Transportation/Hazardous Materials: Pipeline and Hazardous Materials Safety Administration Interpretation Response Addressing Shipping Papers



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The Pipeline and Hazardous Materials Safety Administration ("PHMSA") issued a July 22nd interpretation response clarifying the Hazardous Materials Regulations ("HMR') applicable to shipping papers.

PHMSA was responding to an April 26th query from DHL Global Forwarding.

DHL asks:

. . . whether a freight forwarder can provide hazardous materials information on shipping papers using transportation information from section 14 of a Safety Data Sheet (SDS)—to include—relevant special handling instructions.

The company also asked whether:

. . . it is acceptable that the shipper's certification will be signed by the shipper (i.e., the freight forwarder customer) and not the freight forwarder.

PHMSA states that the person offering the hazardous materials for transportation (i.e., the shipper) is required to certify that the material is offered for transportation in accordance with the HMR. Therefore, a freight forwarder acting on behalf of the shipper is able to perform certain functions such as preparing shipping papers. A SDS is deemed a useful reference document for information pertaining to a chemical that also happens to be a hazardous material subject to the HMR.

PHMSA qualifies its response by saying that it does not verify or certify transportation information in an SDS. As a result, it states that a SDS may or may not accurately reflect the appropriate hazardous materials information for purposes of the HMR. 49 C.F.R. § 173.22 is cited for the proposition that it is the responsibility of the shipper to properly classify, communicate the hazard for a hazardous material, and determine the correct packaging authorized for the hazardous material.

Finally, PHMSA notes that:

. . . performing a pre-transportation function, such as preparing a shipping paper, will make the freight forwarder subject to requirements of the HMR (e.g., training, etc.).

A copy of the July 22nd interpretation response can be found here.