



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

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

MAR 03 2011

Mr. David Brown
Suttons International
485C Route 1 South
Iselin, NJ 08830

Reference No.: 11-0005

Dear Mr. Brown:

This responds to your email regarding the HM-206F final rule, "Revision of Requirements for Emergency Response Telephone Numbers" published on October 19, 2009 in the Federal Register [74 FR 53413]. (A correction to the final rule's effective date was published on October 22, 2010 [74 FR 54489].)

Specifically, you state that your organization, Suttons International, offers hazardous materials on behalf of Sabic Innovative Plastics via vessel through Zim Integrated Shipping Services. On behalf of Sabic Innovative Plastics, Suttons International has contracted with an emergency response information (ERI) provider, Chemtrec, using Sabic Innovative Plastics' name. You ask whether Suttons International can be shown as the shipper on a shipping paper while using Sabic Innovative Plastics' emergency response telephone number, contract number and name to fulfill the requirements of § 172.604, if authority is granted by Sabic Innovative Plastics?

As specified under § 172.604(a), a person (see § 171.8 for the definition of "person") who offers a hazardous material for transportation must provide an emergency response telephone number, including the area code, or for telephone numbers outside of the United States, the international access code or the "+" (plus) sign, country code, and city code, as appropriate, for use in the event of an emergency involving the hazardous material.

Section 172.604(b) specifies that the telephone number required by § 172.604(a) must be either: (1) the number of the person offering the hazardous material for transportation when that person is also the ERI provider; or (2) the number of an agency or organization capable of, and accepting responsibility for, providing the detailed information required by § 172.604(a)(2).

The person who is registered with the ERI provider must ensure that agency or organization has received current information on the material, as required by § 172.604(a)(2), before it is offered for transportation. The name of 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. Note that the name of the person registered with the ERI provider (or the identifying number) is not required to be entered on the shipping paper in association with the ER telephone number if the name of the person is 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.

In accordance with § 171.2(b) there may be more than one offeror of a shipment of hazardous materials. Therefore, provided both Suttons International and Sabic Innovative Plastics meet the definition of "person who offers" in § 171.8, either can be shown as the shipper on a shipping paper. However; the entity that is registered with the ERI provider must be the one noted in association with the ER telephone number. See § 172.604(b)(2). Whether the original or subsequent offeror's ERI provider's telephone number remains active for a subsequent offeror is a matter of agreement between the two parties. A subsequent offeror may not assume that it has authorization to use the original or previous offeror's emergency response telephone number and an offeror who uses an emergency response number other than its own, may only use that number by prior agreement or arrangement.

I hope this satisfies your inquiry. 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 extending to the right.

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

Benedict
§ 172.604
§ 172.606

Drakeford, Carolyn (PHMSA)

From: INFOCNTR (PHMSA)
Sent: Monday, January 03, 2011 4:53 PM
To: Drakeford, Carolyn (PHMSA)
Subject: FW: Hazmat Information Center Feedback: Emergency Response Information (Sections 172.1 – 172.807)

Emergency Response
Telephone Number
11-0005

Hi Carolyn,

We received the following request for a formal letter of interpretation at the Info Center.

Thanks,
Victoria

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

From: PHMSA-Feedback [mailto:PHMSA-Feedback]
Sent: Monday, January 03, 2011 4:17 PM
To: PHMSA HM InfoCenter; PHMSA Webmaster
Subject: Hazmat Information Center Feedback: Emergency Response Information (Sections 172.1 – 172.807)

Suttons International N.A. is a NVOCC/OTI. We reserve space with Zim lines to ship a hazardous material overseas. Our Hazardous dangerous goods Information show Suttons International as the Shipper. The emergency response information we have set up as: Chemtrec on behalf of Sabic Innovative Plastics. We list their contract number etc. The steamship line, ZIM, is advising since Sabic is not listed as the shipper we can not use their emergency response number. Sabic is the offeror to Suttons and Suttons is the offer to Zim lines. Zim is advising our contract number with Zim needs to be listed. We are an NVOCC/OTI whp purchases space from the lines and contract with the Actual shipper to move their products. We show as shipper on the master bill of lading and haz goods note because it is our contract with the steamship line were shipping under. Not Sabic;s. Can you please provide clarity on this issue.

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