



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

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

MAR 25 2004

Ms. Sheila Wolf
260 Convent Avenue Apt 41
New York, NY 10031-9120

Ref. No.04-0049

Dear Ms. Wolf:

This is in response to your letter of February 23, 2004, requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask for clarification of the incident reporting requirements in §§ 171.15 and 171.16. Your questions are paraphrased and answered as follows:

- Q1. Do the incident reporting requirements apply to all modes of transportation?
- A1. Yes. Sections 171.15 and 171.16 apply to rail, aircraft, vessel and highway transportation.
- Q2. Is immediate notification required if a person who is not employed by the carrier is injured and admitted to a hospital as a result of a spill?
- A2. Yes. Immediate notification under § 171.15 is required if a person is hospitalized as a result of an incident, regardless who, if anyone, employs that person.
- Q3. Who must be notified when an incident occurs? How long does a person have to provide notice of an incident?
- A3. At the earliest practical moment, incidents requiring immediate notification must be reported, by phone, to the appropriate organization specified in § 171.15. In addition, any person required to report under § 171.16 must provide written notification to the Information Systems Manager, DHM-63, Research and Special Programs Administration (RSPA) within 30 days of the discovery of the incident.



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171.15, 171.16

Q4. How does a person obtain a copy of a Hazardous Material Report Form (F 5800.1) that has been filed with the RSPA?

A4. Incident Report Form 5800.1 data submitted in accordance with §§ 171.15 and 171.16 is available at the following Web site:

<http://hazmat.dot.gov/files/hazmat/hmisframe.htm>

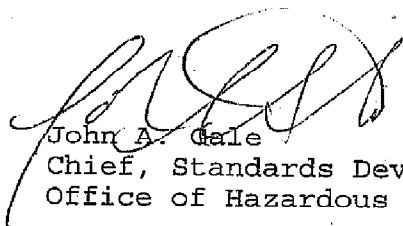
In addition, 5800.1 data may be obtained from the Office of Hazardous Materials Information Systems by phone at (202) 366-4555 or by e-mail at hmis@rspa.dot.gov.

Q5. What are the penalties for violations of the incident reporting requirements?

A5. The Office of Hazardous Materials Safety sets forth its guidelines for making baseline assessments for violations of the HMR, including incident reporting requirements, in Appendix A to Subpart D of Part 107 (Guidelines for Civil Penalties).

I hope this satisfies your request.

Sincerely,



John A. Gale
Chief, Standards Development
Office of Hazardous Materials Standards

February 23, 2004

Mr. Edward T. Mazzullo
Director, Office of Hazardous Materials Standards
U.S. DOT/RSPA (DHM-10)
400 7th Street S.W.
Washington, D.C. 20590-0001

Re: Hazardous Material Spill
S. Wolf
260 Convent Avenue (apt. 41)
New York, NY 10031

BAH
§ 171.15
§ 171.16
HM Incident Report
DH-0049

I would like to have the following questions responded to:

1. A hazardous spill must be reported to Agency? The incident was on land and not sea?
2. If a person was INJURED, from the spillage, they were not employed by the Company transporting the hazardous material..

How long does the Company or Individual have to report the incident; and WHERE DO THEY REPORT THIS INCIDENT?

3. How would one obtain the report?
4. ARE THERE FINES IF THEY HAVE NOT BEEN REPORTED WITHIN A CERTAIN TIME FRAME?
5. WHAT ARE THE FINES FOR NON-COMPLIANCE?

Please forward to the above address or faster by e-mail ---sheila10011@yahoo.com

SW

Thank you.

