



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

[08 08 2010]

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

T. Bradley Vance  
Traffic Manager  
American Ordnance LLC  
Iowa Army Ammunition Plant  
17575 HWY 79  
Middletown, IA 52638-9701

Ref. No. 10-0133

Dear Mr. Vance:

This responds to your request for clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to shipper's responsibility. Specifically, you state that your company manufactures and ships containerized product to locations specified by its customers. Your customers will occasionally reshipe those products using a different carrier and by multiple modes of transport to various locations worldwide. Additionally, your customer requests that you provide them with documentation for the subsequent transportation by vessel to the containerized product's final destination. Your questions are paraphrased and answered as follows:

Q1. Who is responsible for providing documentation for the above scenario, the manufacturer (original shipper) or the customer who offers the containerized product to a vessel operator?

A1. The customer is responsible for providing the documentation required to ship the container to the port and subsequent vessel transportation. The customer may, however, rely on information provided by the manufacturer (or previous offeror) and consider it direct knowledge, unless that offeror knows or a reasonable person acting in the circumstances and exercising reasonable care would know that the information provided is incorrect.

Q2. Is a cargo consolidator required to create new shipping papers that consolidates individual consignments or is he or she allowed to offer the shipment with the shipping papers that were prepared by the original offerors?

A2. The HMR do not require that a cargo consolidator create new shipping papers. If the individual shipping paper documents are still active (i.e., the shipment has not reached its intended destination as shown on the shipping papers), they are still acceptable. However, if the cargo consolidator creates new shipping papers they may rely on the

previous certification when recertifying the shipment unless objective factors are present to cause the cargo consolidator to believe that the condition of the shipment has changed since offered by the original shipper (e.g., damage to the packages during transit, broken seal, etc.).

I hope this information is helpful. If you have further questions, please do not hesitate to contact us.

Sincerely,

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

T. Glenn Foster  
Chief, Regulatory Review and Reinvention  
Standards and Rulemaking Division



**American Ordnance**

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Shipper's Responsibility  
10-0133

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June 16, 2010

Mr. Edward T. Mazzullo  
Director, Office of Hazardous Materials Standards  
U.S. DOT/PHMSA (PHH-10)  
1200 New Jersey Avenue, SE East Building, 2nd Floor  
Washington, DC 20590

Dear Mr. Mazzullo,

We, as a manufacturing company, ship material to different destinations worldwide. As the shipper we certify the material for the transport carriage we load to our destination. The question has been brought to my attention that one of our customers wants us to certify the material in a different carriage and to a different destination than we load for transportation.

Here are the details of the situation. We were directed by our customer to ship material to Plattsburg, NY. The customer contracted another organization to unload the material from the trailer we loaded and placed the material into 20' ISO containers. The other organization then shipped the 20' ISO containers to port for overseas shipment. Prior to shipping it to port our customer requested that we send them a signed Dangerous Good Declaration (DGD) for the International Maritime Organization (IMO) for this shipment and mode. Our opinion is the material has reached its destination (Plattsburg, NY) and we have fulfilled our obligation to the 49 CFR and we have no requirement to certify the next mode of transportation, since we are not offering the material for transport overseas. Our opinion is based on interpretation letters reference numbers 00-0023 and 09-0064 Q2, A2.

We need to know who should be providing and signing the DGD for the IMO. Should it be the manufacturer, the organization that places it into the carriage (containerizes) for the movement across sea, or the customer, who is listed as the shipper on the Export License?

Thank you in advance for your response and we look forward to hearing from you.

Sincerely,

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