



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

1200 New Jersey Avenue, SE  
Washington, DC 20590

January 31, 2020

Josh Lazarus  
J Lazarus Consulting & Training, LLC  
11663 Spotted Margay Avenue  
Venice, FL 34292

Reference No. 19-0103

Dear Mr. Lazarus:

This letter is in response to your July 25, 2019, letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to shipping papers. You describe a scenario in which pyrotechnic articles and flammable gases are transported by highway to multiple venues in support of an entertainment enterprise. You state that the operator begins the tour with a supply of hazardous materials and draws down on the stock as the tour progresses. You further add that the unused items from each show are resealed and reloaded on the truck for use at the next show. You ask whether a new shipping paper is required in this scenario when moving from one destination to another.

The answer to your question is yes. Unless otherwise excepted, a shipping paper is required each time a shipment of hazardous materials is offered for transportation. In your scenario, this accounts for each venue where hazardous materials are unloaded and subsequently repackaged. However, § 172.201(e) permits use of a single (permanent) shipping paper without change for multiple shipments of one or more hazardous materials having the same shipping name and identification number. When using a permanent shipping paper for multiple shipments, there must be a record of each stop that reflects the shipping name, identification number, quantity transported, and date of shipment after repackaging/reloading the hazardous materials.

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

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Casey  
§ 172.201, 172.202  
Shipping Paper  
19-0103

July 25, 2019

Mr. Shane Kelley  
Director, Standards and Rulemaking Division  
U.S. DOT/PHMSA (PHH-10)  
1200 New Jersey Avenue, SE East Building, 2<sup>nd</sup> Floor  
Washington DC 20590

Dear Mr. Kelley,

I am writing to you on behalf of one my clients who is in the entertainment industry. My client provides special effects services for various events including concerts, sporting events, corporate events, etc.

The question is whether a new set of shipping papers, as required by CFR Title 49, Subtitle B, Chapter 1, Subchapter C, Parts 172.201 and 172.202 are required when materials are moved from city to city as part of tour or is there an alternative method to handle this situation. For example, on the first date of the tour my client will receive a shipment via FedEx, containing a certain quantity of Articles Pyrotechnic, DOT Class 1.4G and flammable gases in small cylinders, DOT Class 2.1. The shipment will typically cover several shows and the operator will draw down on the stock as the shows progress. Unused items are left in the packages from the original shipper, resealed in an appropriate manner and then placed on a truck to be transported to the next venue/city. The same truck is used each time. As the tour progresses, the number of boxes decreases as inventory decreases. Typically, other items will also be transported on the same vehicle, such as audio and video equipment, stage parts, cables and the like. On subsequent tour stops, the same procedure would be followed with an initial delivery and then drawing down from that shipment.

Any information you can provide on this will be greatly appreciated.

Please do not hesitate to contact me if you need additional information or have any questions.

Respectfully,



Josh Lazarus  
Owner