



U.S. Department  
of Transportation

Pipeline and Hazardous Materials  
Safety Administration

1200 New Jersey Avenue SE  
Washington DC 20590

DEC 04 2014

Mr. Timothy L. Stipcak  
Pitt Ohio  
15 27<sup>th</sup> Street  
Pittsburgh, PA 15222

Ref. No. 14-0154

Dear Mr. Stipcak:

This is a response to your July 22, 2014 letter requesting clarification of the carrier requirements for shipping papers under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). In your incoming letter, you describe a scenario wherein a company driver picks up a hazardous materials (hazmat) shipment with a complete shipping paper, including the shipper's certification required by § 172.204, and returns to a local terminal operated by the company. The shipping paper and certification (i.e., the original freight bill) is scanned at the terminal for retention purposes and a new freight bill is created that includes all shipping paper information except for the shipper's certification. A different driver from the company is then given the freight bill for final delivery of the hazmat to the shipper's customer. Your questions are paraphrased and answered below.

Q1. Section 177.817(a) requires that a subsequent carrier may not transport a hazmat unless it is accompanied by a shipping paper prepared in accordance with Part 172 of the HMR, except for the shipper's certification under § 172.204. How does a carrier determine if it is the initial carrier or a subsequent carrier in order to determine if a shipper's certification is required on the shipping paper?

A1. The term "subsequent carrier" is not defined in the HMR. The carrier accepting the hazmat offered by the shipper is considered the initial carrier. Regarding the scenario you describe, provided the shipper's certification was on the shipping paper offered to the initial carrier it would not be required on any subsequent documents created for that shipment. This would include a document such as a freight bill created at a carrier's terminal, provided the recordkeeping requirements applicable to a carrier are met, in accordance with § 177.817(f).

Q2. How does a roadside inspector determine at the time of inspection if the carrier is the initial or subsequent carrier, and the applicability of the requirement to have a shipper certification present on the shipping paper at the time of inspection?

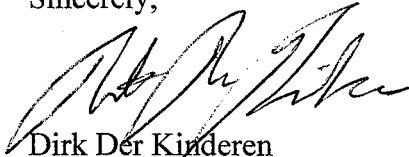
A2. The HMR does not specify procedures for roadside inspections. For further information on inspections conducted by the Pipeline and Hazardous Materials Safety Administration, please see 49 CFR 107.305.

Q3. If the initial carrier (accepting the hazmat) and the subsequent driver (delivering the hazmat) are the same company, is the subsequent driver required to have a shipper's certification on the shipping paper?

A3. No. See A1. Additionally, we have enclosed a previous interpretation (Ref. No. 97-0077) that further discusses this issue.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Dirk Der Kinderen', written in a cursive style.

Dirk Der Kinderen  
Acting Chief, Standards Development  
Standards and Rulemaking Division



U.S. Department  
of Transportation

**Research and  
Special Programs  
Administration**

APR 9 1997

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

Ms. Carrie Taranta  
Hazardous Materials Manager  
Jevic Transportation, Inc.  
Post Office Box 5157  
Delanco, NJ 08075

Dear Ms. Taranta:

This is in response to your letter of March 24, 1997, requesting clarification on shipping paper provisions under the Hazardous Materials Regulations (HMR; 49 CFR parts 171-180). You state that your company picks up hazardous materials nationwide. Each original bill of lading has a shipper's certification present. The original bill of lading is imaged into a mainframe and a delivery receipt is cut for the next portion of movement; this delivery receipt does not have a shipper's certification. You ask whether the delivery receipt containing all the required information except for the shipper's certification is authorized.

The answer is yes. Each person who offers a hazardous material for transportation must certify that the material is offered for transportation in accordance with the HMR by printing and signing one of the shipper's certification provided in § 172.204. Each carrier must maintain the certification showing that the shipment accepted was prepared in accordance with the HMR. However, nothing in the HMR requires that the shipper's certification must be on any subsequent paperwork cut for that shipment. As you stated, § 177.817 requires that each hazardous material must be accompanied by a shipping paper that is prepared in accordance with §§ 172.200, 172.201, 172.202 and 172.203. The shipper's certification is required by § 172.204.

I hope this information is helpful.

Sincerely,

Delmer F. Billings  
Chief, Regulations Development  
Office of Hazardous Materials Standards

July 22, 2014

U.S. Department of Transportation  
Pipeline and Hazardous Materials Safety Administration  
East Building, 2nd Floor  
Mail Stop: E21-317  
1200 New Jersey Ave., SE  
Washington, DC 20590

RE: Letter of Interpretation

Dear Magdy El-Sibaie, Associate Administrator for Hazardous Materials Safety:

I respectfully request a letter of interpretation regarding the following questions and scenario as they relate to 49 CFR Sections 177.817 – shipping papers and 172.204—shipper certification.

**Question 1:** Pursuant to Section 177.817(a) “A subsequent carrier may not transport a hazardous material unless it is accompanied by a shipping paper prepared in accordance with part 172 of this subchapter, except for §172.204, which is not required”. How does the carrier or driver determine if he/she is the initial carrier or subsequent carrier, and the applicability of the exception in Section 172.204 to have a shipper certification present on the shipping paper?

**Question 2:** In relation to the above, how does a roadside inspector determine at the time of inspection if the carrier at hand is the initial carrier or subsequent carrier, and the applicability of the exception in Section 172.204 to have a shipper certification present on the shipping?

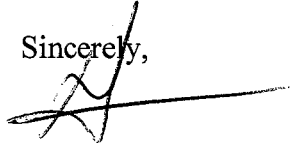
**Question 3:** Pursuant to Section 177.817(a) “A *person* may not accept a hazardous material for transportation or transport a hazardous material by highway unless that person has received a shipping paper prepared in accordance with part 172 of this subchapter or the material is excepted from shipping paper requirements under this subchapter. A *subsequent carrier* may not transport a hazardous material unless it is accompanied by a shipping paper prepared in accordance with part 172 of this subchapter, except for §172.204, which is not required.” If the *person* and *subsequent carrier* work for the same company, is the subsequent driver required to have a shipper certification on the shipping paper?

**Scenario:** A Pitt Ohio driver based out of Harrisburg, PA picks up a hazardous material shipment from a shipper destined for Columbus, OH on a properly completed shipping paper which includes a signed shipper certification. The driver returns to his/her local terminal. That original shipping paper is then scanned into an imaging system for retention purposes and a freight bill is created for delivery purposes. The freight bill includes all of the information on the original bill of lading, with the exception of the shipper certification. The Pitt Ohio Columbus, OH local driver is then given the freight bill to which he/she makes the final delivery on to the local customer. That signed freight bill is then uploaded into the imaging system under the same tracking number as the original bill of lading.

In the above scenario, it is my interpretation of the regulation that the freight bill created by the carrier from the original shipping paper does not need to have a shipper certification on it, due to the fact that the original shipping paper had a shipper certification, and it is on file and available upon request or during a facility review. Is my reading of the regulation correct?

I appreciate you taking the time to review and answer the above questions and scenario for clarification. If you need any further clarification on the above questions or scenario please do not hesitate to contact me at 1-800-366-7488 extension 6311.

Sincerely,

A handwritten signature in black ink, appearing to read 'Timothy L. Stipcak', written over a horizontal line.

Timothy L. Stipcak, Manager  
Safety and Risk Management