



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

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

AUG 20 2002

Mr. Andrew N. Romach
Regulatory Manager
URS Corporation
1600 Perimeter Park Drive
Morrisville, NC 27560

Ref No.: 02-0132

Dear Mr. Romach:

This is in response to your May 7, 2002 letter requesting clarification of the registration requirements under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you asked if DOT registration is required for a shipper of low volumes of dangerous goods by vessel, such as a few boxes of paint placed in a cargo transport unit filled with nonhazardous equipment. Your questions are paraphrased and answered as follows:

- Q: If a shipper packs a cargo transport unit for shipment by vessel that contains a low volume hazardous material shipment that exceeds the allowed limited quantity amount but is well below 1,001 pounds, would DOT registration be required?
- A: Yes. As specified in §107.601(a)(6), a person who offers or transports a hazardous material for which placarding is required must register. Any amount of hazardous material and transportation of Class 9 materials by vessel require registration for both the offeror and the carrier of the material. Section 172.504(c) allows certain non-bulk shipments an exception from placarding; however, the exception does not apply to transportation by vessel. Thus, regardless of package size (bulk vs. non-bulk) or hazard class, the offering or transporting in commerce by vessel of hazardous materials would require registration.
- Q: If a shipper offers a non-bulk package (such as a fiberboard box containing a gallon of packing group II paint) by ground and then once it reaches the port, a consolidator packs the shipment into a cargo transport unit at which time the consolidator prepares the shipping paper and affixes placards to the cargo transport unit, would DOT registration be required?
- A: Yes. The freight consolidator is performing a function of an offeror and would be required to register. The functions of an offeror include, but are not limited to the following: selection of the packing for a hazardous material, physical transfer of hazardous material to a carrier classifying hazardous materials, preparing shipping papers, reviewing shipping papers to verify compliance



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B: with the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) or international equivalents, signing hazardous materials certifications on shipping papers, placing hazardous material markings or placards on vehicles or packages, and providing placards to a carrier.

In addition, carrier is defined in § 171.8 to mean a person engaged in the transportation of passengers or property by: land or water, as a common, contract or private carrier; or civil aircraft.

I hope this information is helpful. Please contact us if you require additional assistance.

Sincerely,



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



May 7, 2002

Mr. Ed Mazzullo, Director
Office of Hazardous Material Standards
Research and Special Programs Administration
U.S. Department of Transportation
400 7th Street, SW
Washington, DC 20590-0001
FAX: (202) 366-3012

Dear Mr. Mazzullo:

I am writing to you to request a written regulatory interpretation concerning whether DOT registration is required if a shipper is offering low volumes of dangerous goods for marine shipment, such as a few boxes of paint placed in a cargo transport unit primarily filled with nonhazardous equipment.

In 49 CFR 107.601(a)(6), DOT registration is required for:

Any person who offers for transportation, or transports, in foreign, interstate, or intrastate commerce...a quantity of hazardous material that requires placarding, under provisions of subpart F of 172 of this chapter.

In 49 CFR 172.504(a):

Except as otherwise provided in this subchapter, each bulk packaging, freight container, unit load device, transport vehicle or rail car containing any quantity of a hazardous material must be placarded on each side and each end....

The exception from placarding provided in 49 CFR 172.504(c) for 1,001 pounds or less of hazardous materials is limited to highway or rail. No similar exception exists for a marine shipment.

The particular shipment in question is being prepared in accordance with Chapter 5.3 of the International Maritime Dangerous Goods (IMDG) Code, which requires placarding of any cargo transport unit containing dangerous goods (unless the shipment qualifies as a limited quantity). (Limited quantities of dangerous goods are allowed to mark a container with "Limited Quantities" and obtain relief from placarding as allowed in 5.3.2.4.)

Question 1: If a shipper packs a cargo transport unit for marine shipment that contains a low volume hazardous material shipment that exceeds the allowed limited quantity amount but is well below 1,001 pounds, would DOT registration be required?

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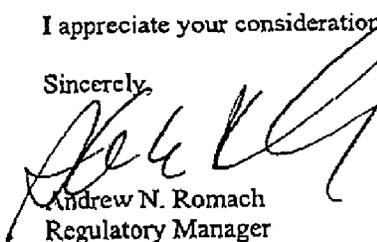
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§ 107.601
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Mr. E. Mazzullo
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Question 2: If a shipper offers by marine a non-bulk package (such as a fiberboard box containing a gallon of packing group II paint) that is transported by ground and then once it reaches the port, the consolidator packs the shipment into a cargo transport unit at which time the consolidator affixes placards to the cargo transport unit, would DOT registration be required?

I appreciate your consideration of this matter.

Sincerely,



Andrew N. Romach
Regulatory Manager
URS Corporation