



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

400 Seventh Street, S.W.
Washington, D.C. 20590

JUN 28 2007

Mr. Robert F. Ahlborn
Manager, Hazardous Materials
Hapag-Lloyd (America) Inc.
399 Hoes Lane
Piscataway, NJ 08854

Ref. No. 07-0039

Dear Mr. Ahlborn:

This responds to your electronic mail dated February 2, 2007, requesting the validity of an interpretation issued to you by this office on May 22, 1995, concerning differences in the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) and the International Dangerous Goods Code (IMDG Code) with regard to documentation requirements. You again ask whether a shipping paper certification is necessary for import shipments of hazardous materials at marine terminals in U.S. ports awaiting subsequent transportation.

The answer to your question is yes. The dangerous goods list requirement in paragraph 5.4.3 of Part 5 of the IMDG Code and in § 176.30 of the HMR apply only to hazardous materials loaded on board a ship. Once a container is unloaded from a vessel to a marine terminal and is awaiting subsequent transportation or devanning, there is no requirement other than the emergency response information requirement specified in § 172.602(c)(2). Using a dangerous goods list to serve as the emergency response document is permissible when the dangerous goods list meets the requirements in § 172.602(c)(2).

When subsequent transportation is provided and the container is loaded on a truck or rail car, the document required is a shipping paper. Use of a dangerous goods list to serve as the shipping paper is permissible when the dangerous goods list meets all shipping paper requirements



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172.602(c)(2)
176.30

of Part 5 of the IMDG Code or 49 CFR Part 172, Subparts C and G (shipping papers, including certification and emergency response, respectively).

I trust this satisfies your inquiry. Please contact us if we can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "H. Mitchell", written in a cursive style.

Hattie L. Mitchell
Chief Regulatory Review and Reinvention
Office of Hazardous Materials Standards

Drakeford, Carolyn <PHMSA>

From: Gorsky, Susan <PHMSA>
Sent: Tuesday, February 13, 2007 11:30 AM
To: Drakeford, Carolyn <PHMSA>
Subject: FW: interpretation

Attachments: uscg dg list int.pdf



uscg dg list int.pdf
(660 KB)

Please enter this in the interop system. Thanks.

Susan

-----Original Message-----

From: Kelley, Shane <PHMSA>
Sent: Tuesday, February 13, 2007 11:07 AM
To: Gorsky, Susan <PHMSA>
Subject: FW: interpretation

FYI - Thank you for helping with this!

-----Original Message-----

From: Richard, Bob <PHMSA>
Sent: Friday, February 02, 2007 11:16 AM
To: Pfund, Duane <PHMSA>
Cc: Kelley, Shane <PHMSA>; Bornhorst, R; Mazzullo, Ed <PHMSA>
Subject: FW: interpretation

Duane,

Can you review the attached interop and if it is still valid modernize it (attached) and coordinate a draft with PHH-10 and USCG? I would like to get something back to Bob quickly.

Bob

-----Original Message-----

From: Ahlborn, Robert [mailto:Robert.Ahlborn@hlag.com]
Sent: Friday, February 02, 2007 9:40 AM
To: Richard, Bob <PHMSA>
Subject: interpretation

Bob,

We are experiencing problems with a terminal operator and local USCG inspector in Seattle with regard to marine terminal dg documentation for import shipments. It seems they are reluctant to accept the attached interpretation as 'RSPA no longer exists', it is more than 10 years old and the regulatory references are out of date.

Wonder if the attached interpretation can be reissued under 'PHMSA' with updated regulatory section references and who I should direct my request to ?

Thanks
Bob

Stevens
§176.30
§172.602
Vessel
07-0039