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U.S. Department
of Transportation

Research and
Special Programs
Administration

400 Seventh Street, S.W.
Washington, D.C. 20590

SEP 16 1998

Ms. Patricia A. West
Chautauqua Metal Finishing Supply
P.O. Box 100
Ashville, NY 14710

Ref. No. 98-0242

Dear Ms. West:

This is in response to your letter dated August 11, 1998,
regarding responsibility for compliance with motor vehicle
loading and unloading requirements of the Hazardous Materials
Regulations (HMR; 49 CFR Parts 171-180).

It is the carrier's responsibility to comply with all applicable
loading and unloading requirements (§ 177.800(b)). Any person,
including a shipper, who loads or unloads hazardous materials on
a transport vehicle is performing a carrier function and must
comply with the applicable loading and unloading requirements
(§ 173.30).

I hope this satisfies your request.

Sincerely,

John A. Gale
Transportation Regulations Specialist
Office of Hazardous Materials Standards

AP/8/1
85/2
177.800



Chautauqua Metal Finishing Supply

A DIVISION OF CHAUTAUQUA CHEMICALS CO., INC.

Mailing Address:
P.O. BOX 100
ASHVILLE, NY 14710

Shipping Address:
4743 CRAMER DRIVE
ASHVILLE, NY 14710

800-222-4343 NY/WESTERN PA
716-763-4114 ASHVILLE
716-328-4860 ROCHESTER
814-455-2795 ERIE
716-763-3555 FAX

98-0241

August 11, 1998

Edward Mazzullo - Director
OHMS
400 7th Street, SW
Washington, DC 20590

BAH
§ 177.834

Dear Mr. Mazzullo,

We are writing for an interpretation on the following issue:

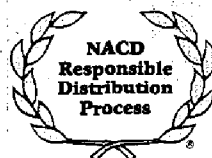
Where does the liability fall and who's responsibility is it for assuring proper load securement? ←
We ship chemicals (hazardous and non-hazardous) and equipment occasionally via common carrier and are trying to impliment some type of enforcement procedure at our facility.

It would be most helpful to us to have your interpretation with any regulatory references to back up what we are attempting to do. We feel it is to our best interest to deal with this issue but need to know how hard we dare push especially since most wording tends to reference "the carrier".

Thank you for your prompt response to this matter.

Very truly yours,
Chautauqua Metal Finishing Supply

Patricia A. West
Regulatory/Safety Coordinator



Quality • Responsibility • Stewardship

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