



U.S. Department
of Transportation
**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

December 22, 2020

Tom Ferguson
Senior Technical Consultant
Council on the Safe Transportation of Hazardous Articles
10 Hunter Brook Lane
Queensbury, NY 12804

Reference No. 20-0095

Dear Mr. Ferguson:

This letter is in response to your October 2, 2020, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to emergency response information. Specifically, you discuss usage of the Emergency Response Guidebook (ERG) mobile app by drivers of motor vehicles. We have paraphrased and answered your questions as follows:

- Q1. You ask whether display of emergency response information through the ERG mobile app on an electronic device (e.g., smartphone or tablet) meets the requirements of the HMR.
- A1. The answer is no. The information used to meet the requirements of Part 172, Subpart G (§§ 172.600-172.606) must be in the form of a physical document printed legibly in English (see § 172.602(b)). Electronic display of emergency response information, whether through the ERG app or other means, does not meet the HMR's requirements.
- Q2. You ask whether PHMSA would consider revising the HMR to authorize electronic display of emergency response information as a way to meet emergency response requirements.
- A2. The answer is yes. PHMSA continually revises the HMR to address developments in technology and transport methods that provide for an appropriate level of safety for the transportation of hazardous materials. You may ask PHMSA to add, amend, or delete a

regulation by filing a petition for rulemaking in accordance with rulemaking procedures in §§ 106.95-106.105.

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". The signature is fluid and cursive, with a prominent initial "D".

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

From: [Foster, Glenn \(PHMSA\)](#)
To: [Dodd, Alice \(PHMSA\)](#)
Subject: Use of Electronic ERG
Date: Tuesday, December 8, 2020 3:44:59 PM

From: Tom Ferguson <Tom@costha.com>
Sent: Friday, October 2, 2020 4:55 PM
To: Kelley, Shane (PHMSA) <shane.kelley@dot.gov>
Cc: Foster, Glenn (PHMSA) <Glenn.Foster@dot.gov>; Chris Yakush <Chris@costha.com>
Subject: Use of Electronic ERG

Shane,

I would like to get an interpretation from PHMSA on the official use of the Emergency Response Guidebook by drivers of road vehicles, and whether the document is required to be in paper form or whether electronic access through the ERG app is acceptable. If the paper form is mandatory, would PHMSA consider permitting electronic usage in a future rulemaking?

If you need additional clarification on the request, I am happy to discuss.

Thanks!

Tom Ferguson, PG, CHMM, DGSA
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We are designated as an essential business and we are well equipped with necessary resources to follow CDC guidelines of social distancing, respond to daily changes, and continue to operate our business to support your needs without interruption.

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We greatly appreciate you and will continue to navigate these trying times together!

This information is intended to provide interpretative and authoritative information in regard to the subject matter covered as a service to our clients and has been answered to the best of our ability based on the information provided to us. We do not guarantee the accuracy or completeness of any such interpretation or information, however, nor do we warrant that compliance with any advice we provide will guarantee compliance with any legal or regulatory requirements. Our statements or opinions do not convey legal interpretation and government authorities or legal counsel should be contacted for such a response.