



U.S. Department
of Transportation

1200 New Jersey Avenue SE
Washington, DC 20590

**Pipeline and Hazardous
Materials Safety
Administration**

AUG 22 2011

Mr. Carlos Ferriol
Dangerous Goods Coordinator
LAN CARGO
1901 NW 66 Ave
Miami, FL 33122

Ref. No.: 11-0039

Dear Mr. Ferriol:

This responds to your e-mail requesting clarification of the applicability of the emergency response telephone number requirements under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) to shippers who are not "registered" with an Emergency Response Information (ERI) provider. Specifically, you ask if a shipper is required to register with an ERI provider if a third party uses its contract number. Further, you ask if the shipper must provide a contract number.

Yes, another entity may use your emergency response telephone number by prior arrangement with the third-party ERI provider. The ERI provider may require evidence, such as your company name or registration number, indicating that your company contracted for the emergency response services. The shipper must ensure that the shipping papers that accompany the shipment include the information necessary to enable the ERI provider to identify the person by name, or contract number or other unique identifier. Provided that the ERI provider agrees, the shipper would not be required to provide its contract number on the shipping paper.

I hope this information is helpful. If we can be of further assistance, please contact us.

Sincerely,

Ben Supko
Chief, Standards Development
Standards and Rulemaking Division

Drakeford, Carolyn (PHMSA)

Engrum
§ 172.604
Emergency Response Telephone
11-0039

From: INFOCNTR (PHMSA)
Sent: Wednesday, February 09, 2011 3:23 PM
To: Drakeford, Carolyn (PHMSA)
Cc: Lucas, Adam CTR (PHMSA)
Subject: FW: Interpretation Request 172.604

Hi Carolyn,

We received the following request for a formal letter of interpretation at the Information Center. This caller contacted the Info Center and had an extensive conversation with Helen Engrum.

Thanks,

Victoria Lehman

X6-1035

Good evening

To whom it may concern.

I am looking forward to receive a clarification on 172.604, and how it applies to shippers who are not register with an Emergency Response Information (ERI) provider; thus they do not have a contract number and an emergency response telephone number. Indeed, USG-12 on the IATA book does not specified that only the shipper must be registered with an ERI provider, but any agency or organization capable of, and accepting responsibility for, providing the detailed information concerning the dangerous goods.

Sometimes shippers hire a person to prepare their hazmat packages and to write the DGD in compliance with IATA regulations. They do it because 1) they are not qualified to prepare hazmat shipments, and 2) they are not registered with an ERI provider. The hazmat specialist is the one who writes down his/her contract number and emergency response telephone number on the DGD, as stated by USG-12. For this reason, shippers do not undergo the necessity to be registered with the ERI provider.

However, are shippers been required to be registered with an ERI provider even though a hazmat specialist, who prepares their dangerous goods, makes available his/her own contract number and emergency response telephone number on the DGD? If the answer is yes, are they required to provide their contract number and emergency response telephone number on the DGD as well?

Thank you for your prompt attention in this matter

Carlos Ferriol| Dangerous Goods Coordinator.

LAN CARGO | 1901 NW 66 Ave Miami FL 33122 | (786) 265-6150 | cferriol@lancargo.com

 Please consider the environment before printing this e-mail

This message is intended only for the use of the individual or entity to whom it is addressed. It may contain confidential or legally privileged information. If you are not the intended recipient you are hereby notified that

any disclosure, copying, distribution of this information is strictly prohibited and may be unlawful. If you have received this communication in error, please notify us immediately by responding to this email and then delete it from your system. LanCargo is neither liable for the proper and complete transmission of the information contained in this communication nor for any delay in its receipt, or any viruses contained in the message.