



U.S. Department of Transportation  
Pipeline and Hazardous Materials  
Safety Administration

1200 New Jersey Ave, S.E.  
Washington, D.C. 20590

MAR 06 2009

Mr. William J. Briner  
1324 Westbend Drive  
Dardenne Prairie, MO 63368

Ref. No. 08-0150

Dear Mr. Briner:

This is in response to your letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) regarding the authorization and conditions for use of international standards and regulations. Specifically, you ask for clarification of the requirement to provide timely and complete written information to forwarding agents at the place of entry into the United States for hazardous materials that are imported into the United States. Your questions are paraphrased and answered as follows:

Q1. If the requirements in the International Civil Aviation Organization Technical Instructions (ICAO TI) or the International Maritime Dangerous Goods Code (IMDG Code) are met for a hazardous materials shipment transported into the United States and there are no additional HMR requirements applicable to the shipment, must the requirement in § 171.22(f) for written information be met?

A1. Provided there are no additional conditions or requirements as provided in Part 171, Subpart C, the answer is no. Except for shipments transported into the United States from Canada that conform to § 171.12 (see § 171.22(f)), the provision applies to HMR requirements that are specified for a shipment in addition to the requirements of the international standard or regulation being used.

Q2. For shipments that have additional HMR requirements, does the following statement meet the written information requirement in § 171.22(f)? "Compliance with all the provisions of ICAO/IATA or the IMDG Code for this shipment will also comply with the U.S. DOT Hazardous Materials Regulations with the following additional requirements (or exceptions)." This statement would be followed by additional written information to the forwarding agent, e.g., additional requirements for PIH materials, combustible liquids, RQs, placarding, emergency response information, etc.

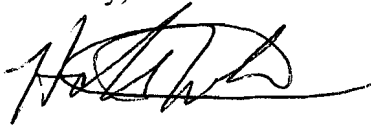
A2. The HMR does not require specific wording to be used to meet the requirement in § 171.22(f). Therefore, your proposed wording is acceptable provide it is followed by specific information concerning the applicable additional conditions or requirements imposed.

Q3. If the additional HMR requirements are included in the ICAO TI under U.S. variations, are the variations required to be included in the written information?

A3. No. U.S. variations included in the international standard or regulation being used are covered by your statement in Q2. It is not necessary to repeat the variations in the written information applicable to the shipment.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'H. Mitchell', with a long horizontal flourish extending to the right.

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

MCInyre  
§ 171.22(f)  
Applicability  
08-0150

William J. Briner  
1324 Westbend Drive  
Dardenne Prairie, MO 63368  
(636) 300-1731

May 15, 2008

Mr. Edward Mazzullo, Director  
Office of Hazardous Materials Standards  
Pipeline and Hazardous Materials Safety Administration, Attn: PHH-10  
U.S. Department of Transportation, East Building  
1200 New Jersey Avenue, SE  
Washington, DC 20590-0001

Re: Request for Interpretation Regarding Importer Responsibilities

Dear Mr. Mazzullo:

I have several questions concerning compliance with 49 CFR 171.22(f), the requirement for each person importing a hazardous material into the United States to provide the forwarding agent with timely and complete written information as to the requirements of the DOT Hazardous Materials Regulations applicable to the particular shipment.

Question 1:

If the requirements of the ICAO Technical Instructions, for shipments via air, or the requirements of the IMDG Code, for shipments via ocean, satisfy all of the DOT/HMR requirements for a particular shipment with no additional DOT requirements, then is any written information required under 49 CFR 171.22(f), or is this requirement no longer applicable for this particular type of shipment?

Question 2:

If 49 CFR 171.22(f) still requires written information for the type of shipment described in Question 1 above, then could this requirement be satisfied with a written statement such as "Compliance with all the provisions of ICAO/IATA or the IMDG Code for this shipment will also comply with the U.S. DOT Hazardous Materials Regulations."?

Question 3:

For some shipments which have additional DOT requirements, could the 49 CFR 171.22(f) requirement for written information be satisfied with a statement such as the following?

"Compliance with all the provisions of ICAO/IATA or the IMDG Code for this shipment will also comply with the U.S. DOT Hazardous Materials Regulations, with the following

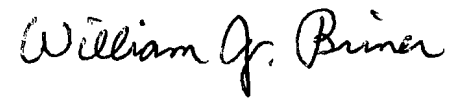
additional requirements (or exceptions): (followed by additional written information to the forwarding agent, e.g., additional requirements for PIH materials, combustible liquids, RQ's, placarding, emergency response information, etc.).”

Question 4:

If additional DOT requirements are already indicated in the ICAO Technical Instructions under the USG State Variations (e.g., concerning RQ's, emergency response information, emergency response telephone number), is the person importing the material into the United States still required to provide specific written information concerning this requirement to the forwarding agent?

Thank you in advance for your guidance.

Sincerely,

A handwritten signature in black ink that reads "William J. Briner". The signature is written in a cursive style with a large initial "W".

William J. Briner