



U.S. Department
of Transportation

Pipeline and Hazardous
Materials Safety
Administration

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

JUL 29 2014

Mr. Mark Dhority
Safety Manager
Valley Equipment Leasing
P.O. Box 16284
Denver, CO 80216

Reference No. 14-0131

Dear Mr. Dhority:

This responds to your June 30, 2014 email and subsequent telephone conversation requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the emergency response telephone information provided on a shipping paper. You have provided a shipping paper and ask if it is compliant with § 172.201(d) with regard to identifying the person (by name or contract number) who has a contractual agreement with the service provider, as prescribed in in subpart G of part 172. You indicated during the telephone conversation that the emergency response telephone number entered on the shipping paper is for a third party emergency response information provider (ERI provider).

The scenario on the provided shipping paper is restated as follows:


The shipping paper is a "Poet Ethanol Products" bill of lading. "Yuma Ethanol, LLC" is shown in the Consignor field at the top of the form; "Ethanol Products, LLC" is shown in the Consignee field; "Phillips 66 Company" is shown in the Ship To/Credit Inventory To field; and "Valley Equipment Leasing Inc." is shown in the Carrier field. The emergency response telephone number is clearly provided at the bottom of the shipping paper.

In accordance with subpart G of part 172 as specified in § 172.604(b)(2), the person who is registered with the ERI provider must be identified by name, or contract number or other unique identifier assigned by the ERI provider, on the shipping paper immediately before, after, above, or below the emergency response telephone number in a prominent, readily identifiable, and clearly visible manner that allows the information to be easily and quickly found, unless the name or identifier is entered elsewhere in a prominent manner as provided in § 172.604(b)(1). Paragraph (b)(1) authorizes the name of the person registered with the ERI provider to be entered elsewhere on the shipping paper in a prominent, readily identifiable, and clearly visible manner that allows the information to be easily and quickly found.

Provided it is "Yuma Ethanol, LLC" that is registered with the ERI provider, the placement of "Yuma Ethanol, LLC" in the Consignor field at the top of the form is consistent with the requirement in §172.604(b)(1) in that it is prominent, readily identifiable, and clearly visible in the first field on the form. In addition, by satisfying subpart G, the shipping paper you provided would be in compliance with § 172.201(d). However, if one of the other parties indicated on the shipping paper is the person who is registered with the ERI provider, their name, or contract number or other unique identifier assigned by the ERI provider would need to be entered on the shipping paper immediately before, after, above, or below the emergency response telephone number.

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

Sincerely,

A handwritten signature in black ink that reads "Shane C. Kelley". The signature is written in a cursive style with a large, stylized 'S' and 'K'.

Shane C. Kelley
Acting International Standards Coordinator
Standards and Rulemaking Division

Waener
172.201(d)
Emergency Response
14-0131

Dodd, Alice (PHMSA)

From: INFOCNTR (PHMSA)
Sent: Monday, June 30, 2014 2:45 PM
To: Hazmat Interps
Subject: FW: 49 CFR 172.201(d)
Attachments: Poet Ethanol Products Shipping Paper.pdf

This caller requested we submit this e-mail for a formal letter of interpretation. I previously spoke with him in the HMIC and provided interp letter 11-0152. Thanks, Victoria

From: Mark D [<mailto:Markd@valleyequipmentleasing.com>]
Sent: Monday, June 30, 2014 2:28 PM
To: INFOCNTR (PHMSA)
Subject: 49 CFR 172.201(d)

Hello,

I hope to get clarification on 49 CFR 172.201(d) namely if the attached BOL is compliant. I had a driver receive a violation stating that the Emergency Contact information did not meet the requirements of 49 CFR 172.201(d). I would like to get a letter of Interpretation specifically addressing this BOL. I need to know definitively if it is compliant or if it is not!

Thank you,

Mark Dhority
Safety Manager
Valley Equipment Leasing
303-293-0077 Phone
303-293-3117 Fax
303-905-8152 Cell
markd@valleyequipmentleasing.com

112047

POET

ethanol products

3939 N. Webb Rd.
Wichita, KS 67226

Phone: (316) 303-1380 Fax: (316) 267-1071

Bill of Lading

No. 33850

CONSIGNOR: Yuma Ethanol, LLC

FROM Yuma, CO

HazMat Reg #: 062613553036VX

Load Date: 6/25/2014 5:07:15 AM Shipping Order: 8151174

CONSIGNEE:

Name: Ethanol Products, LLC

Address: 3939 N. Webb Rd.

Wichita, KS 67226

License #: 81-49416-0000

Customer PO: ETH14TP00001

SHIP TO/CREDIT INVENTORY TO:

Name: Phillips 66 Company

Place: Rocky Mtn Pipeline Terminal

2700 East Fifth Street

City: Cheyenne, WY 82007

Gross Tank

Volume: Tank 8433 8,352 Gal

Meter Ticket: 1724

UN1987, Alcohols, N.O.S., 3, II

Gross Gallons Shipped: 8,352

1 Cargo Tank

Net Gallons Shipped: 8,269

Temperature: 75.7 Deg. F.

Carrier: Valley Equipment Leasing Inc.

Driver Name:

Signature:

In case of ACCIDENT OR EMERGENCY, CALL 1-800-633-8253

This is to certify that the above-named materials are properly classified, described, packaged, marked, labeled, and are in proper condition for transportation according to the applicable regulations of the Department of Transportation.

810-1125