



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

1200 New Jersey Avenue, SE
Washington, DC 20590

February 1, 2024

Mr. Karl Kronau
CSA Compliance Manager
1100 Milwaukee Ave.
South Milwaukee, WI 53172

Reference No. 22-0107

Dear Mr. Kronau:

This is in response to your October 10, 2022, letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to shipping papers. Specifically, you ask about shipping paper format and provisions that provide regulatory relief from the HMR.

We have paraphrased and answered your questions as follows:

- Q1. When utilizing a provision offering regulatory relief from the HMR, you ask whether you must comply with all conditions of the provision.
- A1. In general, a person must comply with all conditions in a provision in order to qualify for the regulatory relief allowed by the HMR. However, although not recommended, a person may take advantage of part of the relief provided by the provision in certain situations. For example, a person may place a “FLAMMABLE LIQUID” label on a packaging that—under a provision that does not require labeling—provided the package contains a flammable liquid as defined in § 173.120.
- Q2. You outline a scenario involving highway transportation where a shipper chooses to use the limited quantity provision specified in § 173.150(b) which allows relief from the shipping paper requirements for a limited quantity of a Class 3 material. However, the shipper provides the shipping description “UN1263, Paint, 3, II, Ltd Qty” on a shipping document. You state that the shipping document includes a column marked “HM” and ask whether an “X” must be placed in the “HM” column in association with the entry for the limited quantity shipment. You also ask whether an emergency response telephone number must be provided by the shipper.

Quantity	HM	Description	Weight	# of Items
2 Pallets		LED light fixtures	700 lbs.	72 ctns
2 fiberboard boxes		UN1263, Paint, 3, II, LTD QTY	60 lbs.	30 btl
1 pallet		Nails	1,100 lbs.	50 ctns

- A2. A hazardous materials shipping description on a shipping document will usually be regarded as an indication that the material is a hazardous material, and that the document is a “shipping paper” as required under Subpart C of Part 172 of the HMR. In addition, placing an “X” in the “HM” column of a shipping document in association with the entry for the limited quantity shipment will further indicate that the material is subject to shipping paper requirements. See § 172.201(a)(1). While use of the shipping description “UN1263, Paint, 3, II, Ltd Qty” on paperwork accompanying a shipment does not constitute a declaration that a material is a fully regulated hazardous material, please note that the use of the full shipping description, even when identified as “LTD QTY,” may frustrate shipments.
- Q3. You ask whether in the scenario in Q3, the shipper must comply with the requirements to provide an emergency response telephone number in accordance with § 172.201(d) and emergency response information in accordance with § 172.602.
- A3. As specified in § 172.604(d)(1), hazardous materials that are offered for transportation under the provisions applicable to limited quantities or excepted quantities are excepted from the emergency response telephone number requirements in § 172.604. Further, as described in § 172.600(d), material which is excepted from the shipping paper requirements are not required to provide the emergency response information described in Subpart G of Part 172 of the HMR.
- Q4. You ask whether two shipping descriptions may appear sequentially on the same line or row of a shipping paper if they are both contained in the same “safety kit.” You also ask whether the quantity of each material must be displayed separately. You provide the following example:

Quantity	HM	Description	Weight	
14 Ctns	X	NA1325, Fusee, 4.1, II, (ERG#133), UN1044, Fire Extinguishers, 2.2, (Cylinder, ERG#126)	450 pounds	14 Kits

- A4. The quantity of each hazardous material must be displayed—see § 172.202(a)(5)—and except as otherwise provided by the HMR, the basic description on a shipping paper must be entered in sequence with no additional information interspersed. See § 172.202(b). The number and type of packages must appear either before or after the basic description and any additional information must be entered after the basic description. See § 172.202(c)(1). It is recommended that each hazardous material in the “safety kit” be entered on sequential rows so that the total quantity for each basic description may be clearly identified even when combined in an overpack under § 173.25. See the below example:

Quantity	HM	Description	Weight	
14 Ctns	X	NA1325, Fusee, 4.1, II, (ERG#133) UN1044, Fire extinguishers, 2.2, (Cylinder, ERG#126)	50 pounds 400 pounds	14 Kits

Q5. You ask whether the display of the aggregate gross quantity of the 14 cartons (450 pounds)—without specifying the gross quantity of each hazardous material in the safety kit—is acceptable under § 172.202(c)(1).

A5. See answer A4.

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

Sincerely,



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

Pollack

From: [Foster, Glenn \(PHMSA\)](#)
To: [Dodd, Alice \(PHMSA\)](#)
Subject: Roadrunner Transportation Systems
Date: Tuesday, October 18, 2022 8:03:00 AM
Attachments: [EO - Kelley\(Roadrunner\) 18Oct22.pdf](#)

22-0107

Alice,

Please have the attached checked in and assigned as a new Interp, and ask the assigned Specialist to include Shane in the review/concurrence process.

Thanks,
Glenn

From: Kelley, Shane (PHMSA) <shane.kelley@dot.gov>
Sent: Tuesday, October 18, 2022 7:56 AM
To: Foster, Glenn (PHMSA) <Glenn.Foster@dot.gov>
Subject: Fwd: Roadrunner Transportation Systems

Can you make sure this is processed and that I am included on coordination when we respond?

Thanks

From: Lisak, Frank (PHMSA) <frank.lisak@dot.gov>
Sent: Tuesday, October 18, 2022 7:38:47 AM
To: Kelley, Shane (PHMSA) <shane.kelley@dot.gov>
Subject: Roadrunner Transportation Systems

Hi, Shane:

The attachment is for your review.

Frank



Roadrunner Transportation Systems LLC

1100 S. Milwaukee Ave., Bldg. 7, South Milwaukee, WI 53172

Safety: (414) 615-1696 safety@rrts.com

Mr. Shane Kelley
Director, Standards and Rulemaking Division
U.S. DOT/PHMSA (PHH-10)
1200 New Jersey Avenue, SE East Building, 2nd Floor
Washington, DC 20590

10-10-2022

Mr. Kelly,

I am seeking clarification, and a formal interpretation regarding 49 CFR Part 172: I have spoken with Josh from the PHMSA Helpline who provided me guidance on these matters, but I seek further clarification and guidance as I prepare to discuss these requirements with my company's personnel, and our clients.

1) First question is regarding the exercising of Exceptions. Am I correct in my understanding from my phone conversation that regulatory exceptions are permissive, while the regulations, such as 172.201 and 172.202 are mandatory? It is further my understanding, through the same conversation, that a person must exercise and be compliant with either the entire regulation (i.e. 172.200) or the exception (i.e. 173.150), but they cannot selectively combine, and exercise, various parts from the Regulation(s) and Exception(s) jointly. I have provided a Sample below:

In this Shipping Description example, the shipper identifies the hazardous material along with non-hazardous material on the same bill of lading. The shipper does not;

(1) distinguish the Ltd Qty hazardous material from the non-regulated materials by listing it first, highlighting it, or with an "X" in the HM column,

(2) provide emergency response information by;

- (a) displaying the emergency response contact information (ERI) on the shipping paper,
(b) provide the ERI on a separate document, or
(c) provide an Emergency Guide Document, such as an SDS or copy of relevant ERG page(s)

This sample only contains the material shown on the sample.

Table with 5 columns: Quantity, HM, Description, Weight, # of Items. Rows include: 2 Pallets (LED Light fixtures, 700 lbs., 72 ctns), 2 Fiberboard Boxes (UN1263, Paint, 3, II, LTD QTY, 60 lbs., 30 btls), 1 pallet (Nails, 1,100 lbs., 50 ctns)

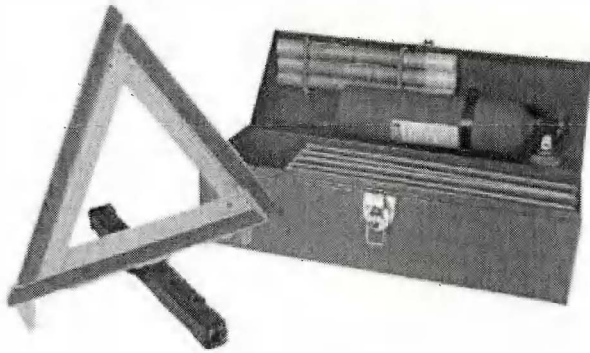
Since the shipper elected to comply with regulation by describing the hazardous material as required by 172.202(a)(1)-(4), verses fully complying with the exception of 172.200(b)(3) and 173.150, is the shipper required to comply with 172.201(a) (ii) or (iii) and either highlight, or place an "X" in the HM column, in addition to complying with 172.201(d) & 172.602 and provide an Emergency Response Telephone Number, ERI Document, or ERG document with the shipping paper?

2) **Second Question** is regarding the correct format for documenting the Proper Shipping Description on a shipping paper for a single package containing multiple hazardous materials.

Is it correct that two hazardous materials cannot be shown sequentially on the same line/row of a shipping paper?

EXAMPLE: Regarding a "safety kit", a shipper is claiming that the 2 hazardous materials packaged together are part of the same "Kit", and therefore the proper shipping descriptions can only be shown as below and cannot be separated into two separate lines (rows).

Quantity	HM	Description	Weight	
14 Ctns	X	NA1325 Fusee,4.1, II, ERG#133, UN1044, Fire Extinguishers, 2.2, Cylinder, ERG #126	450 lbs	14 kits



3) **Third question** also pertains to the aforementioned "Kit" and is regarding 172.202(a)(5) & (c) which require that every hazardous material must show the total quantity and mass/volume for each hazardous material shown on the shipping paper?

Does the displayed aggregate weight of 450 Lbs. associated with the 14 cartons fail to comply with 172.202(a)(5) & (c)?

Are both the NA1325 Fusee, and the UN1044 Fire Extinguishers required to display their respective individual aggregate weights for the shipment?

Sincerely,



Karl Kronau

CSA Compliance Manager

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cc:

V.P. Dawn Johnston

S.D. Tim Dougan