



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

1200 New Jersey Avenue, SE  
Washington, DC 20590

August 19, 2021

Mr. Michael D. Alston  
Vice President Hazardous Materials Operations  
Transportation Compliance Associates, Inc.  
1340 Route 30  
Clinton, PA 15026

Reference No. 21-0067

Dear Mr. Alston:

This letter is in response to your June 24, 2021, email and subsequent phone conversation with a member of my staff requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the responsibility for signing the shipper's certification on a hazardous material shipping paper. Specifically, you ask whether the driver of a cargo tank motor vehicle (CTMV) is responsible for signing the shipper's certification when the CTMV is loaded with a hazardous material. You describe a scenario in which several common carriers pick up fuel products from your client's loading facilities, known as loading racks. The driver of the CTMV is issued a shipping paper for the products loaded in the cargo tank via an automated system, with limited to no interaction with personnel at the loading rack itself. The driver then performs several pre-transportation functions, including securing tank closures and applying placards to the vehicle.

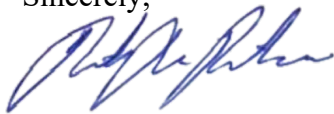
We have paraphrased and answered your questions as follows:

- Q1. You ask whether the driver is responsible for signing the shipper's certification required by § 172.204(a). You note that in this scenario, the driver is the only person with the knowledge that the vehicle bears the proper hazard communication and is properly prepared for transportation.
- A1. The answer is no, as the shipper's certification is not required in this scenario. In accordance with § 172.204(b)(1)(i), a shipper's certification is not required when a hazardous material—except a hazardous waste—is offered for highway transportation in a cargo tank supplied by the carrier.

- Q2. You ask whether a driver may sign a shipping paper in a single location to acknowledge both receipt of the lading, and the shipper's certification.
- A2. See answer A1, the shipper's certification is not required in this scenario.
- Q3. You ask whether the driver is responsible for signing the shipper's certification statement in this scenario.
- A3. The answer is no, see answer A1.
- Q4. You ask whether the supplier—who issues the bill of lading—is responsible for signing the shipper's certification statement in this scenario.
- A4. The answer is no, see answer A1.

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".

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

Patrick

**From:** [INFOCNTR \(PHMSA\)](#)  
**To:** [Hazmat Interps](#)  
**Subject:** FW: Interpretation Request  
**Date:** Thursday, June 24, 2021 3:48:08 PM  
**Attachments:** [image003.png](#)

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21-0067

Hello,

Below is a request for letter of interpretation.

Thanks,

Jonathon, HMIC

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**From:** Mike Alston <Mike.Alston@hazmat-1.com>  
**Sent:** Thursday, June 24, 2021 3:29 PM  
**To:** INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>  
**Subject:** Re: Interpretation Request

**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.

Michael D Alston  
1340 Rt 30  
Clinton pa 15026  
4126518776

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**From:** INFOCNTR (PHMSA) <[INFOCNTR.INFOCNTR@dot.gov](mailto:INFOCNTR.INFOCNTR@dot.gov)>  
**Sent:** Thursday, June 24, 2021 2:47:12 PM  
**To:** Mike Alston <[Mike.Alston@hazmat-1.com](mailto:Mike.Alston@hazmat-1.com)>  
**Subject:** RE: Interpretation Request

Dear Mike,

We have received your request for a written letter of interpretation regarding the hazardous materials regulations (49 CFR Parts 171-180). The hazardous materials regulations are available at the following URL:

[https://www.ecfr.gov/cgi-bin/text-idx?SID=1d49a3b137cb1b6fc45251074e634b44&tpl=/ecfrbrowse/Title49/49tab\\_02.tpl](https://www.ecfr.gov/cgi-bin/text-idx?SID=1d49a3b137cb1b6fc45251074e634b44&tpl=/ecfrbrowse/Title49/49tab_02.tpl)

However, before we can submit your request for processing, please respond to this email with:

- Full Name

- Physical Mailing Address
- Telephone Number

Sincerely,

Jonathon, Hazardous Materials Specialist

An e-mail response from this office is considered informal guidance. Formal guidance may be requested in accordance with 49 CFR 105.20. <https://www.phmsa.dot.gov/standards-rulemaking/hazmat/hazardous-materials-information-center>

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**From:** Mike Alston <[Mike.Alston@hazmat-1.com](mailto:Mike.Alston@hazmat-1.com)>  
**Sent:** Thursday, June 24, 2021 12:55 PM  
**To:** PHMSA HM InfoCenter <[PHMSAHMInfoCenter@dot.gov](mailto:PHMSAHMInfoCenter@dot.gov)>  
**Subject:** Interpretation Request

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DOT Infor Center-Hazardous Material Specialists:

Question: I have a client that operates several gasoline/diesel loading terminals across and several different common carriers pick up at their terminals. The drivers login and are issued a bill of lading via a printer. No one at the site, issues the bill of lading or signs the bill of lading. The driver using a pick up number, enters it into the system and that number is pre-programmed with the materials and quantity to be loaded. The driver pulls under the rack and loads the cargo tank. The driver secures the cargo tank and placards the vehicle. The driver signs the shipping paper as an acknowledgement of accepting the load. Currently, we are asking the drivers to sign once to acknowledge accepting the cargo and a second signature for the shipper's certification.

1. Is the driver responsible to also sign the Shipper's certification since the driver is the only person that can verify that the load is packaged, marked, ;labeled and in a condition in accordance with the hazardous material regulations?
2. Can the driver sign once to both acknowledge acceptance of the cargo and the shippers certification?
3. Is the driver responsible for the shipper's certification in this scenario?
4. Is the supplier that issues the bill of lading responsible for the shipper's certification, even though they cannot verify the condition of the cargo once it is loaded?

Thank you for your assistance.

Michael D Alston, CHMM, CDGP  
Vice President Hazardous Materials Operations

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## Transportation Compliance Associates, Inc.

***To stay up to date with all things Hazmat and transportation don't forget to opt-in to our [newsletter](#) where you can receive updates on regulation changes, industry news, and exclusive offers***

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