



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

JUL 27 2005

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

Ms. Jennifer Eberle
Onyx Environmental Services, L.L.C.
1705 Route 46 West, Unit #2
Ledgewood, NJ 07852

Ref. No. 05-0136

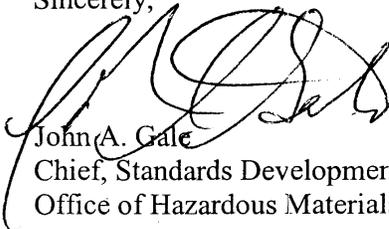
Dear Ms. Eberle:

This responds to your June 2, 2005 letter requesting clarification on shipping paper requirements under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask for clarification on what is meant by "distinctively tabbed" in § 177.817(e)(1).

The requirements of § 177.817(e)(1) are intended to ensure that shipping papers are readily available and easily identifiable in the event of an inspection or emergency. A hazardous materials shipping paper must be clearly identifiable, if carried with other shipping papers or other papers of any kind, with distinctive tabbing or by having it appear first in a stack of documents and papers. The definition of "tab" in Webster's Unabridged Dictionary is "a slight flap, tag or strip, forming an appendage..." It is the opinion of this Office that a paperclip or binder clip does not conform to the requirements of § 177.817(e)(1). However, a flap, tag or strip, or a hazard warning label would be an acceptable method of tabbing if it is positioned to extend beyond the edge of the shipping paper. The tabbing should be of sufficient durability that it will not tear or become detached during the course of transportation.

I hope this answers your inquiry.

Sincerely,



John A. Gale
Chief, Standards Development
Office of Hazardous Materials Standards



050136

§177.817(e)(1)


ENVIRONMENTAL SERVICES

Boothe
§177.817(e)(1)
Shipping Papers
05-0136

June 2, 2005

Mr. Edward T. Mazzullo, Director
Office of Hazardous Materials Standards
USDOT/PHMSA (DHM-10)
400 7th Street, SW
Washington D.C. 20590-0001

Dear Mr. Mazzullo,

I am writing this letter as a request for interpretation on 49 CFR, section 177.817(e)(1).

This section requires shipping papers to be distinctively tabbed or appear first if it is carried with other shipping papers or other papers of any kind. What method does DOT consider meeting the definition of "distinctively tabbed"?

For example, a truck-load shipment of hazardous wastes may contain multiple hazardous waste manifests and other related shipping papers (i.e. - bill of lading, packing slips, land ban forms and other misc. computer generated papers). The driver arranges each set of shipping documents with the hazardous waste manifest appearing on top of each set and the other related documents placed behind it. Each individual set of shipping documents is then secured with a paper clip or binder clip.

Please advise whether a paper clip or binder clip is sufficient in meeting the term "distinctively tabbed". If not, please provide specific clarification on what method would meet the requirements.

If you have any questions regarding this request please feel free to contact me at 973-448-4209.

Thank you,

Jennifer Eberle
Transportation Compliance Manager