



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

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

DEC 15 2010

Ms. Erin Jarman  
Environmental Scientist  
URS Corporation  
1600 Perimeter Park Drive, Suite 400  
Morrisville, NC 27560

Ref. No. 10-0232

Dear Ms. Jarman:

This responds to your May 5, 2010 request for clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you request clarification regarding the incident reporting requirements in §§ 171.15 and 171.16. Your questions are paraphrased and answered as follows:

Q1. If a person knows that an incident occurred while another party was in physical possession of a hazardous materials shipment, is that person required to investigate whether an incident report was filed by the party that was in possession of the material?

A1. The answer is no. As required in §§ 171.15 and 171.16, it is the responsibility of the person in physical possession of the hazardous material to provide notice of an incident. There is no requirement of a third party to ensure that the person in possession of the hazardous material provides notice of an incident.

Q2. If a shipper offers a shipment of hazardous materials to a carrier and that shipment is involved in an incident while in the carrier's possession, is the shipper required to follow-up with the DOT to ensure that the carrier properly reported the incident?

A2. The answer is no. It is not the responsibility of the offeror or shipper of the hazardous material involved in an incident to follow-up with the DOT to ensure that the incident is properly reported by the carrier in physical possession of the hazardous material.

I hope this answers your inquiry. If you need additional assistance, please contact this Office at 202-366-8553.

Sincerely,

Ben Supko  
Acting Chief, Standards Development Branch  
Standards and Rulemaking Division



Winter  
§171.15  
§171.16  
Incident Reporting  
10-0232

May 5, 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:

I am writing to you with regards to the requirement for incident reporting found in the Hazardous Materials Regulations at 49 CFR §171.15 and §171.16. Per the applicability in 49 CFR §171.15(a) and §171.16(a), "each person in physical possession of the hazardous material" at the time an incident occurs must report that incident to the U.S. DOT and in some cases also to the National Response Center.

My questions are as follows:

- 1) If a person has knowledge that an incident occurred while another party was in physical possession of a hazardous materials shipment, is that person required to investigate whether an incident report was filed by the party that was in possession of the material?
- 2) If a shipper offers a shipment of hazardous materials to a carrier and that shipment is involved in an incident while in the carrier's possession, is the shipper required to conduct any sort of follow-up with DOT to ensure that the carrier properly reported the incident?

Thank you in advance for your assistance. I look forward to your response.

Sincerely,

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