2018, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to requirements in § 172.201(a)(5)(iii) and (iv) to verify the accuracy of information on a shipping paper used to reverse route a tank car containing sulfuric acid residue. Specifically, you seek confirmation of your understanding that it is the carrier's responsibility to generate a residue shipping paper, not your client's as the offeror, and further ask what is required to satisfy the verification procedure prescribed in § 172.201(a)(5)(iv).

Your understanding of § 172.201(a)(5)(iii) is partially correct. Under § 172.201(a)(5)(iii), carriers may, but are not required to, generate an electronic shipping paper for a residue shipment of hazardous material transported by rail using information from the previous loaded movement of that hazard materials packaging provided the carrier ensures the description of the material that accompanies the shipment complies with the offeror's request. See Docket No. PHMSA-2010-0018 (HM-216B; 77 FR 37962).

Additionally, the HMR do not specifically state what actions must be taken to satisfy the verification procedure requirement prescribed in § 172.201(a)(5)(iv) for a rail shipment's electronic shipping paper, only that the procedure must exist and it must permit the offeror to "verify the accuracy of the electronic data interchange (EDI) transmitted hazard communication information that will accompany the shipment." Therefore, it is the opinion of this Office that any procedure that meets these criteria is satisfactory.

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 Branch
Standards and Rulemaking Division

Edmonson
Tank Car
18-0095

January, Ikeya CTR (PHMSA)

From: INFOCNTR (PHMSA)
Sent: Thursday, June 28, 2018 4:18 PM
To: Hazmat Interps
Subject: FW: Requesting an interpretation of regulation 172.201

Hi Ikeya,

Below is a request for a letter of interpretation. Mr. Alston spoke with Eugenio. Please let me know if you have any questions.

Thanks,
Jodi

From: Mike Alston [mailto:Mike.Alston@hazmat-1.com]
Sent: Wednesday, June 27, 2018 11:33 AM
To: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>
Subject: Requesting an interpretation of regulation 172.201

DOT Info:

I am a hazmat consultant and I have a client that was recently cited by the FRA for not having a procedure in place for the return of a residue tank car of sulfuric acid. (note: no penalty for the violation was recommended at this time). The car was reverse routed using the information originally transmitted by the manufacturer (original offeror). My client was cited for the following:

172.201(a)(5)(iii) and 172.201(a)(5)(iv)

(iii) A carrier that generates a residue shipping paper using information from the previous loaded movement of a hazardous materials packaging must ensure the description of the hazardous material that accompanies the shipment complies with the offeror's request; and

*(iv) **Verification.** The carrier and the offeror must have a procedure by which the offeror can verify accuracy of the transmitted hazard communication information that will accompany the shipment.*

My observation and interpretation of the regulations for 172.201(a)(5)(iii) is that the responsibility to generate the residue shipping paper is the carrier's responsibility (not my client's) once the carrier sends a copy of the residue shipping paper is received by the offeror (my client) which occurs electronically with each shipment. The original bill of lading that moved the sulfuric acid from the producer to my client's location had all of the hazard communication information and basic information to originally move the hazardous material or the rail road would not have made the move.

As for the verification in section 172.201(a)(5)(iv) I am requesting an interpretation of what is required to complete the verification? If my client, is reverse routing the tank car using EDI using the original information that was transmitted by

the producer, then what further verification is required? My interpretation of this verification process was when the offeror submits the reverse route bill of lading that is the verification.

I appreciate your time and consideration of this request.

Mike Alston, CHMM, CDGP

VP Operations

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