



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

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

SEP 24 2009

Mr. Jon Adams
J.B. Hunt Transport, Inc.
615 J B Hunt Corp Dr.
Lowell, AR 72745

Ref. No. 09-0137

Dear Mr. Adams:

This responds to your June 2, 2009, request for clarification of shipping paper requirements under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask whether it is permissible for a shipper to use the shipping papers provided by a previous shipper of a hazardous material.

According to your scenario, Shipper A ships a hazardous material to Shipper B. Shipper A uses a separate page on the shipping paper to list the hazardous material. Shipper B then combines the hazardous material with other freight for re-shipment. Shipper B does not create a new shipping paper for the hazardous material, but simply uses the shipping paper provided by Shipper A, which lists Shipper B as the receiver. You ask if this is permitted under the HMR.

Shipping paper requirements are set forth in Subpart C of Part 172 of the HMR. Unless specifically excepted in the HMR, each person who offers a hazardous material for transportation in commerce must describe the material on a shipping paper and certify that the shipment is offered for transportation in accordance with the HMR. In the scenario described in your letter, Shipper B is offering the hazardous materials for transportation in commerce and, thus, must comply with the applicable shipping paper requirements, including certifying that the shipment conforms to the HMR. Shipper B may rely on the information provided by Shipper A in preparing the shipping paper unless Shipper B knows, or a reasonable person acting in the circumstances and exercising reasonable care would know, that the information provided is incorrect. Note that the shipping paper must be accompanied by emergency response information in accordance with Subpart G of Part 172 of the HMR, including a telephone number for use in the event of an emergency involving the shipment. You may use the emergency response information provided by Shipper A for re-shipment of the hazardous material.

However, you may not use the emergency response telephone number provided by Shipper A except by previous arrangement with Shipper A.

I hope this answers your inquiry.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles E. Betts". The signature is written in a cursive style with a large initial "C" and "B".

Charles E. Betts
Chief, Standards Development
Office of Hazardous Materials Standards

Drakeford, Carolyn (PHMSA)

From: INFOCNTR (PHMSA)
Sent: Tuesday, June 02, 2009 11:10 AM
To: Drakeford, Carolyn (PHMSA)
Subject: FW: Hazmat Information Center Feedback: Other Questions?

Booth
\$173.22
\$172.200
Shipping Papers
09-0137

-----Original Message-----

From: PHMSA-Feedback [mailto:PHMSA-Feedback]
Sent: Monday, June 01, 2009 11:21 AM
To: PHMSA HM InfoCenter; PHMSA Webmaster
Subject: Hazmat Information Center Feedback: Other Questions?

Completed via phone by TS on 6/2 @ 11:04am. Left vm.

I was hoping to submit a scenario to determine if it is legal or not. Shipper A ships hazmat to crossdock (Shipper B). Shipper A uses a separate page on the shipping papers to list the hazardous materials. Shipper B then combines the hazmat freight with other commodities. Shipper B does not create new shipping papers for the hazmat, but simply uses the shipping papers provided by Shipper A, which still list Shipper B as the receiver instead of the shipper. [The only reference on the new shipping papers that references back to the old shipping papers is a line item that gives Shipper A's company name.] Can you tell me if this is legal or not and what regulations govern this?

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