

§ 172.200

- W10 When offered for transportation by vessel, the use of Large Packagings (see §171.8 of this subchapter) is prohibited.
- W31 Non-bulk packagings must be hermetically sealed.
- W32 Non-bulk packagings shall be hermetically sealed, except for solid fused material.
- W40 Non-bulk bags are not allowed.
- W41 When offered for transportation by water, this material must be packaged in bales and be securely and tightly bound with rope, wire or similar means.
- W100 Non-bulk flexible, fibreboard or wooden packagings must be sift-proof and water-resistant or must be fitted with a sift-proof and water-resistant liner.

[Amdt. 172-123, 55 FR 52582, Dec. 21, 1990]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §172.102, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

Subpart C—Shipping Papers

§ 172.200 Applicability.

(a) *Description of hazardous materials required.* Except as otherwise provided in this subpart, each person who offers a hazardous material for transportation shall describe the hazardous material on the shipping paper in the manner required by this subpart.

(b) This subpart does not apply to any material, other than a hazardous substance, hazardous waste or marine pollutant, that is—

(1) Identified by the letter “A” in column 1 of the §172.101 table, except when the material is offered or intended for transportation by air; or

(2) Identified by the letter “W” in column 1 of the §172.101 table, except when the material is offered or intended for transportation by water; or

(3) A limited quantity package unless the material is offered for transportation by aircraft or vessel and, until December 31, 2020, a package of ORM-D material authorized by this subchapter on October 1, 2010, when offered for transportation by highway, rail or vessel.

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(4) Category B infectious substances prepared in accordance with §173.199.

[Amdt. 172-29A, 41 FR 40677, Sept. 20, 1976, as amended by Amdt. 172-58, 45 FR 34697, May 22, 1980; Amdt. 172-74, 47 FR 43065, Sept. 30, 1982; Amdt. 172-112, 53 FR 17160, May 13, 1988; Amdt. 172-127, 57 FR 52938, Nov. 5, 1992; 71 FR 32258, June 2, 2006; 76 FR 3365, Jan. 19, 2011; 78 FR 1112, Jan. 7, 2013]

§ 172.201 Preparation and retention of shipping papers.

(a) *Contents.* When a description of hazardous material is required to be included on a shipping paper, that description must conform to the following requirements:

(1) When a hazardous material and a material not subject to the requirements of this subchapter are described on the same shipping paper, the hazardous material description entries required by §172.202 and those additional entries that may be required by §172.203:

(i) Must be entered first, or

(ii) Must be entered in a color that clearly contrasts with any description on the shipping paper of a material not subject to the requirements of this subchapter, except that a description on a reproduction of a shipping paper may be highlighted, rather than printed, in a contrasting color (the provisions of this paragraph apply only to the basic description required by §172.202(a)(1), (2), (3), and (4)), or

(iii) Must be identified by the entry of an “X” placed before the basic shipping description required by §172.202 in a column captioned “HM.” (The “X” may be replaced by “RQ,” if appropriate.)

(2) The required shipping description on a shipping paper and all copies of the shipping paper used for transportation purposes must be legible and printed (manually or mechanically) in English.

(3) Unless it is specifically authorized or required in this subchapter, the required shipping description may not contain any code or abbreviation.

(4) A shipping paper may contain additional information concerning the material provided the information is not inconsistent with the required description. Unless otherwise permitted or required by this subpart, additional

information must be placed after the basic description required by §172.202(a).

(5) *Electronic shipping papers.* For transportation by rail, a rail carrier may accept shipping paper information either telephonically (i.e., voice communications and facsimiles) or electronically (EDI) from an offeror of a hazardous materials shipment in accordance with the provisions in paragraphs (a)(5)(i)–(a)(5)(iv) of this section. See §171.8 for the EDI definition.

(i) When the information applicable to the consignment is provided under this requirement the information must be available to the offeror and carrier at all times during transport, and the carrier must have and maintain a printed copy of this information until delivery of the hazardous materials on the shipping paper is complete. When a paper document is produced, the data must be presented as required by this subpart.

(ii) The offeror must forward the shipping paper (record) for a loaded movement to the carrier prior to shipment unless the carrier prepares the shipping paper on behalf of the offeror. The offeror is only relieved of the duty to forward the shipping paper once the offeror has received a copy of the shipping paper from the carrier;

(iii) A carrier that generates a residue shipping paper using information from the previous loaded movement of a hazardous materials packaging must ensure the description of the hazardous material that accompanies the shipment complies with the offeror's request; and

(iv) *Verification.* The carrier and the offeror must have a procedure by which the offeror can verify accuracy of the transmitted hazard communication information that will accompany the shipment.

(b) [Reserved]

(c) *Continuation page.* A shipping paper may consist of more than one page, if each page is consecutively numbered and the first page bears a notation specifying the total number of pages included in the shipping paper. For example, "Page 1 of 4 pages."

(d) *Emergency response telephone number.* Except as provided in §172.604(d), a shipping paper must contain an emer-

gency response telephone number and, if utilizing an emergency response information telephone number service provider, identify the person (by name or contract number) who has a contractual agreement with the service provider, as prescribed in subpart G of this part.

(e) *Retention and Recordkeeping.* Each person who provides a shipping paper must retain a copy of the shipping paper required by §172.200(a), or an electronic image thereof, that is accessible at or through its principal place of business and must make the shipping paper available, upon request, to an authorized official of a Federal, State, or local government agency at reasonable times and locations. For a hazardous waste, the shipping paper copy must be retained for three years after the material is accepted by the initial carrier. For all other hazardous materials, the shipping paper must be retained for two years after the material is accepted by the initial carrier. Each shipping paper copy must include the date of acceptance by the initial carrier, except that, for rail, vessel, or air shipments, the date on the shipment waybill, airbill, or bill of lading may be used in place of the date of acceptance by the initial carrier. A motor carrier (as defined in §390.5 of subchapter B of chapter III of subtitle B) using a shipping paper without change for multiple shipments of one or more hazardous materials having the same shipping name and identification number may retain a single copy of the shipping paper, instead of a copy for each shipment made, if the carrier also retains a record of each shipment made, to include shipping name, identification number, quantity transported, and date of shipment.

[Amdt. 172–29A, 41 FR 40677, Sept. 20, 1976]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §172.201, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

§ 172.202 Description of hazardous material on shipping papers.

(a) The shipping description of a hazardous material on the shipping paper must include: