



U.S. Department  
of Transportation  
**Research and  
Special Programs  
Administration**

AUG 20 2001

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Washington, D.C. 20590

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3003 North Central Avenue  
Suite 2600  
Phoenix, AZ 85012-2913

Ref. No. 01-0136

Dear Ms. Christenson:

This is in response to your letter dated May 28, 2001, requesting clarification of the term "offeror" under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you present the following two scenarios and ask whether these activities are subject to the HMR.

In the first scenario, Company A performs all offeror functions, such as selecting and preparing packages for shipment and generating shipping papers for their product. As such, Company A would be considered the offeror for purposes of HMR applicability.

In the second scenario, Company B physically prepares packagings containing Company A's product and generates shipping papers with Company A's oversight. Company A selects the packaging for their product. Because Company A and Company B split the performance of offeror functions, both companies are subject to the HMR as offerors.

The requirements of the HMR apply to persons who offer for transportation, accept for transportation or transport hazardous materials. Any one of several entities in a transportation movement could perform, singly or in combination, regulated functions (e.g., preparation of shipping papers, selection of packaging, etc.).



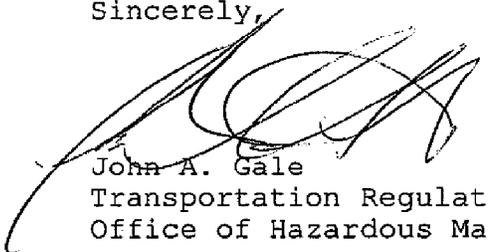
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173.22

For purposes of administration and enforcement of the HMR, any person who performs, attempts to perform, or is obligated (by contract or otherwise) to perform any of the functions assigned by the HMR to an offeror in § 173.22 is subject to the HMR as an offeror.

I hope this satisfies your request.

Sincerely,



John A. Gale  
Transportation Regulations Specialist  
Office of Hazardous Materials Standards

BAH #10T  
§173.22  
Shipper's Responsibility  
01-036

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May 28, 2001

Mr. Ed Mazullo, Director  
Office of Hazardous Materials Standards  
Research and Special Programs Administration  
400 Seventh Street, SW  
Washington, DC 20590-0001

Re: Request for Written Interpretation

Dear Ed:

I am writing this letter on behalf of a client who ships hazardous materials. Under the following scenarios, for purposes of applicability of 49 C.F.R. parts 170 - 179, are one or both of these companies offerors of the hazardous material ("product")?

Scenario 1: Company A owns the product. Company A manufactures the product. Company A prepares the product for shipment by marking, labeling, and packaging the product. Company A prepares the shipping papers and signs the shipper's certification.

Scenario 2: Company A owns the product, it provides the raw materials to manufacture the product, and it always has title to the product. Company B manufactures the product. Company B prepares the product for shipment by marking, labeling, and packaging the product. Company A tells Company B how to prepare shipping papers. Company B prepares the shipping papers, on Company A's bill of lading, and signs the shipper's certification. Company A selects the packaging (a cargo tank) and arranges for transportation of the product.

Thank you for your assistance with this matter. Please contact me if you have any questions.

Sincerely,

Anne N. Christenson