



**Walter Wright, Jr.**  
wwright@mwlaw.com  
(501) 688.8839

# Transportation/Hazardous Materials: Pipeline and Hazardous Materials Safety Administration Interpretation Response Addressing Hazardous Waste Manifests

08/18/2022

The United States Department of Transportation and Pipeline and Hazardous Materials Safety Administration ("PHMSA") addressed in a July 28th interpretation response a question involving application of the Hazardous Materials Regulations ("HMR") applicable to United States Environmental Protection Agency ("EPA") hazardous waste manifests and hazardous materials shipping papers.

PHMSA was addressing a question posed in a March 7th email from Duke Energy Corporation ("Duke").

Duke asked in its March 7th email:

. . . when it is appropriate to place an "X" before a shipping description on a hazardous waste manifest and whether the weight of a hazardous material listed on the shipping paper should be indicated as net or gross weight.

PHMSA first addresses whether an "X" is required in Column 9a (Hazardous Material) of a hazardous waste manifest when only transporting hazardous materials. Since it does not regulate the contents of a hazardous waste manifest, PHMSA suggests EPA should be contacted.

Nevertheless, PHMSA notes that as provided in § 172.205(h) of the HMR, a hazardous waste manifest required by 40 CFR part 262 and containing all of the information required by Part 172 Subpart C of the HMR may be used as a shipping paper. The response also notes:

In accordance with § 172.201, when a hazardous material and a material not subject to the requirements of the HMR are described on the same shipping paper, the hazardous material description entry must be entered first, entered in a color that clearly contrasts with any description on the shipping paper of a material not subject to the requirements of the HMR, or 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. This requirement also applies when transporting a hazardous material without an additional material that is not subject to the requirements of the HMR, as well.

The previous answer is referenced in response to the second question posed by Duke which states:

You ask whether an "X" is required in Column 9a of a hazardous waste manifest when only shipping hazardous materials although the shipment includes both a hazardous waste and a non-hazardous waste.

You also state that the shipment could contain a hazardous waste and a non-hazardous waste that are both hazardous materials.

Similarly, the same answer is provided for Duke's third question:

You ask whether Column 9a of the hazardous waste manifest could be filled with an "X" for a hazardous waste and left "blank" for a non-hazardous waste when the shipment contains a hazardous waste and a non-hazardous waste, and both are hazardous materials.

Finally, Duke asked whether the net weight of the hazardous waste in the package can be used instead of the gross weight of the package when shipping non-bulk packages identified on the hazardous waste manifest.

PHMSA responds that a hazardous materials shipping paper may use either "net" or "gross" weight to comply with the hazardous materials shipping paper requirements specified in Part 172 Subpart C of the HMR.

A copy of the interpretative response can be downloaded [here](#).