



U.S. Department
of Transportation

Pipeline and Hazardous
Materials Safety
Administration

1200 New Jersey Avenue, SE
Washington, D.C. 20590

MAR 14 2013

Mr. Mike Brust
Manager Corporate Safety
FedEx Freight, Inc.
2200 Forward Drive
Harrison, AR 72601

Ref. No. 13-0027

Dear Mr. Brust:

This responds to your January 25, 2013 email requesting clarification of shipping paper requirements under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). In your letter, you describe a scenario involving the use of a three-page shipping paper (as defined in § 171.8 of the HMR) with consecutively numbered pages (e.g., “page 1 of 3”) at the top of each page; and the hazardous material information, as required under Part 172, Subpart C of the HMR, beginning on the second page. Upon request from a member of my staff, you provided a copy of this shipping paper for our review. Continuing the scenario, this shipping paper is placed on top of other shipping documents in the motor vehicle and is the only hazardous material shipping paper in the vehicle. You ask whether this practice satisfies the requirements of shipping paper accessibility requirement for motor vehicles under § 177.817(e) of the HMR.

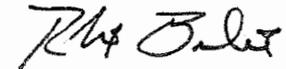
Placing the hazmat shipping paper on top of other shipping papers that are carried in a motor vehicle complies with the § 177.817(e) shipping paper accessibility requirement to clearly distinguish the shipping paper if it is carried with other shipping papers or other papers of any kind. Specifically, paragraph (e) requires the shipping paper to either appear first among the papers or be distinctively tabbed to distinguish among the papers.

We note that the HMR do not specifically require hazardous material information to be listed on the first page of a multi-page shipping paper. For instances where hazardous material and non-hazardous material are listed on the same shipping paper, we require that the hazardous material information either be listed first, entered in a contrasting color, or identified by the entry of an “X” placed before the basic description in a column captioned “HM” (please refer to § 172.201(a)(1)). The shipping paper you provided satisfies this last condition.

Therefore, based on the shipping paper copy you provided and the discussion above, it is the opinion of this Office that the scenario you described would comply with the shipping paper requirements under the HMR.

I hope this information is helpful. If you have further questions, please contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Benedict". The signature is written in a cursive style with a large initial "R" and a stylized "B".

Robert Benedict
Chief, Standards Development Branch
Standards and Rulemaking Division

Drakeford, Carolyn (PHMSA)

From: INFOCNTR (PHMSA)
Sent: Monday, January 28, 2013 1:48 PM
To: Drakeford, Carolyn (PHMSA)
Subject: FW: Request for Interpretation - Shipping Paper Accessibility 177.817(e) with Continuation page 172.201(c)

Hi Carolyn,

We received the following request for a formal letter of interpretation.

Thanks,
Victoria

From: Brust, Mike --- Mgr-Corporate Safety --- GO [<mailto:mike.brust@fedex.com>]
Sent: Friday, January 25, 2013 6:47 PM
To: Brust, Mike --- Mgr-Corporate Safety --- GO; INFOCNTR (PHMSA)
Cc: Richesin, Sandra --- Safety Compliance Specialist --- GO
Subject: Request for Interpretation - Shipping Paper Accessibility 177.817(e) with Continuation page 172.201(c)

January 25, 2013

Pipeline and Hazardous Materials Safety Administration (PHMSA)

U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration
East Building, 2nd Floor
1200 New Jersey Ave., SE
Washington, DC 20590

I would like to have an interpretation concerning the continuation page on shipping papers and how this may affect shipping paper accessibility.

Here is the scenario:

A driver hauls a hazardous material shipment with three pages of shipping papers for this one shipment. At the top of each page it clearly indicates "Page 1 of 3", "Page 2 of 3" and "Page 3 of 3". The first page lists information about the shipment but not the specific amount or type of hazardous material being hauled; pages two and three contain this information. The hazardous material shipping papers are in order and are on the top of all the other shipping papers.

If we hand an officer our shipping papers in this manner, are we compliant to 49 CFR 177.817(e) Shipping Paper Accessibility by using the 49 CFR 172.201(c) Continuation Page regulation?

Thank you for your time and I will be looking forward to the interpretation to this situation.

Mike Brust, CDS

Mgr-Corporate Safety

FedEx Freight, Inc.

870-704-5346

DerKinderen, Dirk (PHMSA)

From: Brust, Mike --- Mgr-Corporate Safety --- GO <mike.brust@fedex.com>
Sent: Wednesday, February 20, 2013 3:00 PM
To: DerKinderen, Dirk (PHMSA); mike.brust@fedex.com
Subject: Re: Taff all documents - 12-12-12.pdf - Adobe Acrobat Professional

Dirk,
Good afternoon,

This shipment was the only hazardous material on the trailer.
We had the 3 pages of hazardous material shipping paper, in order, on top of the other shipping papers the driver was hauling

Thank you
Mike Brust

From: Dirk.DerKinderen@dot.gov
To: mike.brust@fedex.com
Sent: Wed Feb 20 13:03:06 2013
Subject: RE: Taff all documents - 12-12-12.pdf - Adobe Acrobat Professional
Mike,

I just want to make sure I am clear on your intended meaning of the last sentence of your scenario: "The hazardous material shipping papers are in order and are on top of all the other shipping papers."

My question is in regards to the highlighted text.....is this in regard to just the 3-page shipping paper you describe in the scenario or are you saying the 3-page shipping paper is placed with other hazmat shipping papers on top of all other shipping papers.

Sincerely,
Dirk Der Kinderen

From: Brust, Mike --- Mgr-Corporate Safety --- GO [<mailto:mike.brust@fedex.com>]
Sent: Thursday, February 14, 2013 12:23 PM
To: Brust, Mike --- Mgr-Corporate Safety --- GO; DerKinderen, Dirk (PHMSA)
Subject: Taff all documents - 12-12-12.pdf - Adobe Acrobat Professional

<<Taff all documents - 12-12-12.pdf>>

Dirk,

Thank you for your time today, here are the documents you requested.

Please let me know if you have any issues reading these documents,

Thank you,

Mike Brust

DRIVER/VEHICLE EXAMINATION REPORT

Aspen 2.14.1.1.



Washington State Patrol
Commercial Vehicle Enforcement Section
P.O. Box 42814
Olympia, WA 98504-2814
Phone: (360)598-3819 Fax: (360)598-3820

Report Number: WAW708004109
Inspection Date: 12/12/2012
Start: 9:46:00 AM PT End: 10:04:51 AM PT
Inspection Level: II - Walk-Around
HM Inspection Type: Non-Bulk

FEDEX FREIGHT INC
P O BOX 840 DC2260 SAFETY
HARRISON, AR 72802
USDOT#: 00239039 Phone#: (870)741-8000
MC/MX#: 121805 Fax#:
State#:

Driver: TAFF, EDWARD D
License#: TAFF*ED380N8 State: WA
Date of Birth: 08/26/1984
CoDriver:
License#: State:
Date of Birth:

Location: SC38 STANWOOD BRYANT
Highway: 15
County: SKAGIT, WA

MilePost: 215 Shipper: ECOLAB
Origin: EVERETT, WA Bill of Lading: 3601555558
Destination: ANACORTES, WA Cargo: HAZMAT

VEHICLE IDENTIFICATION

Table with columns: Unit, Type, Make, Year, State, Plate #, Equipment ID, VIN, GVWR, CVSA #, CVSA Issued #, OOS Sticker. Contains two rows of vehicle data.

BRAKE ADJUSTMENTS: No Brake Measurements Required For Level 2

VIOLATIONS

Table with columns: Vio Code, Section, Unit, OOS, Citation #, Verify, Crash, Violations Discovered. Row 1: 177.017E, 177.817(e), 1, N, N, N, Shipping paper readability

HazMat: 0 Corrosive material

Placard: Yes Cargo Tank:

Special Checks: No Data for Special Checks.

State Information:

DISTRICT (WSP ONLY): 7; DETACHMENT (WSP ONLY): 20;

THE UNDERSIGNED CERTIFIES THAT ALL VIOLATIONS NOTED ON THIS REPORT HAVE BEEN CORRECTED AND ACTION HAS BEEN TAKEN TO ASSURE COMPLIANCE WITH ALL APPLICABLE FEDERAL AND STATE REGULATIONS. SIGN AND RETURN THIS ENTIRE REPORT WITHIN FIFTEEN (15) DAYS TO ABOVE ADDRESS.

Signature Of Motor Carrier X:

Title:

Date:

Edward Taff

EVT-cd

1461822

Report Prepared By: COLLINS, A

Badge #: 1161

Copy Received By: EDWARD TAFF

Page 1 of 1

X

X

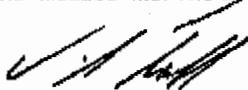
12/13/2012 11:05AM (GMT+00:00)
12/19/2012 3:31PM (GMT+00:00)

02/14/2013 5:03PM (GMT+00:00)

DRIVERS STATEMENT

Edward D Taff
FedEx Employee 1461822
Everett Wa.
RE: WSP Examination report WAW706004103
12/12/2012

On Wednesday 12/12/2012 I was on my delivery route from Everett Wa. to Anachortes Wa. I was properly Packard 8 corrosive on my trailer due to the only hazardous shipment on board, re: FedEx pro# 2816261551 R0. 1 drum UN1760, corrosive liquids, N.O.S., 8, PG III (Quaternary Ammonium compound) at 482 lbs. And also 1 drum of UN3266, corrosive liquid, basic inorganic, N.O.S., 8, PGIII (Potassium carbonate sodium carbonate) at 546 lbs. At 09:45 a.m. I entered the Starwood Bryant scale house at mile post 215 north bound Interstate 5. As I drove over the scales I was red lighted. I came to a stop and I was approached by officer A Collins, WSP badge 1161. Officer Collins greeted me at my driver window and stated that He had noticed I was placarded for hazardous material. I stated to him yes I was. Officer Collins asked to review my shipping papers. I immediately handed him my clip board containing my delivery receipts located on my passenger seat. At this time officer Collins took my clip board and directed me to the inspection parking area for a level 2 walk around inspection. I complied and the interaction was friendly. I arrived to the inspection area and had time to get my inspection affairs in order before officer Collins arrived. I prepared my documents for Officer Collins. Tractor documents, trailer documents, personal documents driver license and medical card. Soon officer Collins arrived to my parking area with his patrol truck. I greeted him with the rest of my documentation. Immediately officer Collins stated that my HM documentation was not in order. He stated that the hazardous material paper work needed to be on the top of my clip board. I stated to him it was. I had several shipments that day and the only Hazardous shipment was FedEx pro 2816261551 R0. That document was the first document on my clip board. The document was a 3 page document. The document was in proper order with shipper information, consignee information, Hazardous shipping information on page two of three with the proper X in the HM column and a emergency response number. Officer Collins stated that page two of three of the documentallion needed to be the first page on my clip board or be tabbed. Officer Collins noted this on his driver vehicle examination report as a violation. No citation was issued. As Officer Collins was reviewing the paper work another lady officer did the level two inspection. All was well with the inspection. The last part of the inspection was officer Collins inspecting the actual hazardous material shipment in the trailer. The shipment was two drums on a pallet properly marked, shrink wrapped and secured to the trailer wall with rope. At this point officer Collins released me. The encounter with Officer Collins was polite



Edward D Taff, Employee 1461822
12/16/12.

12/17/2012 3:23PM (GMT+00:00)

02/14/2013 5:03PM (GMT+00:00)

Shipping paper copy



DELIVERY RECEIPT



Freight Bill 2815261551 R0

2200 FORWARD DRIVE
HARRISON, AR 72601

fedex.com 1.866.393.4585

Shp Date 12/10/2012	Bill of Lading 3501555558
P.O. 742847	Shipper Reference
Origin WHT	Destination EVT

Consignee
TRIBLENT SEAFOOD CORP
ANACORTES PLANT
1400 4TH ST
ANACORTES
WA 98221 US

Trailer # 2312387

Shipper
ECOLAB, INC.
ECOLAB, INC.
18389 EAST RAILROAD ROAD
CITY OF INDUSTRY
CA 91748 US

FedEx Freight Priority

PIECES	NO	NO	DESCRIPTION	WT(LBS)	NMFC	PCF CLASS	RATE	TOTAL CHARGES
			PO# 742847 BOOST 3200 - 55 GAL BOOST 1201 - 55GL LIQUID K 5GL DLV BEFOR 121412 CUSTOM DELIVERY WINDOW DO NOT FREEZE KEN WALN 3602997055- SALES REP 1-800-392-3392 APPOINTMENT DELIVERY ** 12-14-12 REQUESTED DELV HAZARDOUS MATERIAL CHARGE RCVN HRS 0700-1530 ** ANY ADDITIONAL SERVICES MAY RESULT IN ADDITIONAL CHARGES **					

DRIVER COPY

PREPAID - WILL INVOICE THIRD PARTY

ACCESSORIAL SERVICES PERFORMED:

- INSIDE DELIVERY
- RESIDENTIAL LIMITED ACCESS
- SORT & SEGREGATE
- LIFT GATE
- DETENTION
- OTHERS

PREPAID - WILL INVOICE RESPONSIBLE PARTY

Delv. Driver & #:

Date:	Arrive:	Depart:
# of Skids:	# of Pcs:	OS&D #:

Shipment received in apparent good order with wrap intact unless otherwise noted.

Received by:

- Over
 - Damage
 - Short
 - Wrap Broken
- Exceptions:

Customer Requirements/Appointment Instruction

APPOINTMENT FROM 07:00 TO 15:30
 APPT 121212 16:30SETUP121212 02:02
 US (000)000-0000

121412 DLV BEFOR

Arthur Pollack PHMSA -
 800-467-4922



DELIVERY RECEIPT



Freight Bill 2815261551 R0

2200 FORWARD DRIVE
HARRISON, AR 72601

fedex.com 1.866.393.4585

Ship Date 12/10/2012	Bill of Lading 3501555558
P.O. 742847	Shipper Reference
Origin WHT	Destination EYT

Consignee
 TRIBLENT SEAFOOD CORP
 ANACORTES PLANT
 1400 4TH ST
 ANACORTES
 WA 98221 US

Trailer # 2312367

Shipper
 ECOLAB, INC.
 ECOLAB, INC.
 18383 EAST RAILROAD ROAD
 CITY OF INDUSTRY
 CA 91748 US

FedEx Freight Priority

DRIVER COPY

QUANTITY	UNIT	DESCRIPTION	WT (LBS)	UNIT PRICE	EXCESS CHG	RATE	TOTAL CHARGE
1	X	MON-FRI PER KEN 360-293-7701 CLEANING COMPOUND NOIBN LIQUID DRUM, UN1760, CORROSIVE LIQUIDS, N.O.S., 8, PGIII (QUATERNARY AMMONIUM COMPOUND) * EMERGENCY CONTACT 800 424 9300 ERI PROVIDER: ECOLAB, INC.	45 482	048580-03		055 070	
1	X	DRUM, UN3266, CORROSIVE LIQUID, BASIC INORGANIC, N.O.S., 8, PGIII (POTASSIUM CARBONATE SODIUM CARBONATE) * ERI PROVIDER: ECOLAB, INC. ** ANY ADDITIONAL SERVICES MAY RESULT IN ADDITIONAL CHARGES **	546			070	

PREPAID - WILL INVOICE THIRD PARTY

ACCESSORIAL SERVICES PERFORMED:

<input type="checkbox"/> INSIDE DELIVERY	<input type="checkbox"/> SORT & SEGREGATE	<input type="checkbox"/> DETENTION
<input type="checkbox"/> RESIDENTIAL LIMITED ACCESS	<input type="checkbox"/> LIFT GATE	<input type="checkbox"/> OTHERS

PREPAID WILL INVOICE RESPONSIBLE PARTY

Deliv. Driver & #:

Date:	Arrive:	Depart:
# of Skids:	# of Pcs:	OS&D #:

Customer Requirements/Appointment Instruction

Shipment received in apparent good order with wrap intact unless otherwise noted.

APPOINTMENT FROM 07:00 TO 15:30
APPT 121212 15:30SETUP121212 02:02
US (000)000-0000

Received by:

Over Damage Exceptions:

Short Wrap Broken

121412 DLV BEFOR

*Shippers
Certification ??*



DELIVERY RECEIPT



Freight Bill 2815261551 R0

2200 FORWARD DRIVE
HARRISON, AR 72601

fedex.com 1.866.393.4585

Ship Date 12/10/2012	Bill of Lading 3501555558
P.O. 742847	Shipper Reference
Origin WHT	Destination EVT

Consignee TRIBLENT SEAFOOD CORP ANACORTES PLANT 1400 4TH ST ANACORTES WA 98221 US	Trailer # 2312387	Shipper ECOLAB, INC. ECOLAB, INC. 18383 EAST RAILROAD ROAD CITY OF INDUSTRY CA 91748 US
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FedEx Freight Priority

DRIVER COPY

PIECES	NO	WT	DESCRIPTION	SWT(LBS)	UNIT	FEES	RATE	TOTAL CHARGES
			360 299 7055 :CONS PHONE # KEM WALN FDEL SURCHG LTL SHPT 9.50% ** PAK RATES APPLIED ** SCHED121112 13:05 SETUP121112 13:08 L/M US (360)293-7701 APPOINTMENT FROM 07:00 TO 15:30 APPT 121212 15:30SETUP121212 02:02 US (000)000-0000					
** ANY ADDITIONAL SERVICES MAY RESULT IN ADDITIONAL CHARGES **								

3 3 PREPAID - WILL INVOICE THIRD PARTY 1073

ACCESSORIAL SERVICES PERFORMED: <input type="checkbox"/> INSIDE DELIVERY <input type="checkbox"/> SORT & SEGREGATE <input type="checkbox"/> DETENTION <input type="checkbox"/> RESIDENTIAL LIMITED ACCESS <input type="checkbox"/> LIFT GATE <input type="checkbox"/> OTHERS	PREPAID - WILL INVOICE RESPONSIBLE PARTY
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Delv. Driver & #: 1461822 D TAFF

Date: 12/12/12 Arrive: 12:36 Depart: 12:45
 # of Skids: # of Pcs: 3 OS&D #:

Shipment received in apparent good order with no visible damage unless otherwise noted.
 Customer Requirements/Appointment Instruction
 APPOINTMENT FROM 07:00 TO 15:30
 APPT 121212 15:30SETUP121212 02:02
 US (000)000-0000

Received by: C. KEMPT 121412 DLV BEFOR
 Over Damage Short Wrap Broken
 Exceptions: