U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

July 22, 2022

L'Gena Shaffer
Director, Regulatory Compliance
Council on Safe Transportation of Hazardous Articles
101 Ridge Street, Suite 1
Glens Falls, NY 12801

Reference No. 22-0009

Dear Ms. Shaffer:

This letter is in response to your February 15, 2022, letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the requirements to retain and make readily accessible a copy of the information to the pilot-in-command at the airport of departure, airport of arrival, and during flight, as required by § 175.33. Specifically, you reference the notice of proposed rulemaking (NPRM) published on February 13, 2002, titled "Hazardous Materials: Availability of Information for Hazardous Materials Transported by Aircraft" [HM-206C; 67 FR 6669].

We have paraphrased and answered your questions as follows:

Q1. You ask whether the provisions provided in § 175.33(c)(3) require both the information to the pilot-in-command and the shipping paper be made readily accessible at the airport of departure and the intended airport of arrival for the duration of the flight.

A1. The answer is yes. As specified in § 175.33(c)(3), aircraft operators must have the shipping paper and information to the pilot-in-command readily accessible at the airport of departure and the intended airport of arrival for the duration of the flight. Although the shipping paper and the information to the pilot-in-command contain similar information, each contains unique information—e.g., the certification statement on a shipping paper—that an authorized official would like to see in the event of a reportable incident. However, § 175.33(d) allows the information to the pilot-in-command and shipping paper to be combined into one document, thus relieving some of the burden of document retention requirements.

Q2. You ask whether the information required in § 175.33(c)(3) may be provided in an electronic format.

A2. The answer is yes. As provided in § 175.33(a) "[w]hen a hazardous material subject to the provisions of [the HMR] is carried in an aircraft, the operator of the aircraft must provide the pilot-in-command and the flight dispatcher or other ground support personnel with responsibilities for operational control of the aircraft with accurate and legible written information (e.g., handwritten, printed, or electronic form) as early as practicable." Similarly, the shipping paper may be provided in electronic form.

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