U.S. Department
of Transportation

MAR   7   2008

1200 New Jersey Avenue, SE
Washington, D.C. 20590

**Pipeline and Hazardous
Materials Safety
Administration**

Mr. Kevin Reposa
Hazardous Cargo Manager
CMA CGM (America) Inc.
5701 Lake Wright Drive
Norfolk, VA. 23502-1868

Ref. No. 07-0142

Dear Mr. Reposa:

This is in response to your e-mail requesting clarification of the emergency response
telephone number requirements under the Hazardous Materials Regulations (HMR; 49 CFR
Parts 171-180). Specifically, you ask whether an emergency response telephone number that
is provided on a shipping paper by the consignee and not the offeror of a hazardous material is
in violation of § 172.604. You also ask whether a consignee meets the definition of an
offeror.

The function of providing an emergency response telephone number may be performed by
any person. The definition in § 171.8 of "a person who offers or an offeror" includes <u>any</u>
person who performs, or is responsible for performing, any pre-transportation
function required under this subchapter for transportation of the hazardous material in
commerce." Therefore, as a consignee, if you perform the function of providing the
emergency response telephone number on a shipping paper, you are responsible for assuring
that the function is performed in accordance with the HMR. No violation of the HMR has
taken place by doing so.

For your information, a recent notice of proposed rulemaking (NPRM), HM-206F
(72 FR 35961), "Revision of Requirements for Emergency Response Telephone
Numbers," was published on July 2, 2007. The NPRM further discusses the definition of
"offeror," responsibility for providing a valid emergency response telephone number, and
other proposed clarifications and revisions to the emergency response telephone number
requirements.

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

Sincerely,

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

Drakeford, Carolyn <PHMSA>

From: INFOCNTR <PHMSA>

Sent: Tuesday, July 17, 2007 1:11 PM

To: Drakeford, Carolyn <PHMSA>

Subject: FW: Request for Letter of Intrepretation for 49 CFR 172.604

From: SDS Dept REPOSA Kevin [mailto:usa.kreposa@cma-cgm.com]
Sent: Monday, July 16, 2007 4:57 PM
To: INFOCNTR <PHMSA>
Subject: Request for Letter of Intrepretation for 49 CFR 172.604

Can you please accept this e-mail as formal request for a letter of Interpretation on the following subject?

Subject   49 CFR 172.604

The above mentioned cite makes reference that the person who offers for transportation must provide an emergency response telephone number, including the area code or international access code and the telephone number must be the number of the person offering the hazardous material for transportation or the number of an agency or organization capable of, and accepting responsibility. I ask the DOT to answer the following scenario:

A hazardous material is being imported into the USA and the emergency contact telephone number on the shipping paper is provided by the consignee as either their own number meeting the regulation 49 CFR 172.604 (a) or one of an agency meeting the regulation of 49 CFR 172.604(a). Would an enforcement officer of the Department of Transportation issue a discrepancy and possible fine because the emergency contact number was provided by the consignee and not the offeror of the hazardous material?

I understand the definition of offeror functions to be found in 49 CFR 171.1(b). Does a consignee meet this definition?

Does the Department of Transportation have any restriction as to who provides the emergency contact phone number or as long as it is listed and meeting the requirements of 49 CFR 172.604(a).

Best Regards

Kevin Reposa
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Be advised that no employee or agent is authorized to conclude any binding agreement

7/17/2007

Thank you.

7/17/2007