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

1200 New Jersey Avenue, SE
Washington, DC 20590

July 22, 2022

Dennis Raymund V. Franco
Manager DG Compliance
DHL Global Forwarding
22879 Glenn Drive, Suite 100
Sterling, VA 20164

Reference No. 22-0039

Dear Mr. Franco:

This letter is in response to your April 26, 2022, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to shipping papers. Specifically, you ask whether a freight forwarder can provide hazardous materials information on shipping papers using transportation information from section 14 of a Safety Data Sheet (SDS)—to include—relevant special handling instructions. Additionally, you ask whether it is acceptable that the shipper's certification will be signed by the shipper (i.e., the freight forwarder customer) and not the freight forwarder.

The person offering the hazardous materials for transportation (i.e., the shipper) must certify that the material is offered for transportation in accordance with the HMR. A freight forwarder acting on behalf of the shipper may perform certain functions such as preparing shipping papers. Moreover, a SDS may be a useful reference document for information pertaining to a chemical that also happens to be a hazardous material subject to the HMR. However, this Office does not verify or certify transportation information in a SDS, therefore, a SDS may or may not accurately reflect the appropriate hazardous materials information for purposes of the HMR. Ultimately, in accordance with § 173.22 of the HMR, it is the responsibility of the shipper to properly classify, communicate the hazard for a hazardous material, and determine the correct packaging authorized for the hazardous material.

Note that performing a pre-transportation function, such as preparing a shipping paper, will make the freight forwarder subject to requirements of the HMR (e.g., training, etc.).

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