



U.S. Department  
of Transportation

Research and  
Special Programs  
Administration

JUN 29 1998

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

Mr. Gareth D. Pearce  
Director, International Marketing  
Dreyco, Inc.  
263 Veterans Boulevard  
Carlstadt, NJ 07072-2792

Ref. No.: 98-0135

Dear Mr. Pearce:

This responds to your letter, dated June 15, 1998, concerning shipper certification requirements of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) and the International Maritime Dangerous Goods (IMDG) Code. Specifically, you request clarification concerning the responsible signatory for the shipper's certification.

As you explain in your letter, Dreyco is an export management company that serves as the export department under contract for a number of U.S. manufacturers, including a manufacturer of automotive chemicals. Dreyco issues shipping instructions to the manufacturer for export orders, taking title for the goods and, thus, becoming, in effect, the "shipper" of the goods. However, Dreyco does not pack shipments for export nor does Dreyco ever see such shipments, since they are shipped directly from the manufacturing facility to the port. You ask who should sign the Hazardous Materials Certification/Declaration required by the HMR and the IMDG Code.

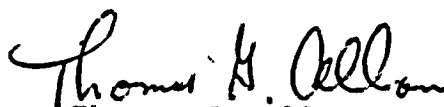
As specified in § 172.204(a) of the HMR, each person who offers a hazardous material for transportation shall certify that the material is offered for transportation in accordance with the requirements in the HMR. In order to properly certify a shipment, the person signing the certification must have direct knowledge that the materials are in proper condition for transportation and are properly classified, described, packaged, marked and labeled in accordance with the HMR and applicable international regulations.

Under the provisions of § 172.204 (d) (1), a shipper's certification or declaration must be legibly signed by a principal, officer, partner, or employee of the shipper or his agent. In the situation you describe, the manufacturing facility that prepares a shipment for export is acting as your agent. A

principal, officer, partner, or employee of the manufacturer who has direct knowledge that the shipments are in proper condition for transportation and that they comply with the HMR and the IMDG Code may sign the declaration.

I hope this information is helpful. If you have further questions, please do not hesitate to contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Thomas G. Allan".

Thomas G. Allan  
Senior Transportation Regulations Specialist  
Office of Hazardous Materials Standards

GORSKY  
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# DREYCO, INC.

MANUFACTURERS' EXPORT SALES DEPARTMENT

June 15, 1998

Mr. Edward Mazzullo,  
Director of the Office of Hazardous Materials Standards  
(DHM-10)  
UNITED STATES DEPT. OF TRANSPORT  
400 7th Street S.W.  
Washington D.C. 20590

REF: 16347.

Dear Mr. Mazzullo:

We have been referred to you from several different sources for clarification in an extremely important issue for our company.

Dreyco is an Export Management Company. Our function is to be the export department under contract for a number of U.S. manufacturers. One of these is a manufacturer of automotive chemicals. The factory is in Jacksonville, Florida whereas our office is here in Carlstadt, New Jersey.

The problem arises when we issue shipping instructions to the factory for our export orders. The problem is compounded by the fact that Dreyco takes title to these goods and is, in all effects the "shipper". However, Dreyco is not the manufacturer nor do we pack the shipments for export. We never seal any of the containers for export nor do we ever see any of the merchandise since they are shipped directly to the ports.

Therefore when we, as the shipper submit the international maritime organization Hazmat Declaration Form, this form requires a signature that:

"It is declared that the packing of the container/vehicle has been carried out in accordance with the general introduction of the IMDG Code, paragraph 12.3.7 or 17.7.7". Further "Number and kind packages proper shipping name/correct technical name, IMO Hazard Class/Division UN number, packaging group, flash point (in degrees Celsius), control and emergency temperatures, identification of the goods as a Marine Pollutant, EmS # and MFAG table #", and ....

"Declaration:

I hereby declare that the contents of this consignment are fully and accurately described above by the correct technical name (as) (proper shipping names) and are classified, packaged, marked and labeled/placarded, and are in all respects in proper conditions for transport according to the applicable international and national government regulations".

cont....



Dreyco, Inc. is a member in good standing of the American Hardware Manufacturers Association, the owner of the above registered trademark.

Page 2

Obviously since Dreyco is thousands of miles from the place where these shipments are packaged and shipped, it would be utterly fraudulent of us to sign the IMO Dangerous Goods Declaration as true and correct, when we obviously do not know how these things are packed, nor are we always aware of formula charges that may also alter the shipping classification. Therefore, we need a ruling from you in writing on exactly who is responsible and who is classified under the word "shipper" in this regard.

It is clear to us that Dreyco is the shipper of record, however the circumstances are mitigating and we feel that the word "shipper" is a matter of semantics pertaining to this case. We know of many other companies that do business as the shipper and have the manufacturer fill out the IMO's.

We await your soonest ruling, again in writing, if possible via fax or via mail so that we may continue business accordingly.

Thank you in advance for your help.

Yours sincerely,  
DREYCO, INC.



Gareth D. Pearce  
Director, International Marketing

GDP/gp

cc: Ron McElroy - PETRO CHEMICAL PRODUCTS, INC.

<b>Route</b>	The manner in which a shipment moves, i.e., the carriers handling it and the terminal points through which it is handled.
<b>Running Gear</b>	Complementary equipment for terminal and over-the-road handling of containers.
<b>Sea-Bee Vessels</b>	(See Barge Carrier) Ocean vessels which are constructed with heavy-duty submersible hydraulic lift or elevator system located at the stern of the vessel. The Sea Bee system facilitates the barges to be transferred forward and placed in position. Sea-Bee barges are larger than LASH barges.
<b>Seal</b>	Used to seal the locking mechanism on closed containers for security and customs purposes. Each seal is individually numbered and may be of different colors.
<b>Seavan</b>	Synonymous for general-purpose dry-freight container.
<b>Sheathing (Export Boxing)</b>	Construction materials which make up the outside of roof, sides, ends and doors and which serve as restraints to prevent the main frame from racking.
→ <b>Shipper's Load and Count</b>	A term denoting that the contents of a container were loaded and counted by the shipper and not checked or verified by the transportation line.
<b>Shore</b>	A prop or support placed against or beneath anything to prevent sinking or sagging.
<b>Shrink Wrapping</b>	Polyethylene or a similar substance heat treated and shrunk into an envelope around several units thereby securing them as a single whole unit either as small presentation packs or more commonly, to secure packages on a pallet.
<b>Side-Door Container</b>	A container fitted with a rear door and a minimum of one side door.
<b>Side Loader</b>	A lift truck fitted with lifting attachments operating to one side for handling containers.
<b>Skeletal Trailer (Chassis)</b>	A trailer specially constructed for the safe carriage of I.S.O. containers.
<b>Skids</b>	Battens or a series of parallel runners fitted beneath boxes or packages to raise them clear of the floor to

**Container Freight Station/  
CFS**

to transport containerized cargo.

Associated with consolidation depots where parcels of cargo are grouped and loaded into containers.

**Container Load**

A sufficient load in size to fill a container either by cubic measurement or by weight.

**Container Part Load**

A loading which does not utilize the full volumetric capacity of a container nor the maximum payload by weight and will permit additional part loads.

**Container Pool**

An agreement between transport carriers and/or container leasing companies which will permit the exchange of containers.

**Container Terminal**

An area designated to be used for the stowage of cargoes in containers which may be accessible by truck, railroad and marine transportation.

**Containerizable Cargo**

Cargo that will physically fit into a container and result in an economical shipment consistent with delivery requirements.

**Containerization**

Stowage of general or special cargoes in a container for transport in the various modes.

**Corner Casting(s)**

Fittings situated on top and bottom of container corner posts designed for handling and securing a container.

**Corner Posts/Door Posts**

Vertical frame components fitted at the corners of the container, integral with the corner fittings and connecting the roof and floor structures.

**Cross Member**

Transverse members fitted to the bottom side rails of a container serving as a support for the floor.

**Cryogenic**

The use of a freezing mixture to provide refrigeration.

**Cubic Capacity**

Carrying capacity of a container according to measurement in cubic feet.

**Cube Out**

When a container has reached its volumetric capacity before reaching the permitted weight limit.

**Dangerous Goods**

The term used by IMCO for hazardous materials. (See the International Maritime Dangerous Goods Code.)