



U.S. Department
of Transportation

Pipeline and Hazardous Materials
Safety Administration

1200 New Jersey Ave., SE
Washington, DC 20590

SEP 28 2009

Mr. Jason Kob
Infotrac Inc.
200 N. Palmetto St.
Leesburg, FL 34748

Ref. No.: 09-0187

Dear Mr. Kob:

This responds to your August 14, 2009 letter regarding the package marking requirements in the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if the marking exception in § 172.301(d)(1) applicable to the consignee's or consignor's name and address may be utilized if a motor carrier transfers the shipment to a different carrier.

The answer is no. In accordance with § 172.301(d), a non-bulk package must be marked with the name and address of the shipment's consignor or consignee. Paragraph (d)(1) provides an exception from this marking requirement for shipments transported by highway only. However, the exception may not be used if the shipment is transferred from one motor carrier to another.

I trust this satisfies your inquiry. Please contact us if we can be of further assistance.

Sincerely,


for Hattie L. Mitchell
Chief, Regulatory Review and Reinvention
Office of Hazardous Materials Standards

Drakeford, Carolyn (PHMSA)

From: Lehman, Victoria (PHMSA)
Sent: Friday, August 14, 2009 11:00 AM
To: Drakeford, Carolyn (PHMSA)
Subject: Request for interp letter @ HMIC

August 14, 2009

To Whom it May Concern,

172.301(d) states the following.

"(d) Consignee's or consignor's name and address. Each person who offers for transportation a hazardous material in a non-bulk package shall mark that package with the name and address of the consignor or consignee except when the package is—
(1) Transported by highway only and will not be transferred from one motor carrier to another; or
(2) Part of a carload lot, truckload lot or freight container load, and the entire contents of the rail car, truck or freight container are shipped from one consignor to one consignee."

Can I use the "consignee's or consignor's name and address" exception under 172.301 (d)(1) if the motor carrier I hire changes by using a sister carrier without my knowledge? For example, if we hire a company, ABC Company, to transport our material and then without our knowledge, the carrier that we hired transfers our material to their sister carrier (XYZ Company), would we then be in violation of not marking either the consignee or consignor's name and address on our packages?

For example, we receive 96 boxes on a pallet that are marked and labeled correctly according to the HMR except they are not marked with either the consignee's or consignor's name and address. We then re-offer the pallet of 96 boxes to a common carrier without marking the consignee's or consignor's name and address on each of the 96 boxes on the pallet that is shrink-wrapped. The carrier that we hired then transfer the pallet without our knowledge to their sister company for continued transportation. Are we in violation of the HMR 172.301(d)(1) for not marking each of the 96 boxes with either the consignee's or consignor's name and address?

Thanks,

Jason Kob
Infotrac

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8/14/2009