



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

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

MAR - 3 2006

Mr. Andy Glode
Hazardous Materials Shipping Specialist
Office of Environmental Health and Safety
University of New Hampshire
11 Leavitt Lane
Durham, NH 03824

Ref No. 06-0025

Dear Mr. Glode:

This is in response to your letter dated February 3, 2006 requesting clarification of the final rule published December 9, 2005, entitled "Hazardous Materials: Incorporation of Statutorily Mandated Revisions to the Hazardous Materials Regulations" (HM-240). Specifically, you ask if shippers must retain shipping papers for shipments made since January 1, 2005.

The answer is yes. Prior to enactment of the Hazardous Materials Safety and Security Reauthorization Act of 2005 (the Act; Title VII of Pub. L. 109-59, 119 Stat. 1144 (August 10, 2005)), shippers and carriers were required to retain shipping papers for 375 days after the hazardous materials shipment was accepted by the initial carrier. The Act amended this regulation to require persons who provide shipping papers to retain copies for a period of two years and carriers to retain copies for a period of one year after the date the shipping paper is provided to the initial carrier. The HM-240 final rule incorporated the new shipping paper retention requirements into the Hazardous Materials Regulations (HMR). The effective date of this final rule is January 9, 2006. Shipments offered or accepted for transportation prior to January 9, 2006 are not subject to the new shipping paper retention provisions. For shipments offered or accepted for transportation prior to January 9, 2006, each person who provides a shipping paper and each person who receives a shipping paper must retain a copy of the shipping paper or an electronic image thereof for 375 days after the shipment is accepted by the initial carrier.

For shipments offered or accepted for transportation on or after January 9, 2006, each person who provides a shipping paper must retain a copy of the shipping paper or an electronic image thereof for two years after the shipment is accepted by the initial carrier;



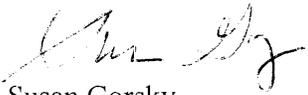
060025

172-201

each person who receives a shipping paper must retain a copy of the shipping paper or an electronic image thereof for one year after the shipment is accepted by the initial carrier.

I hope this information is helpful.

Sincerely,

A handwritten signature in black ink, appearing to read "Susan Gorsky", written in a cursive style.

Susan Gorsky
Regulations Officer
Office of Hazardous Materials Standards



UNIVERSITY of NEW HAMPSHIRE 06-0025

Foster
§ 172.201
Shipping Papers

February 3, 2006

Susan Gorsky, Acting Director
Office of Hazardous Materials Standards
Pipeline and Hazardous Materials Safety Administration
U.S. Department of Transportation
400 Seventh St. SW
Washington, DC 20590

Dear Ms. Gorsky,

I am writing to get clarification on 70 FR 73156, docket HM-240. This final rule changes the requirements for shipping paper retention for shippers and operators. Effective 1/9/2006, shippers must retain shipping papers for 2 years and operators must retain shipping papers for 1 year.

It is unclear from the final rule if this affects shipments made prior to 1/9/2006. For example, must shippers now continue to retain shipping papers for shipments made since 1/1/2005?

I have received conflicting interpretations from the DOT Hazmat Hotline about this and would appreciate your clarification of this matter.

Sincerely,

Andy Glode
Hazardous Materials Shipping Specialist
Office of Environmental Health and Safety
University of New Hampshire
11 Leavitt Lane
Durham, NH
03824

ENVIRONMENTAL HEALTH AND SAFETY

Perpetuity Hall 11 Leavitt Lane Durham, New Hampshire 03824-3522
603-862-4041 603-862-0047 fax <http://www.unh.edu/ehs>