



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

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

FEB 14 2001

Mr. David Tuckfield
Vinson & Elkins L.L.P.
One American Center, Suite 2700
600 Congress Avenue
Austin, TX 78701

Ref. No. 00-0352

Dear Mr. Tuckfield:

This is in response to your December 12, 2000, letter regarding emergency response telephone number requirements under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically you request clarification on the meaning of the term "immediate access to a person with detailed emergency response information." You provide the following scenario in your letter:

The person answering the phone is not knowledgeable of the hazards and characteristics associated with the material that is the subject of the call, but is able to connect (e.g., patch) the caller to the person who can provide the information. The person answering the phone may access the person with the information at their home via telephone or pager.

The scenario provided in your letter qualifies as "immediate access to a person with detailed emergency response information" if the person answering the phone accesses the person with the information via telephone. If the person answering the phone must rely on a system that necessitates a "call back" (e.g., a pager) it is not in compliance with § 172.604.

I hope this satisfies your request.

Sincerely,

Edward T. Mazzullo
Director, Office of Hazardous Materials Standards



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Vinson & Elkins
ATTORNEYS AT LAW

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December 12, 2000

BAH
§ 172.604
Emergency Response
Telephone Number
00-0352

Via Federal Express

Information Center
Office of Hazardous Materials Standards
Research and Special Programs Administration
U.S. Department of Transportation
400 Seventh Street, S.W.
Washington, D.C. 20590-0001

Re: Emergency Response Telephone Number

To Whom It May Concern:

This letter is a request for clarification of certain requirements under 49 CFR Section 172.604 concerning the emergency response telephone number.

We have reviewed several DOT Clarification Letters posted on the DOT RSPA website that are related to the requirements of Section 172.604, all of which clearly state that the person answering the emergency response telephone either (1) be able to provide detailed information concerning the material being shipped, or (2) immediately connect the caller to a person who has that knowledge. Other DOT Clarification Letters also state that the emergency response telephone number cannot be a pager or answering machine, which create the need for the caller to be called back.

The following scenario is similar, but different enough that we request a clarification as to whether it would constitute compliance with Section 172.604.

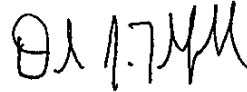
- The emergency response telephone number is answered by a company's Security representative (a person without specific knowledge of the waste being shipped) who, in turn, will contact the company representative who is "on call" for emergency response. The caller is connected, or "patched", to the person with detailed information concerning the material being shipped. The "on call" company representative is required to be accessible by home telephone number or pager. Thus, there may be instances when the

"on call" company representative is paged and must "call back" the Security representative before the caller can be connected. The Security representative keeps the caller on the line and connects the caller in a reasonable amount of time with the person who has detailed knowledge of the waste being shipped. This method of connecting the caller would likely take only a matter of a few minutes, but could possibly take five or ten minutes.

Thank you in advance for your assistance with this request for clarification.

Very truly yours,

VINSON & ELKINS L.L.P.

A handwritten signature in black ink, appearing to read "D. Tuckfield", written over the typed name.

David Tuckfield