



U.S. Department  
of Transportation

1200 New Jersey Avenue SE  
Washington, DC 20590

**Pipeline and Hazardous  
Materials Safety  
Administration**

**AUG 10 2011**

Mr. Thomas (TJ) Leech, III, CHMM  
Manager, Dangerous Goods Hotline  
FedEx Express  
3690 Hacks Cross Road, Bldg. I, 3rd Floor  
Memphis, TN 38125-8800

Ref. No. 11-0152

Dear Mr. Leech:

This is in response to your e-mail requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the emergency response telephone number requirements. Specifically, you ask whether the name of an Emergency Response Information (ERI) provider is required to be noted on shipping papers in accordance with § 172.604 of the HMR.

The answer is no. The HMR does not require the name of the ERI provider (such as ChemTel or Chemtrec) to be noted on a shipping paper. However, the telephone number of the ERI provider is required on the shipping paper (see § 172.604(a)).

A requirement specifying that the offeror who made an arrangement with the ERI provider must be identified on a shipping paper was adopted in a final rule under Docket Number PHMSA-2006-26322 (HM-206F), entitled "Hazardous Materials: Revision of Requirements for Emergency Response Telephone Numbers," and published in the Federal Register on October 19, 2009 [74 FR 53413]. A correction to that final rule's effective date was published in the Federal Register on October 22, 2010 [74 FR 54489], and an editorial correction was made under Docket Number PHMSA-2010-0195 (HM-244C) under a final rule entitled "Hazardous Materials: Minor Editorial Corrections and Clarifications," published in the Federal Register on September 1, 2010 [75 FR 53593].) The requirement is applicable to the registrant of the ERI provider; not the ERI provider. The HMR requires the name of the registrant of the ERI provider, (or contract number, or other unique identifier as provided by the ERI provider to identify the registrant), be noted in association with the ERI provider's emergency response telephone number, only

if the registrant is not already noted elsewhere on the shipping paper in a prominent manner. (See § 172.604(b)(1) and (b)(2)) Therefore, provided the registrant's name is already entered elsewhere in this manner, there is no requirement to add the name twice by adding it in association with the emergency response 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". The signature is fluid and cursive, with a large initial "T" and a long, sweeping underline.

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

**Drakeford, Carolyn (PHMSA)**

McIntyre  
§ 172.604  
**Emergency Response Telephone  
Number  
11-0152**

**From:** McIntyre, Joan (PHMSA)  
**Sent:** Wednesday, July 06, 2011 1:43 PM  
**To:** Drakeford, Carolyn (PHMSA)  
**Cc:** Foster, Glenn (PHMSA)  
**Subject:** FW: PHMSA Emergency Phone Number Requirements

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**From:** Thomas Leech [<mailto:tjleech@fedex.com>]

**Sent:** Tuesday, July 05, 2011 12:23 PM

**To:** McIntyre, Joan (PHMSA)

**Subject:** FW: PHMSA Emergency Phone Number Requirements PLEASE EXPEDITE Both e-mails (this one and the one below) should be included for the incoming.

Joan,

There is still confusion about what information is required on the Shipper's Declaration for Dangerous Goods related to the emergency response contact information. See correspondence below. It is my understanding that if a shipper/offeror/person is using an ERI Service Provider (in this case Chemtel) that they do not have to list the name of the service provider on the declaration. Please confirm that my understanding is correct.

Thanks,

**Thomas (TJ) Leech, III, CHMM**  
Mgr Dangerous Goods Hotline  
Corporate Safety  
w 901-434-2400

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**From:** [sean.lynum@dot.gov](mailto:sean.lynum@dot.gov) [<mailto:sean.lynum@dot.gov>]

**Sent:** Tuesday, July 05, 2011 10:02 AM

**To:** Thomas Leech

**Subject:** RE: PHMSA Emergency Phone Number Requirements

Mr. Leech,

My apologies for the delay in my response. I just recently got back into the office from last week's trip.

In reference to your emergency response phone number requirements email, I must inform you that your interpretation of the newly changed regulation is incorrect. In the incident I presented to your company, the shipper, VAS Aero, was not the provider of the emergency response information. The phone number listed on their Dangerous Goods Declaration form was for Chemtel and not VAS Aero. The emergency response regulation allows you to put you OWN number, if you are the shipper, in close proximity to your information and not have to re-list your name. In the case of contracted emergency response providers, you MUST list either the contract providers name or contract number prior to, or above, or below, or behind the emergency response number as the originator of the shipment. The newly changed regulation is very clear in this matter per 49 CFR 172.604(b). As the transporter, it is FedEx's responsibility to make sure the shipping paper is correct prior to transporting the hazmat.

Please let me know if you have any questions.

Sean E. Lynam  
Investigator/Certified EEO Counselor

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