Transportation/Hazardous Materials: U.S. Pipeline and Hazardous Materials Safety Administration Interpretive Letter Addressing Shipping Papers

The United States Pipeline and Hazardous Materials Safety Administration ("PHMSA") transmitted an April 28th interpretive letter addressing the clarification of the federal Hazardous Materials Regulations ("HMR") applicable to shipping papers. See Reference No. 26-0019.

PHMSA was responding to a February 5th email from Kaitlyn Milam describing a scenario where:

… the offeror (i.e., the shipper) provided a shipping paper, which listed the packaging description as a "pallet," to a carrier that subsequently revised the packaging type on the shipping paper based on their reasoned determination that the original packaging description was not compliant and without knowledge of this action by the shipper.

Milam first asked whether the HMR prohibits a carrier from modifying or correcting a shipping paper that has been certified by the shipper.

PHMSA responds in the negative, stating that if a carrier determines that the shipping paper contains incorrect information and the carrier has accepted the hazardous material for transportation, the shipping paper may be updated with correct information. Further, either the carrier can make the correction at the instruction of the shipper, or the shipper can update the shipping paper and send an electronic copy for the carrier to print out.

The second question posed is whether the shipment must be held until the shipper provides corrected information to the carrier for correction or reissued shipping papers.

PHMSA responds in the affirmative, stating that the shipment must be held. Further, a carrier may rely on information from the shipper or a prior carrier but, as provided in 49 CFR § 171.2(f), cannot transport hazardous materials in commerce knowing that the information provided is incorrect.

A copy of the interpretive letter can be found here.