



U.S. Department of Transportation
**Pipeline and Hazardous Materials
Safety Administration**

SEP 30 2010

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

Mr. Michael Ritchie
Hazardous Materials Specialist
Minnesota Department of Transportation
Commercial Vehicle Operations
395 John Ireland Boulevard, MS 460
St. Paul, MN 55155

Reference No. 10-0051

Dear Mr. Ritchie:

This is in response to your e-mail and subsequent telephone conversations and faxes regarding the HM-206F final rule, "Revision of Requirements for Emergency Response Telephone Numbers" published on October 19, 2009 in the *Federal Register* [74 FR 53413]. (A correction to the final rule's effective date was published on October 22, 2010 [74 FR 54489].)

Specifically, you state that trade associations, such as petroleum marketers, contract on behalf of their members, with Emergency Response Information (ERI) providers to supply detailed emergency and incident mitigation information as required by § 172.604(a)(2) of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). You state the ERI providers are capable of, and accept responsibility for, providing this information for individual trade association members. You ask whether § 172.604 requires the name of the individual petroleum company on the shipping paper, or would the contract number between the association and the ERI provider meet the requirements. Under either condition, you further indicate that the name of the association member is included on the shipping paper so an emergency responder can readily and easily identify the individual hazardous materials shipper or carrier, and that the shippers or carriers are transporting only the hazardous materials (i.e.; fuel oil and gasoline) for which the association has provided the required emergency response information.

As specified under § 172.604(a), a person (see § 171.8 for the definition of "person") who offers a hazardous material for transportation must provide an emergency response telephone number, including the area code, or for telephone members outside of the United States, the international access code or the "+" (plus) sign, country code, and city code, as appropriate, for use in the event of an emergency involving the hazardous material.

Section 172.604(b) specifies that the telephone number required by § 172.604(a) must be either: (1) the number of the person offering the hazardous material for transportation when that person is also the ERI provider; or (2) the number of an agency or organization capable of, and accepting responsibility for, providing the detailed information required by § 172.604(a)(2).

The person who is registered with the ERI provider must ensure that agency or organization has received current information on the material, as required by § 172.604(a)(2), before it is offered for transportation. The name of the person who is registered with the ERI provider must be identified by name, or contract number or other unique identifier assigned by the ERI provider, on the shipping paper immediately before, after, above, or below the emergency response telephone number in a prominent, readily identifiable, and clearly visible manner that allows the information to be easily and quickly found. The name of the person registered with the ERI provider or an identifying number, such as a contract number, that identifies the name of the registrant with the ERI provider, may be used to satisfy the requirement. Note that the name of the person registered with the ERI provider (or the identifying number) is not required to be entered on the shipping paper in association with the ER telephone number if the name of the person is entered elsewhere on the shipping paper in a prominent, readily identifiable, and clearly visible manner that allows the information to be easily and quickly found.

Therefore, provided the provisions in Subpart G of Part 172 are met, the association, as registrant with the ERI provider, is the correct person to note, either by name or contract (identifying) number on the shipping paper in association with the ER telephone number.

I hope this information is helpful. Please contact this office should you have additional questions.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Glenn Foster", with a long horizontal flourish extending to the right.

T. Glenn Foster,
Chief, Regulatory Review and Reinvention
Office of Hazardous Materials Standards

Drakeford, Carolyn (PHMSA)

McIntyre
§ 172.604
§ 177.817(e)

Emergency Response Number
10-0051

From: Mitchell, Hattie (PHMSA)
Sent: Friday, March 05, 2010 3:15 PM
To: Drakeford, Carolyn (PHMSA)
Cc: Betts, Charles (PHMSA); susan.gorksky@dot.gov
Subject: RE: Request for interpretation HM-206F

Carolyn, please log in –to Joan.

From: Ritchie, Mike (DOT) [mailto:Michael.Ritchie@state.mn.us]
Sent: Friday, March 05, 2010 2:31 PM
To: Mitchell, Hattie (PHMSA)
Cc: Betts, Charles (PHMSA); susan.gorksky@dot.gov; Kudzia, Randal (DOT)
Subject: Request for interpretation HM-206F

March 5, 2010

Hattie Mitchell
Pipeline & Hazardous Materials
Safety Administration
Office of Standards-PHH-12
1200 New Jersey Avenue
Washington, DC 20590

Dear Ms. Mitchell,

On October 19, 2009, PHMSA issued HM-206F: Revision of the Requirements for Emergency Response Telephone Numbers. This rulemaking addresses the use of Emergency Response Telephone Information Service Providers (ERI providers), organizations that are capable of, and accept responsibility for, providing the detailed emergency and incident mitigation information required by 49 CFR 172.604 (a) (2) for individual hazardous materials shippers or carriers. The revised regulation requires the person registered with the ERI provider to be identified by name or contract number on the shipping paper next to the required emergency contact telephone number if that person is not clearly identified elsewhere on the shipping paper.

Trade associations, such as petroleum marketers, contract with ERI providers, to provide that service for their individual member companies. The trade association provides all required emergency response information to the ERI provider. The member companies deliver the same products, for example fuel oil and gasoline, every day, and carry a shipping paper without change that identifies those products correctly, and retain records of those shipments as required in 49 CFR 177.817 (f). That “permanent” shipping paper prominently displays the emergency contact telephone number of the service provider, but does not have the name of the individual petroleum dealer on it. It is carried in the truck, and accessible as required in 49 CFR 177.817 (e).

The contract to provide emergency telephone information is between the trade association and ERI provider. Display of a contract number next to the emergency contact telephone number on the shipping paper, would identify only the trade association, not the specific hazmat shipper or carrier. The ERI provider does not have contact information for all trade association members. Does the revised regulation require the name of the individual petroleum company to be on the shipping paper, or would the contract number between the association and the ERI provider meet the requirements?

Please contact me if you have any questions.

Yours truly,

Michael Ritchie
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Minnesota Department of Transportation
Commercial Vehicle Operations
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