

Transportation/Hazardous Materials: U.S. Pipeline and Hazardous Materials Safety Administration Addresses Question Regarding Shipping Papers



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The United States Pipeline and Hazardous Materials Safety Administration (“PHMSA”) addressed in a January 31st letter the application of the Hazardous Materials Regulations (“HMR”) applicable to shipping papers.

PHMSA was responding to a July 25, 2019, query from J. Lazarus Consulting and Training, LLC (“Lazarus”).

Lazarus described a scenario in which pyrotechnic articles and flammable gases are transported by highway to multiple venues in support of an entertainment enterprise. The operator is stated to begin the tour with a supply of hazardous materials.

Stocks are drawn down as the tour progresses. In addition, Lazarus states that unused items from each show are resealed and reloaded on the truck for use at the next show.

The question is whether:

. . . a new shipping paper is required in this scenario when moving from one destination to another.

PHMSA replies in the affirmative. It states that unless there is an exception, a shipping paper is in fact required each time a shipment of hazardous materials is offered for transportation, further noting that in the proposed scenario:

. . . this accounts for each venue where hazardous materials are unloaded and subsequently repackaged.

PHMSA does note that § 172.201(e) permits use of a single (permanent) shipping paper without change for multiple shipments of one or more hazardous materials having the same shipping name and identification number. However, this provision is noted to require:

. . . When using a permanent shipping paper for multiple shipments, there must be a record of each stop that reflects the shipping name, identification number, quantity transported, and date of shipment after repackaging/reloading the hazardous materials.

A copy of the PHMSA letter can be downloaded [here](#).