



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

1200 New Jersey Avenue, SE
Washington, DC 20590

July 2, 2021

Mr. Richard Elliott
Safety Director
Safeway Transportation
3499 Suite A I-10 Frontage Rd
Port Allen, LA 70767

Reference No. 21-0047

Dear Mr. Elliott:

This letter is in response to your April 28, 2021, letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to shipping papers. Specifically, you state that one of your company's drivers was issued a citation for not being in compliance with the shipping paper requirements specified in § 172.203(c)(1) during an inspection. You state that at the time of inspection, the driver presented the enforcement official with two documents, which you have attached. You state that one of those documents, the "Delivery Order," was mistakenly identified as the shipping paper by the enforcement official, and that the citation was issued because that document did not meet the requirements for documenting a hazardous substance. You further state that it is your opinion that the document titled, "Alternate Straight Bill of Lading" wholly represents a legal and correct shipping paper, and that the material specified on this document should not be identified as a reportable quantity (RQ).

As defined in § 171.8, a "shipping paper" means a shipping order, bill of lading, manifest or other shipping document serving a similar purpose and prepared in accordance with subpart C of part 172 (see § 172.202) of the HMR. Both documents you have attached appear to contain the description of the hazardous materials being shipped, the quantity of material, the number and type of packages being used, and the emergency response telephone number. Only the document titled, "Alternate Straight Bill of Lading" contains a shipper's certification. In accordance with § 172.204(a), all shipping papers must have a shipper's certification statement certifying that the material is offered for transportation in accordance with the HMR printed (manually or mechanically) on the shipping paper. Section 172.204(b) provides additional provisions to this requirement. Specifically, § 172.204(b)(1) states that a shipper's certification is not required for a hazardous material offered for transportation by motor vehicle and transported in a cargo tank

supplied by the carrier. Your scenario would appear to meet this provision. Therefore, the shipper's certification may not be used as a criterion to distinguish which document is the shipping paper.

In addition, § 172.203(c)(2) requires that the letters "RQ" be entered on the shipping paper either before or after the basic description for each hazardous substance (see § 171.8). As defined in § 171.8, a hazardous substance means a material that is listed in Appendix A to § 172.101. The technical name listed on the documents you provided, "2-Methylundecanal," is not listed in Table 1 to Appendix A in § 172.101 and should not be identified as a hazardous substance on a shipping paper.

Finally, it is the opinion of this Office that both documents could be identified as shipping papers, and therefore must contain all required description information.

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

Sincerely,

A handwritten signature in blue ink that reads "T. Glenn Foster". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

T. Glenn Foster
Chief, Regulatory Review and Reinvention Branch
Standards and Rulemaking Division

Larson

From: [INFOCNTR \(PHMSA\)](#)
To: [Dodd, Alice \(PHMSA\)](#)
Cc: [Hazmat Interps](#)
Subject: FW: Request For Interpretation
Date: Thursday, April 29, 2021 4:37:54 PM
Attachments: [PHMSA Document 3.pdf](#)
[PHMSA Document 2.docx](#)
[PHMSA Document 1.docx](#)
[Safeway Transportation \(002\).pdf](#)

21-0047

Hello Alice,

Please see the interpretation request below as well as the attachments.

Please let me know if you need anything else.

Regards,

-Breanna

From: Richard Elliott [<mailto:RElliott@safewaytransportation.net>]
Sent: Wednesday, April 28, 2021 2:24 PM
To: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>
Subject: FW: Request For Interpretation

CAUTION: This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

From: Richard Elliott
Sent: Wednesday, April 28, 2021 1:14 PM
To: infocenter@dot.gov
Subject: Request For Interpretation

I have attached three(4) documents that detail the request for an Interpretation as to whether or not a document that I have submitted is considered to be a shipping paper. The question arose during a roadside inspection and I feel that the document is not to be considered to be a shipping paper due to the evidence I have submitted. Please let me know what you have decided on this matter, Thank you.

Richard Elliott
Safety Director



225-286-6103/ext 115- office
225-317-2812/ direct
225-412-9817/ fax



REQUEST FOR LETTER OF INTERPRETATION

I am requesting that PHMSA issue a letter of interpretation regarding the attached documents and explanation.

The attached documents were given to us as a Shipping Paper and Delivery Order.

The Shipping Paper (Straight Bill of Lading) has the information regarding the shipped product and wholly represents a legal and correct shipping paper.

The Delivery Order has similar information on the product shipped and has extraneous information needed to complete the delivery of the product. The shipping description of the product on this document added the letters RQ to the front of the description, however the product is not an RQ.

I feel that the Delivery Order does not represent a document that would be called a shipping paper and am asking an interpretation to verify that this document does not represent a shipping paper.

It is clear that the two documents are not the same and they clearly state their purpose by virtue of the heading placed on the document.

I have attached a complete description of both documents and have attached the actual documents that were presented at the time of the inspection.

Please let me know the outcome of your decision on this matter.

Thank you for your consideration.

Richard Elliott

Safety Director

Safeway Transportation

Port Allen, Louisiana 70767

relliott@safewaytransportation.net

225-317-2812

Attachments: **Explanation of Documents**

Shipping Paper and Delivery Order



REQUEST FOR INTERPRETATION OF REGULATIONS

CFR 49 PART 172

On 4-7-21 our driver was cited for a violation of CFR49 Part 172.203(c) (1) regarding two documents that he had pertaining to a shipment of Environmentally Hazardous Substance NOS, (2-Methylundecanal), Class 9, PGIII

The driver presented the inspector with the shipping paper that he was given at the time he picked up the load. Attached to the Shipping Paper was a Delivery Order that had to be presented at time of delivery.

The Shipping paper has a Header stating : Alternate Straight Bill of Lading-Short Form Original-Not Negotiable

It has the date and Bill of Lading Number 6398, the name and address of the Shipper and the Consignee information.

The body of the document has the following shipping description;

- 1- ISO Tank
- 2- UN3082, Environmentally Hazardous Substance, Liquid, N.O.S., (2-Methylundecanal), Class 9, PGIII
- 3- Net weight 41,500 lbs
- 4- The document has a shipper certification with signatures and dates.
- 5- The document has an emergency response phone number.

Attached to the Shipping paper is another document with the Header :Delivery Order

The delivery order has similar information however it indicates the name of the carrier and the name of the party to whom the shipment is to be delivered.

In the body of the document it contains a description of the product:

1 CNT ISOU 051412-2

RQ UN3082 Environmentally Hazardous Substance Liquid NOS (2-Methylundecanal) Class 9 PGIII

All delays or emergencies please call NRS@914-422-3400/Before 8am and after 6pm please call Mary Chow @646-285-7110 /Domenico Masi @914-953-5748


Scale Light and Heavy

The bottom of the document states:

Original Delivery Order-Inland Freight –Prepaid freight

No shipper certification or signature

ALTERNATE STRAIGHT BILL OF LADING – Short Form **ORIGINAL - Not Negotiable**

DATE : 3-March-2021		BILL OF LADING NUMBER :		6398		PAGE 1 OF 1	
SHIP FROM (SHIPPER)		CARRIER INFORMATION					
 CENTAURI Technologies, LP 5200 Underwood Road Pasadena, TX 77507 (281) 474-4675		ISO Chem					
		ISOTank number : ISOU-051412-2 Serial number : Vehicle number :					
SHIP TO (CONSIGNEE)		EMERGENCY RESPONSE PHONE NO. 281-474-4675					
Firmenich Chemical c/o Just Tanx 470 Skyler Kearny, NJ 07032							
No. Shipping Units	+ HM	Kind of Packaging, Description of Articles, Special Marks And Exceptions	WEIGHT (Subject to Correction)	RATE	CHARGES (for Carrier use only)		
(1)		ISOTANK (BULK)					
		ALDEHYDE MNA FR40 (MNA LIGHTS)	Net Weight				
			41,500 lbs				
	X	UN3082, ENVIRONMENTALLY HAZARDOUS SUBSTANCE, LIQUID, N.O.S., (2-METHYLUNDECANAL), CLASS 9, PG III					
		GROSS					
		TARE					
		NET					
		PRODUCT CODE: 907776					
		FIRMENICH PO# NUMBER: 4500860962/63					
		SEAL No. 9593208, 9593209					
REMIT C.O.D. TO: ADDRESS			COD Amt: \$			C.O.D. FEE: <input type="checkbox"/> Prepaid <input type="checkbox"/> Collect	
<small>*If the shipment moves between two ports by a carrier by water, the law requires that the bill of lading shall state whether it is "carrier's or shipper's weight".</small> <small>Shipper's imprint in lieu of stamp; not a part of bill of lading approved by the Interstate Commerce Commission</small>		<small>NOTE: Where the rate is dependent on value, shippers are required to state specifically in writing the agreed or declared value of the property. The agreed or declared value of the property is hereby specifically stated by the shipper to be not exceeding</small> \$ _____ per _____		<small>Subject to Section 7 of conditions, if this shipment is to be delivered to the consignee without recourse on the consignor the consignor shall sign the following statement:</small> "The carrier shall not make delivery of this shipment without payment of freight and all other lawful charges." _____ <small>(Signature of Consignor)</small>		TOTAL CHARGES \$ FREIGHT CHARGES Check appropriate box: <input type="checkbox"/> Freight Prepaid <input type="checkbox"/> Collect	
<small>RECEIVED, subject to the classifications and lawfully filed tariffs in effect on the date of the issue of receipt by the carrier of the property described in the Original bill of lading, the property described above in apparent good order, except as noted (contents and condition of contents of packages unknown), marked, consigned, and destined as indicated above, which said carrier (the word carrier being understood throughout this contract as meaning any person or corporation in possession of the property under the contract) agrees to carry to its usual place of delivery at said destination, if on its route, otherwise to deliver to another carrier on the route to said destination. It is mutually agreed as to each carrier of all or any of, said property over all or any portion of said route to destination and as to each party at any time interested in all or any of said property, that every service to be performed hereunder shall be subject to all the terms and conditions of the Uniform Domestic Straight Bill of Lading set forth (1) in Uniform Freight Classifications in effect on the date hereof, if this is a rail or rail-water shipment, or (2) in the applicable motor carrier classification or tariff if this is a motor carrier shipment. Shipper hereby certifies that he is familiar with all the terms and conditions of the said bill of lading, set forth in the classification or tariff which governs the transportation of this shipment, and the said terms and conditions are hereby agreed to by the shipper and accepted for himself and his assigns.</small> <small>"This is to certify that the above named materials are properly classified, described, packaged, marked and labeled, and are in proper condition for transportation according to the applicable regulations of the Department of Transportation."</small>							
SHIPPER: CENTAURI Technologies, LP			CARRIER: Safeway				
PER Preston Rydi			PER x Chitro		DATE 03-03-21		

+MARK WITH "X" TO DESIGNATE HAZARDOUS MATERIAL AS DEFINED IN TITLE 49 OF FEDERAL REGULATIONS. For further details on SHIPPING HAZARDOUS MATERIALS see Federal Regulations 49 CFR, Part 172.

Delivery Order

ISOICHEM LOGISTICS LLC
1100 BEAUMONT HWY
HOUSTON, TX 77078
713-673-3909
0

290595

Page 1 of 2

DATE
3/2/2021

OUR REF. NO.
TF0401646

THE MERCHANDISE DESCRIBED BELOW
WILL BE ENTERED AND FORWARDED
AS FOLLOWS:

IMPORTING CARRIER		LOCATION		FROM PORT OF ORIGIN AIRPORT	
BL OR AWB NO.	ARRIVAL DATE	FREE TIME EXP.	LOCAL DELIVERY OR TRANSFER BY (DELIVERY ORDER ISSUED TO)		
	3/3/2021		ISOICHEM LOGISTICS LLC ph:713-673-3909 fax:0		
DELIVERY BY ▲			HAWB NO.	ENTRY NO.	CUST. REF. NO.
FOR DELIVERY TO			ROUTE		
CENTAURI TECHNOLOGIES 5200 UNDERWOOD DR PASADENA, TX 77059 * ph:2814744675 fax:0 em:0			LIQUID CARGO 21 HYATT AVE NEWARK NJ 07105		

NO. OF PKGS.	DESCRIPTION OF ARTICLES, SPECIAL MARKS & EXCEPTIONS	WEIGHT	DO NOT USE
1 CNT	CNTR- TBA-03/03 @ 1PM ISOU 051412-2 MNA LIGHT RQ UN3082, ENVIRONMENTALLY HAZARDOUS SUBSTANCE, LIQUID, N.O.S (2-METHYLUDECANAL) CLASS 9, PG111 EMERGENCY CONTACT CHEMTREC TEL NO. 1-703-527-3887/INSIDE THE US 800-4249300 CON: 14721 ANY DELAYS OR EMERGENCIES PLEASE CALL NRS @ 914-422-3400 / BEFORE 8AM AND AFTER 5PM PLEASE CALL MARY CHOW @ 646-265-7110/ DOMENICO MASI @ 914-953-5748 SCALE LIGHT & HEAVY	18824.40000 Kg 41500.00000 Lb	

DOC. No. : TF0401646-00001

ORIGINAL DELIVERY ORDER

INLAND FREIGHT

PREPAID / COLLECT
PrePaid

Received in Good Order By

NRS LOGISTICS INC.
10 BANK ST. #1110
WHITE PLAINS, NY 10606

PER:

Akil Spruill (aspruill@nrslogistics.com)

Liability, including negligence is limited to the sum of \$50.00
per shipment, unless a greater valuation shall be paid for or
agreed to be paid in writing prior to shipping.

DELIVERY CLERK: DELIVER TO CARRIER SHOWN ABOVE

IMPORTANT: NOTIFY US AT ONCE IF DELIVERY CANNOT BE EFFECTED AS INSTRUCTED.