



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

1200 New Jersey Avenue, SE  
Washington, DC 20590

JAN 12 2016

Mr. W. A. Winters  
President  
Regulatory Resources Inc.  
379 Aragon Avenue  
Los Alamos, NM 87544

Reference No. 16-0157

Dear Mr. Winters:

This letter is in response to your September 23, 2016, letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to shipping papers. Specifically, you ask questions pertaining to the placement of certain entries as they relate to an example shipping paper you included in your letter. We have paraphrased and answered your questions as follows:

- Q1. Section 172.202(c) requires the total quantity of hazardous material covered by one description to appear before or after, or both before and after, the description required and authorized by Subpart C of Part 172. What other information, if any, is authorized to be placed before the required description?
- A1. As prescribed in §§ 172.201(a)(4) and 172.202(c), certain information may be placed before the basic description, such as quantity shipped, the type of packaging, and destination marks. Otherwise, additional information must be entered on the shipping paper after the basic description prescribed in § 172.202(a).
- Q2. In the same scenario as Q1, how much “after” the required description can the total quantity of material be indicated for a shipping paper to be considered acceptable? Does our example shipping paper meet that standard?
- A2. There are no boundaries—written or otherwise—with regard to what is considered an acceptable “after” location for the quantity of material covered by a description so long as it is not considered excessive. To that end, the location depicted in the example shipping paper you provided is acceptable.
- Q3. Does the type of package indicated in our example shipping paper meet the requirements of § 172.202(a)(7)?

- A3. The answer is no. The number and type of packages must be indicated on a shipping paper either before or after the required basic description. See §§ 172.202(a)(7) and 172.202(c). The type of packages must be indicated as a description of the package (i.e., "12 drums"). The example shipping paper provided with your letter does not meet that standard because the "RIDGED OR SHARPS US DOT TRANSPORT CONTAINER" field does not sufficiently describe a commonly recognizable package type.
- Q4. Does the emergency contact telephone number depicted in our example shipping paper meet the requirements of § 172.604(a)(3)(ii)?
- A4. The answer is yes. Section 172.604(a)(3)(ii) requires that the emergency contact telephone number be entered once on the shipping paper in a manner that sets the information apart to provide for quick and easy recognition. The example location and method depicted in the shipping paper you provided meets this requirement.

I hope this information is helpful. Please contact us if we can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Glenn Foster". The signature is fluid and cursive, with a long horizontal stroke at the end.

T. Glenn Foster  
Chief, Regulatory Review and Reinvention Branch  
Standards and Rulemaking Division

Stevens  
172.202(c)  
Shipping Papers  
16-0157

**Goodall, Shante CTR (PHMSA)**

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**From:** INFOCNTR (PHMSA)  
**Sent:** Friday, September 23, 2016 6:04 PM  
**To:** Hazmat Interps  
**Subject:** FW: Request for Clarification  
**Attachments:** New Interp Request.pdf

Hi Shante/Alice,

Please submit this as a letter of interpretation. Please let me know if you have any questions.

Thanks,

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Attached is a request for clarification regarding the Hazardous Materials Regulations. Please contact me if you have any questions.  
Thank you,  
Wade Winters  
505-393-0111



Standards and Rulemaking Division  
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

Dear Standards and Rulemaking Division,

RRI is a training and consulting company. We often will use bad examples as a training tool in compliance. Discussions have ensued with regard to the example shipping description/paper provided. RRI is seeking PHMSA's opinion on the questions below.

The requirement for the quantity to be identified for a description of hazardous material on a shipping paper is located in 172.202(c). This information may be entered before or after (or both) the required description. Paragraph 172.201(a)(4) stipulates that any additional information may be included but must be placed after the required description. My questions are:

- (1) Given 172.201(a)(4), would the quantity location before the required hazardous material description be better stated as "immediately before"? In other words, is any other information, other than specified in 172.201, allowed to be placed before the required description?
- (2) Are there any unwritten boundaries on what is acceptable with regard to the "after" location of the quantity of material covered by a description? For example, given the hazardous materials shipping paper shown below, would the location of the quantity be acceptable?

On other subjects, with regard to the shipping paper example provided:

- (3) Is the type of package indicated in the example shipping paper sufficient to meet the requirement of 172.202(a)(7)?
- (4) Does the means by which the emergency contact telephone number is displayed meet the intent of 172.604(a)(3)(ii)?

Please contact me if you have any questions. Our office number is 505-393-0111. Thank you,

A handwritten signature in black ink, appearing to read 'W. A. Winters', is written in a cursive style.

W. A. Winters President  
379 Aragon Avenue  
Los Alamos, NM 87544  
voice: 505-393-0111  
hazmat@regulatoryresources.net  
www.regulatoryresources.net

WAW/lom

Storage Facility/Station:  
555 Anystreet - Anywhere, AW 98765

**RRI RMW Inc.**  
PO Box 1234  
Anywhere, AW 98765  
555-555-1212 - Fax 555-555-1234

MANIFEST NO:  
RRI NO.: 070861

UN3291  
REGULATED MEDICAL WASTE, n.o.s.  
CLASS 6.2  
PG. II

**BIOHAZARDOUS REGULATED MEDICAL (SPECIAL) WASTE MANIFEST / TRACKING DOCUMENT**

In case of emergency, please call: 555-555-5666 (24-hr RRI RMW, Inc. emergency response telephone number)

<b>GENERATOR/CUSTOMER</b>	CUSTOMER / GENERATOR / ORIGIN WASTE TYPE RMW Generator Inc.						TELEPHONE NUMBER 555-555-3434		
	ADDRESS 123 Medical Street, Medical, AW 98567								
	WASTE TYPE Regulated Medical Waste	NO. OF RIDGED OR SHARPS US DOT TRANSPORT CONTAINERS COLLECTED						CERTIFIED TOTAL WT. OF CONTAINERS 215.5 lbs	
		10 GAL	17 GAL	31 GAL	32 GAL	43 GAL	90+ GAL	OTHER	
<p>GENERATOR'S CERTIFICATION: This is to certify that the above-named materials are properly classified, described, packaged, marked and labeled, and are in proper condition for transportation according to the applicable regulations of the Department of Transportation, and that such waste has been managed, packaged, containerized and labeled in accordance with the requirements of 49 CFR 173.133 (Special Waste Requirements) in addition to any other applicable federal, state or local regulations.</p> <p>Ima Shipper NAME OF COMPANY REPRESENTATIVE (Print)      Ima Shipper      SIGNATURE OF REPRESENTATIVE      5/1/2016      DATE</p>									
SPECIAL HANDLING INSTRUCTIONS									
<b>PRIMARY TRANSPORTER</b>	NAME(S) OF PERSONS COLLECTING, TRANSPORTING OR UNLOADING WASTE						INITIALS		
	COMPANY NAME RMW Transporter, Inc.						TELEPHONE NUMBER		
	ADDRESS P.O. Box 666, Somewhere, AW 98234						DATE BIOHAZARDOUS MEDICAL (SPECIAL) WASTE COLLECTED		
	REGISTRATION No. AWED 003456	NO. OF RIDGED OR SHARPS US DOT TRANSPORT CONTAINERS COLLECTED						CERTIFIED TOTAL WT. OF CONTAINERS	
		10 GAL	17 GAL	31 GAL	32 GAL	43 GAL	90+ GAL	OTHER	
<p>I acknowledge receipt of the included biohazardous medical (special) waste and I certify that the information provided above is true and correct and that only untreated biohazardous medical (special) wastes are contained in this load. I am aware that falsification of this document may result in forfeiture of my transporter's registration and/or the privilege of utilizing State authorized facilities.</p> <p>NAME OF COMPANY REPRESENTATIVE (Print)      SIGNATURE OF REPRESENTATIVE      DATE</p>									
STORAGE STATION NAME Anywhere, AW		REG. NO. AWED003456		SIGNATURE OF REPRESENTATIVE			DATE RECEIVED		
<b>SECONDARY TRANSPORTER</b>	NAME(S) OF PERSONS COLLECTING, TRANSPORTING OR UNLOADING WASTE						INITIALS		
	COMPANY NAME						TELEPHONE NUMBER		
	ADDRESS						DATE BIOHAZARDOUS MEDICAL (SPECIAL) WASTE COLLECTED		
	REGISTRATION No.	NO. OF RIDGED OR SHARPS US DOT TRANSPORT CONTAINERS COLLECTED						CERTIFIED TOTAL WT. OF CONTAINERS	
		10 GAL	17 GAL	31 GAL	32 GAL	43 GAL	90+ GAL	OTHER	
<p>I acknowledge receipt of the included biohazardous medical (special) waste and I certify that the information provided above is true and correct and that only untreated biohazardous medical (special) wastes are contained in this load. I am aware that falsification of this document may result in forfeiture of my transporter's registration and/or the privilege of utilizing State authorized facilities.</p> <p>NAME OF COMPANY REPRESENTATIVE (Print)      SIGNATURE OF REPRESENTATIVE      DATE</p>									
<b>TREATMENT FACILITY</b>	COMPANY NAME RMW Treatment, Inc.						TELEPHONE NUMBER 555-555-1111		
	ADDRESS 999 Treatment Street, Nothere, AW 98567								
	PERMIT NUMBER AWED 09876	DATE WASTE RECEIVED			TOTAL NET WEIGHT RECEIVED				
	DISCREPANCY INDICATION SPACE								
	<p>I certify that I have been authorized by the State of _____ to accept untreated biohazardous medical (special) waste for treatment and final disposal; and that I have received the above indicated wastes in accordance with the requirements outlined in that authorization.</p> <p>NAME OF COMPANY REPRESENTATIVE (Print)      SIGNATURE OF REPRESENTATIVE      DATE</p>								

Biohazardous Medical (Special) Waste Tracking Documents shall be retained by each responsible party for a period of one (1) year as required by the regulations of the party's respective State government agencies.

**GENERATOR**