



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

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

NOV 30 2009

Ms. Genette Fields-Smith
Air Products and Chemicals, Inc.
7201 Hamilton Blvd.
Allentown, PA 18195-1501

Ref. No. 05-0246

Dear Ms. Fields-Smith:

This is in response to your letter requesting clarification of the definition for "offeror" under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) as it applies to certain operations performed by Air Products and Chemicals Inc. (APCI). You state that APCI drivers unload tankers of hazardous materials into pumper trucks at various locations for customers. The customers then transport the loaded pumper trucks to one of their job sites. You ask whether APCI is an offeror (shipper) in such scenarios.

Transportation ends once the consignee takes physical delivery of the hazardous materials; therefore, APCI's offeror responsibilities stop when the hazardous materials are delivered to the customer, regardless of the location of the delivery.

I hope this information is helpful. Please contact this office should you have additional questions.

Sincerely,

Hattie L. Mitchell
Chief, Regulatory Review and Reinvention
Office of Hazardous Materials Standards



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Air Products and Chemicals, Inc.
7201 Hamilton Boulevard
Allentown, PA 18195-1501
Telephone (610) 481-4911

September 26, 2005

Edward T. Mazullo, Director
Office of Hazardous Materials Standards
US DOT/RSPA (DHM-10)
400 7th Street SW
Washington, DC 20590-0001

RE: Request for Written Interpretation Regarding HM 223A – *Applicability of the Hazardous Materials Regulations to a "Person Who Offers" a Hazardous Material for Transportation in Commerce.*

Dear Mr. Mazullo:

This letter is sent to request an official interpretation on whether or not the following scenarios place Air Products and Chemicals, Inc in the role of a hazardous material offeror/shipper.

Scenario #1: Air Products and Chemicals, Inc driver off-loads (from an APCI's vehicle) a tanker of hazardous material into a pumper truck of one of its customer's in the yard at the customer's place of business. The next day, the customer's driver transports the loaded pumper truck to the customer's job site (away from the place of business) for use. Is Air Products considered an offeror/shipper in this scenario?

Scenario #2: Air Products and Chemicals, Inc driver off-loads (from an APCI vehicle) a tanker of hazardous material into a pumper truck of one of its customers at a designated location approximately 5 miles from the customer's job site. Once the off-loading is complete (same day), the customer's driver then transports the loaded pumper truck to the job site for use. Is Air Products considered an offeror/shipper in this scenario?

If you have questions or require additional information, you may contact me via telephone or email.

Regards,

Genette Fields-Smith
Regulatory Specialist
Air Products and Chemicals, Inc
610.481.7754 (w)
fieldsg@airproducts.com

McIntyre
§ 171.2
Applicability
05-0246