

# HAZARDOUS MATERIALS Regulations

Your up-to-date resource of DOT hazmat regulations



J. J. Keller  
& Associates, Inc.  
Since 1953

  
**J. J. Keller**  
& Associates, Inc.  
Since 1953

This publication updates in  
May/November

48807

ISBN-13: 978-1-68008-307-1

90000



9 781680 083071

# Hazardous Materials Regulations

Copyright 2018

**J. J. Keller & Associates, Inc.**

3003 Breezewood Lane  
P.O. Box 368  
Neenah, Wisconsin 54957-0368  
Phone: (800) 327-6868  
Fax: (800) 727-7516  
*JJKeller.com*

Library of Congress Catalog Card Number: 2016941710

ISBN: 978-1-68008-307-1

Canadian Goods and Services Tax (GST) Number: R123-317687

All rights reserved. Neither the publication nor any part thereof may be reproduced in any manner without written permission of the Publisher. United States laws and Federal regulations published as promulgated are in public domain. However, their compilation and arrangement along with other materials in this publication are subject to the copyright notice.

Printed in the U.S.A.

# Hazardous Materials Regulations

## Introduction

*Hazardous Materials Regulations: Your Up-to-Date Resource of DOT Hazmat Regulations* will help you with the monumental task of ensuring the safe and legal movement of hazardous materials in commerce. When properly used, this publication will help you stay on top of, and in compliance with, the Hazardous Materials Regulations of DOT's Pipeline and Hazardous Materials Safety Administration (PHMSA).

*Hazardous Materials Regulations* brings together verbatim hazmat regulations in one easy-to-use publication: it contains word-for-word regulations in 49 CFR Parts 105 to 180 as well as other applicable hazmat regulations found in Part 385 Subpart E, Part 387 Subpart A, and Part 397 of the Federal Motor Carrier Safety Regulations.

Each regulation in this publication is identified with a full-bleed tab as well as an extensive table of contents to make finding sections quick and easy. *Hazardous Materials Regulations* is updated on a bi-annual basis (with the online version updated on a continual basis) to ensure that you always have access to the timeliest information.

When *Hazardous Materials Regulations* is used with its companion publication, *Hazardous Materials Compliance: Clear Explanations to Help You Safely and Legally Ship and Transport Hazmat*, you are provided with essential compliance information for your hazardous materials transportation safety and compliance programs.

Revision bars, like the one shown to the left of this paragraph, are used to show where significant changes were made on updated pages. A revision bar to the left of text on a page indicates that text was updated when the page was last replaced. The date on the bottom of the page tells you when the revised page was issued. Twice-yearly updates are provided through an available update service.

Due to the constantly changing nature of government regulations, it is impossible to guarantee absolute accuracy of the material contained herein. The Publisher and Editors, therefore, cannot assume any responsibility for omissions, errors, misprinting, or ambiguity contained within this publication and shall not be held liable in any degree for any loss or injury caused by such omission, error, misprinting or ambiguity presented in this publication.

This publication is designed to provide reasonably accurate and authoritative information in regard to the subject matter covered. It is sold with the understanding that the Publisher is not engaged in rendering legal, accounting, or other professional service. If legal advice or other expert assistance is required, the services of a competent professional person should be sought.

**The Editors & Publisher**  
**J. J. Keller & Associates, Inc.**

# Hazardous Materials Regulations

Published & Printed by

**J. J. Keller & Associates, Inc.**

3003 Breezewood Lane

P.O. Box 368

Neenah, Wisconsin 54957-0368

Phone: (800) 327-6868

Fax: (800) 727-7516

*JJKeller.com*

## EDITORIAL

vice president of editorial & consulting services	<b>STEVEN G. MURRAY</b>
director of editorial resources	<b>PAUL V. ARNOLD</b>
project editor	<b>THOMAS J. ZIEBELL</b>
sr. editorial manager – transportation	<b>BETTY J. B. WEILAND</b>
regulatory consultant – transportation management	<b>THOMAS E. BRAY</b>
sr. editor – transportation safety	<b>DAREN B. HANSEN</b>
sr. editor – transportation management	<b>MARK G. SCHEDLER</b>
editor – hazardous materials transportation	<b>MICHAEL L. ATKINSON</b>
editor – transportation safety	<b>KATHY L. CLOSE</b>
editor – transportation management	<b>RICHARD J. MALCHOW</b>
editor – transportation operations	<b>HEATHER L. NESS</b>
editor – transportation management	<b>ROBERT J. ROSE</b>
editor – transportation safety	<b>JILL M. SCHULTZ</b>
sr. metator/xml analyst	<b>MARY K. FLANAGAN</b>

## PUBLISHING GROUP

chairman	<b>ROBERT L. KELLER</b>
vice chairman & treasurer	<b>JAMES J. KELLER</b>
president & ceo	<b>MARNE L. KELLER-KRIKAVA</b>
evp & chief operating officer	<b>RUSTIN R. KELLER</b>
chief financial officer	<b>DANA S. GILMAN</b>
sr. director of product development	<b>CAROL A. O'HERN</b>
sr. product development manager	<b>JENNIFER M. JUNG</b>
sr. product development specialist	<b>SUZANNE IHRIG</b>
product development specialist	<b>JOSLYN B. SIEWERT</b>
director of manufacturing	<b>TODD J. LUEKE</b>
sr. electronic publishing & prepress manager	<b>GERALD L. SABATKE</b>

The Editorial Staff is available to provide information generally associated with this publication to a normal and reasonable extent, and at the option of, and as a courtesy of, the Publisher.

# Hazardous Materials Regulations

## Table of Contents

**Part 105—Hazardous Materials Program Definitions and General Procedures (online)**

**Part 106—Rulemaking Procedures (online)**

**Part 107—Hazardous Materials Program Procedures**

**Part 109—Department of Transportation Hazardous Material Procedural Regulations (online)**

**Part 110—Hazardous Materials Public Sector Training and Planning Grants (online)**

**Part 130—Oil Spill Prevention and Response Plans (online)**

**Part 171—General Information, Regulations, and Definitions**

**Part 172—Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, Training Requirements, and Security Plans**

**Part 173—Shippers—General Requirements for Shipments and Packagings**

**Part 174—Carriage by Rail**

**Part 175—Carriage by Aircraft (online)**

**Part 176—Carriage by Vessel (online)**

**Part 177—Carriage by Public Highway**

**Part 178—Specifications for Packagings**

**Part 179—Specifications for Tank Cars (online)**

**Part 180—Continuing Qualification and Maintenance of Packagings**

**Part 385—Subpart E—Hazardous Materials Safety Permits**

**Part 387—Subpart A—Motor Carriers of Property**

**Part 397—Transportation of Hazardous Materials; Driving and Parking Rules**

**Dockets Outstanding (online)**

# Part 171

## General Requirements

### Subpart A—Applicability, General Requirements, and North American Shipments

#### §171.1 Applicability of Hazardous Materials Regulations (HMR) to persons and functions.

Federal hazardous materials transportation law (49 U.S.C. 5101 *et seq.*) directs the Secretary of Transportation to establish regulations for the safe and secure transportation of hazardous materials in commerce, as the Secretary considers appropriate. The Secretary is authorized to apply these regulations to persons who transport hazardous materials in commerce. In addition, the law authorizes the Secretary to apply these regulations to persons who cause hazardous materials to be transported in commerce. The law also authorizes the Secretary to apply these regulations to persons who manufacture or maintain a packaging or a component of a packaging that is represented, marked, certified, or sold as qualified for use in the transportation of a hazardous material in commerce. Federal hazardous material transportation law also applies to anyone who indicates by marking or other means that a hazardous material being transported in commerce is present in a package or transport conveyance when it is not, and to anyone who tampers with a package or transport conveyance used to transport hazardous materials in commerce or a required marking, label, placard, or shipping description. Regulations prescribed in accordance with Federal hazardous materials transportation law shall govern safety aspects, including security, of the transportation of hazardous materials that the Secretary considers appropriate. In 49 CFR 1.53, the Secretary delegated authority to issue regulations for the safe and secure transportation of hazardous materials in commerce to the Pipeline and Hazardous Materials Safety Administrator. The Administrator issues the Hazardous Materials Regulations (HMR; 49 CFR Parts 171 through 180) under that delegated authority. This section addresses the applicability of the HMR to packagings represented as qualified for use in the transportation of hazardous materials in commerce and to pre-transportation and transportation functions.

(a) **Packagings.** Requirements in the HMR apply to each person who manufactures, fabricates, marks, maintains, reconditions, repairs, or tests a packaging or a component of a packaging that is represented, marked, certified, or sold as qualified for use in the transportation of a hazardous material in commerce, including each person under contract with any department, agency, or instrumentality of the executive, legislative, or judicial branch of the Federal government who manufactures, fabricates, marks, maintains, reconditions, repairs, or tests a packaging or a component of a packaging that is represented, marked, certified, or sold as qualified for use in the transportation of a hazardous material in commerce.

(b) **Pre-transportation functions.** Requirements in the HMR apply to each person who offers a hazardous material for transportation in commerce, causes a hazardous material to be transported in commerce, or transports a hazardous material in commerce and who performs or is responsible for performing a pre-transportation function, including each person performing pre-transportation functions under contract with any department, agency, or instrumen-

tality of the executive, legislative, or judicial branch of the Federal government. Pre-transportation functions include, but are not limited to, the following:

- (1) Determining the hazard class of a hazardous material.
  - (2) Selecting a hazardous materials packaging.
  - (3) Filling a hazardous materials packaging, including a bulk packaging.
  - (4) Securing a closure on a filled or partially filled hazardous materials package or container or on a package or container containing a residue of a hazardous material.
  - (5) Marking a package to indicate that it contains a hazardous material.
  - (6) Labeling a package to indicate that it contains a hazardous material.
  - (7) Preparing a shipping paper.
  - (8) Providing and maintaining emergency response information.
  - (9) Reviewing a shipping paper to verify compliance with the HMR or international equivalents.
  - (10) For each person importing a hazardous material into the United States, providing the shipper with timely and complete information as to the HMR requirements that will apply to the transportation of the material within the United States.
  - (11) Certifying that a hazardous material is in proper condition for transportation in conformance with the requirements of the HMR.
  - (12) Loading, blocking, and bracing a hazardous materials package in a freight container or transport vehicle.
  - (13) Segregating a hazardous materials package in a freight container or transport vehicle from incompatible cargo.
  - (14) Selecting, providing, or affixing placards for a freight container or transport vehicle to indicate that it contains a hazardous material.
- (c) **Transportation functions.** Requirements in the HMR apply to transportation of a hazardous material in commerce and to each person who transports a hazardous material in commerce, including each person under contract with any department, agency, or instrumentality of the executive, legislative, or judicial branch of the Federal government who transports a hazardous material in commerce. Transportation of a hazardous material in commerce begins when a carrier takes physical possession of the hazardous material for the purpose of transporting it and continues until the package containing the hazardous material is delivered to the destination indicated on a shipping document, package marking, or other medium, or, in the case of a rail car, until the car is delivered to a private track or siding. For a private motor carrier, transportation of a hazardous material in commerce begins when a motor vehicle driver takes possession of a hazardous material for the purpose of transporting it and continues until the driver relinquishes possession of the package containing the hazardous material at its destination

## Part 171: General Requirements

and is no longer responsible for performing functions subject to the HMR with respect to that particular package. Transportation of a hazardous material in commerce includes the following:

(1) *Movement.* Movement of a hazardous material by rail car, aircraft, motor vehicle, or vessel (except as delegated by Department of Homeland Security Delegation No. 0170 at 2(103)).

(2) *Loading incidental to movement of a hazardous material.* Loading of packaged or containerized hazardous material onto a transport vehicle, aircraft, or vessel for the purpose of transporting it, including blocking and bracing a hazardous materials package in a freight container or transport vehicle, and segregating a hazardous materials package in a freight container or transport vehicle from incompatible cargo, when performed by carrier personnel or in the presence of carrier personnel. For a bulk packaging, loading incidental to movement is filling the packaging with a hazardous material for the purpose of transporting it when performed by carrier personnel or in the presence of carrier personnel (except as delegated by Department of Homeland Security Delegation No. 0170 at 2(103)), including transloading.

(3) *Unloading incidental to movement of a hazardous material.* Removing a package or containerized hazardous material from a transport vehicle, aircraft, or vessel; or for a bulk packaging, emptying a hazardous material from the bulk packaging after the hazardous material has been delivered to the consignee when performed by carrier personnel or in the presence of carrier personnel or, in the case of a private motor carrier, while the driver of the motor vehicle from which the hazardous material is being unloaded immediately after movement is completed is present during the unloading operation. (Emptying a hazardous material from a bulk packaging while the packaging is on board a vessel is subject to separate regulations as delegated by Department of Homeland Security Delegation No. 0170 at 2(103).) Unloading incidental to movement includes transloading.

(4) *Storage incidental to movement of a hazardous material.* Storage of a transport vehicle, freight container, or package containing a hazardous material by any person between the time that a carrier takes physical possession of the hazardous material for the purpose of transporting it until the package containing the hazardous material has been delivered to the destination indicated on a shipping document, package marking, or other medium, or, in the case of a private motor carrier, between the time that a motor vehicle driver takes physical possession of the hazardous material for the purpose of transporting it until the driver relinquishes possession of the package at its destination and is no longer responsible for performing functions subject to the HMR with respect to that particular package.

(i) Storage incidental to movement includes—

(A) Storage at the destination shown on a shipping document, including storage at a transloading facility, provided the original shipping documentation identifies the shipment as a through-shipment and identifies the final destination or destinations of the hazardous material; and

(B) A rail car containing a hazardous material that is stored on track that does not meet the definition of “private track or siding” in §171.8, even if the car has been delivered to the destination shown on the shipping document.

(ii) Storage incidental to movement does not include storage of a hazardous material at its final destination as shown on a shipping document.

(d) **Functions not subject to the requirements of the HMR.** The following are examples of activities to which the HMR do not apply:

(1) Storage of a freight container, transport vehicle, or package containing a hazardous material at an offeror facility prior to a carrier taking possession of the hazardous material for movement in transportation in commerce or, for a private motor carrier, prior to a motor vehicle driver taking physical possession of the hazardous material for movement in transportation in commerce.

(2) Unloading of a hazardous material from a transport vehicle or a bulk packaging performed by a person employed by or working under contract to the consignee following delivery of the hazardous material by the carrier to its destination and departure from the consignee’s premises of the carrier’s personnel or, in the case of a private carrier, departure of the driver from the unloading area.

(3) Storage of a freight container, transport vehicle, or package containing a hazardous material after its delivery by a carrier to the destination indicated on a shipping document, package marking, or other medium, or, in the case of a rail car, storage of a rail car on private track.

(4) Rail and motor vehicle movements of a hazardous material exclusively within a contiguous facility boundary where public access is restricted, except to the extent that the movement is on or crosses a public road or is on track that is part of the general railroad system of transportation, unless access to the public road is restricted by signals, lights, gates, or similar controls.

(5) Transportation of a hazardous material in a motor vehicle, aircraft, or vessel operated by a Federal, state, or local government employee solely for noncommercial Federal, state, or local government purposes.

(6) Transportation of a hazardous material by an individual for non-commercial purposes in a private motor vehicle, including a leased or rented motor vehicle.

(7) Any matter subject to the postal laws and regulations of the United States.

(e) **Requirements of other Federal agencies.** Each facility at which pre-transportation or transportation functions are performed in accordance with the HMR may be subject to applicable standards and regulations of other Federal agencies.

(f) **Requirements of state and local government agencies.** (1) Under 49 U.S.C. 5125, a requirement of a state, political subdivision of a state, or an Indian tribe is preempted, unless otherwise authorized by another Federal statute or DOT issues a waiver of preemption, if—

(i) Complying with both the non-Federal requirement and Federal hazardous materials transportation law, the regulations issued under Federal hazardous material transportation law or a hazardous material transportation security regulation or directive issued by the Secretary of Homeland Security is not possible;

(ii) The non-Federal requirement, as applied or enforced, is an obstacle to accomplishing and carrying out Federal hazardous materials transportation law, the regulations issued under Federal hazardous material transportation law,

## Part 171: General Requirements

or a hazardous material transportation security regulation or directive issued by the Secretary of Homeland Security;

(iii) The non-Federal requirement is not substantively the same as a provision of Federal hazardous materials transportation law, the regulations issued under Federal hazardous material transportation law, or a hazardous material transportation security regulation or directive issued by the Secretary of Homeland Security with respect to—

(A) The designation, description, and classification of hazardous material;

(B) The packing, repacking, handling, labeling, marking, and placarding of hazardous material;

(C) The preparation, execution, and use of shipping documents related to hazardous material and requirements related to the number, contents, and placement of those documents;

(D) The written notification, recording, and reporting of the unintentional release of hazardous material; or

(E) The design, manufacturing, fabricating, marking, maintenance, reconditioning, repairing, or testing of a package or container represented, marked, certified, or sold as qualified for use in transporting hazardous material.

(iv) A non-Federal designation, limitation or requirement on highway routes over which hazardous material may or may not be transported does not comply with the regulations in subparts C and D of part 397 of this title; or

(v) A fee related to the transportation of a hazardous material is not fair or is used for a purpose that is not related to transporting hazardous material, including enforcement and planning, developing, and maintaining a capability for emergency response.

(2) Subject to the limitations in paragraph (f)(1) of this section, each facility at which functions regulated under the HMR are performed may be subject to applicable laws and regulations of state and local governments and Indian tribes.

(3) The procedures for DOT to make administrative determinations of preemption are set forth in subpart E of part 397 of this title with respect to non-Federal requirements on highway routing (paragraph (f)(1)(iv) of this section) and in subpart C of part 107 of this chapter with respect to all other non-Federal requirements.

(g) **Penalties for noncompliance.** Each person who knowingly violates a requirement of the Federal hazardous material transportation law, an order issued under Federal hazardous material transportation law, subchapter A of this chapter, or a special permit or approval issued under subchapter A or C of this chapter is liable for a civil penalty of not more than \$78,376 for each violation, except the maximum civil penalty is \$182,877 if the violation results in death, serious illness, or severe injury to any person or substantial destruction of property. There is no minimum civil penalty, except for a minimum civil penalty of \$471 for a violation relating to training.

### §171.2 General requirements.

(a) Each person who performs a function covered by this subchapter must perform that function in accordance with this subchapter.

(b) Each person who offers a hazardous material for transportation in commerce must comply with all applicable requirements of this subchapter, or an exemption or special permit, approval, or registration issued under this subchapter or under subchapter A of this chapter. There may be more than one offeror of a shipment of hazardous materials. Each offeror is responsible for complying with the requirements of this subchapter, or an exemption or special permit, approval, or registration issued under this subchapter or subchapter A of this chapter, with respect to any pre-transportation function that it performs or is required to perform; however, each offeror is responsible only for the specific pre-transportation functions that it performs or is required to perform, and each offeror may rely on information provided by another offeror, unless that offeror knows or, a reasonable person, acting in the circumstances and exercising reasonable care, would have knowledge that the information provided by the other offeror is incorrect.

(c) Each person who performs a function covered by or having an effect on a specification or activity prescribed in part 178, 179, or 180 of this subchapter, an approval issued under this subchapter, or an exemption or special permit issued under subchapter A of this chapter, must perform the function in accordance with that specification, approval, or exemption or special permit, as appropriate.

(d) No person may offer or accept a hazardous material for transportation in commerce or transport a hazardous material in commerce unless that person is registered in conformance with subpart G of part 107 of this chapter, if applicable.

(e) No person may offer or accept a hazardous material for transportation in commerce unless the hazardous material is properly classed, described, packaged, marked, labeled, and in condition for shipment as required or authorized by applicable requirements of this subchapter or an exemption or special permit, approval, or registration issued under this subchapter or subchapter A of this chapter.

(f) No person may transport a hazardous material in commerce unless the hazardous material is transported in accordance with applicable requirements of this subchapter, or an exemption or special permit, approval, or registration issued under this subchapter or subchapter A of this chapter. Each carrier who transports a hazardous material in commerce may rely on information provided by the offeror of the hazardous material or a prior carrier, unless the carrier knows or, a reasonable person, acting in the circumstances and exercising reasonable care, would have knowledge that the information provided by the offeror or prior carrier is incorrect.

(g) No person may represent, mark, certify, sell, or offer a packaging or container as meeting the requirements of this subchapter governing its use in the transportation of a hazardous material in commerce unless the packaging or container is manufactured, fabricated, marked, maintained, reconditioned, repaired, and retested in accordance with the applicable requirements of this subchapter. No person may represent, mark, certify, sell, or offer a packaging or container as meeting the requirements of an exemption, a special permit, approval, or registration issued under this subchapter or subchapter A of this chapter unless the packaging or container is manufactured, fabricated, marked, maintained, reconditioned, repaired, and retested in accordance with the applicable requirements of the exemption, special permit, approval, or registration issued under this



## Part 171: General Requirements

subchapter or subchapter A of this chapter. The requirements of this paragraph apply whether or not the packaging or container is used or to be used for the transportation of a hazardous material.

(h) The representations, markings, and certifications subject to the prohibitions of paragraph (g) of this section include:

(1) Specification identifications that include the letters “ICC”, “DOT”, “TC”, “CTC”, “CRC”, “BTC”, “MC”, or “UN”;

(2) Exemption, special permit, approval, and registration numbers that include the letters “DOT”, “EX”, “M”, or “R”; and

(3) Test dates associated with specification, registration, approval, retest, exemption, or special permit markings indicating compliance with a test or retest requirement of the HMR, or an exemption, special permit, approval, or registration issued under the HMR or under subchapter A of this chapter.

(i) No person may certify that a hazardous material is offered for transportation in commerce in accordance with the requirements of this subchapter unless the hazardous material is properly classed, described, packaged, marked, labeled, and in condition for shipment as required or authorized by applicable requirements of this subchapter or an exemption or special permit, approval, or registration issued under this subchapter or subchapter A of this chapter. Each person who offers a package containing a hazardous material for transportation in commerce in accordance with the requirements of this subchapter or an exemption or special permit, approval, or registration issued under this subchapter or subchapter A of this chapter, must assure that the package remains in condition for shipment until it is in the possession of the carrier.

(j) No person may, by marking or otherwise, represent that a container or package for transportation of a hazardous material is safe, certified, or in compliance with the requirements of this chapter unless it meets the requirements of all applicable regulations issued under Federal hazardous material transportation law.

(k) No person may, by marking or otherwise, represent that a hazardous material is present in a package, container, motor vehicle, rail car, aircraft, or vessel if the hazardous material is not present.

(l) No person may alter, remove, deface, destroy, or otherwise unlawfully tamper with any marking, label, placard, or description on a document required by Federal hazardous material transportation law or the regulations issued under Federal hazardous material transportation law. No person may alter, deface, destroy, or otherwise unlawfully tamper with a package, container, motor vehicle, rail car, aircraft, or vessel used for the transportation of hazardous materials.

(m) No person may falsify or alter an exemption or special permit, approval, registration, or other grant of authority issued under this subchapter or subchapter A of this chapter. No person may offer a hazardous material for transportation or transport a hazardous material in commerce under an exemption or special permit, approval, registration or other grant of authority issued under this subchapter or subchapter A of this chapter if such grant of authority has been altered without the consent of the issuing authority. No person may represent, mark, certify, or sell

a packaging or container under an exemption or special permit, approval, registration or other grant of authority issued under this subchapter or subchapter A of this chapter if such grant of authority has been altered without the consent of the issuing authority.

### §171.3 Hazardous waste.

(a) No person may offer for transportation or transport a hazardous waste (as defined in §171.8 of this subchapter) in interstate or intrastate commerce except in accordance with the requirements of this subchapter.

(b) No person may accept for transportation, transport, or deliver a hazardous waste for which a manifest is required unless that person:

(1) Has marked each motor vehicle used to transport hazardous waste in accordance with §390.21 of this title even though placards may not be required;

(2) Complies with the requirements for manifests set forth in §172.205 of this subchapter; and

(3) Delivers, as designated on the manifest by the generator, the entire quantity of the waste received from the generator or a transporter to:

(i) The designated facility or, if not possible, to the designated alternate facility;

(ii) The designated subsequent carrier; or

(iii) A designated place outside the United States.

NOTE: Federal law specifies penalties up to \$250,000 fine for an individual and \$500,000 for a company and 5 years imprisonment for the willful discharge of hazardous waste at other than designated facilities. 49 U.S.C. 5124.

(c) If a discharge of hazardous waste or other hazardous material occurs during transportation, and an official of a State or local government or a Federal agency, acting within the scope of his official responsibilities, determines that immediate removal of the waste is necessary to prevent further consequence, that official may authorize the removal of the waste without the preparation of a manifest. [NOTE: In such cases, EPA does not require carriers to have EPA identification numbers.]

NOTE 1: EPA requires shippers (generators) and carriers (transporters) of hazardous wastes to have identification numbers which must be displayed on hazardous waste manifests. See 40 CFR parts 262 and 263. (Identification number application forms may be obtained from EPA regional offices.)

NOTE 2: In 40 CFR part 263, the EPA sets forth requirements for the cleanup of releases of hazardous wastes.

### §171.4 Marine pollutants.

(a) Except as provided in paragraph (c) of this section, no person may offer for transportation or transport a marine pollutant, as defined in §171.8, in intrastate or interstate commerce except in accordance with the requirements of this subchapter.

(b) The requirements of this subchapter for the transportation of marine pollutants are based on the provisions of Annex III of the 1973 International Convention for Prevention of Pollution from Ships, as modified by the Protocol of 1978 (MARPOL 73/78).

(c) **Exceptions.** (1) Except when all or part of the transportation is by vessel, the requirements of this subchapter specific to marine pollutants do not apply to non-bulk packagings transported by motor vehicle, rail car or aircraft.

## Part 171: General Requirements

(2) Single or combination packagings containing a net quantity per single or inner packaging of 5 L or less for liquids or having a net mass of 5 kg or less for solids, are not subject to any other requirements of this subchapter provided the packagings meet the general requirements in §§173.24 and 173.24a. This exception does not apply to marine pollutants that are a hazardous waste or a hazardous substance. In the case of marine pollutants also meeting the criteria for inclusion in another hazard class, all provisions of this subchapter relevant to any additional hazards continue to apply.

### §171.6 Control numbers under the Paperwork Reduction Act.

(a) **Purpose and scope.** This section collects and displays the control numbers assigned to the HMR collections of information by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995. This

section complies with the requirements of 5 CFR 1320.7(f), 1320.12, 1320.13 and 1320.14 (OMB regulations implementing the Paperwork Reduction Act of 1995) for the display of control numbers assigned by OMB to collections of information of the HMR.

(b) **OMB control numbers.** The table in paragraph (b)(2) of this section sets forth the control numbers assigned to collection of information in the HMR by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

(1) Column 1 lists the OMB control number assigned to the HMR collections of information. Column 2 contains the Report Title of the approved collection of information. Column 3 lists the part(s) or section(s) in 49 CFR identified or described in the collection of information.

(2) Table.

Current OMB control No.	Title	Title 49 CFR part or section where identified and described
2137-0014	Cargo Tank Specification Requirements.	§§107.503, 107.504, 178.320, 178.337, 178.338, 178.345, 180.407, 180.409, 180.413, 180.417.
2137-0018	Inspection and Testing of Portable Tanks and Intermediate Bulk Containers.	§§173.24, 173.32, 178.3, 178.255, 178.273, 178.274, 178.703, 178.801, 180.352, 180.605.
2137-0022	Testing, Inspection, and Marking Requirements for Cylinders.	§§173.5b, 173.302a, 173.303, 173.304, 173.309, 178.2, 178.3, 178.35, 178.44, 178.45, 178.46, 178.57, 178.59, 178.60, 178.61, 178.68, 180.205, 180.207, 180.209, 180.211, 180.213, 180.215, 180.217, Appendix C to Part 180.
2137-0034	Hazardous Materials Shipping Papers and Emergency Response Information.	§§172.200, 172.201, 172.202, 172.203, 172.204, 172.205, 172.600, 172.602, 172.604, 172.606, 173.6, 173.7, 173.22, 173.56, 174.24, 174.26, 174.114, 175.30, 175.31, 175.33, 176.24, 176.27, 176.30, 176.36, 176.89, 177.817.
2137-0039	Hazardous Materials Incidents Reports.	§§171.15, 171.16, 171.21.
2137-0051	Rulemaking and Special Permit Petitions.	§§105.30, 105.40, 106.95, 106.110, 107.105, 107.107, 107.109, 107.113, 107.117, 107.121, 107.123, 107.125, 107.205, 107.211, 107.215, 107.217, 107.219, 107.221, 107.223.
2137-0510	RAM Transportation Requirements.	Part 173, Subpart I, §§173.22, 173.411, 173.415, 173.416, 173.417, 173.457, 173.471, 173.472, 173.473, 173.476.
2137-0542	Flammable Cryogenic Liquids.	§§173.318, 177.816, 177.840, 180.405.
2137-0557	Approvals for Hazardous Materials.	§§107.402, 107.403, 107.405, 107.502, 107.503, 107.705, 107.713, 107.715, 107.717, 107.803, 107.805, 107.807, 110.30, 172.101, 172.102, Special Provisions 19, 26, 53, 55, 60, 105, 118, 121, 125, 129, 131, 133, 136, B45, B55, B61, B69, B77, B81, N10, N72, 173.2a, 173.4, 173.7, 173.21, 173.22, 173.24, 173.31, 173.38, 173.51, 173.56, 173.58, 173.59, 173.124, 173.128, 173.159, 173.166, 173.171, 173.214, 173.222, 173.224, 173.225, 173.245, 173.301, 173.305, 173.306, 173.314, 173.315, 173.316, 173.318, 173.334, 173.340, 173.411, 173.433, 173.457, 173.471, 173.472, 173.476, 174.50, 174.63, 175.8, 175.85, 175.701, 175.703, 176.168, 176.340, 176.704, 178.3, 178.35, 178.47, 178.53, 178.273, 178.274, 178.503, 178.509, 178.605, 178.606, 178.608, 178.801, 178.813, 180.213.
2137-0559	(Rail Carriers and Tank Car Tank Requirements) Requirements for Rail Tank Car Tanks — Transportation of Hazardous Materials by Rail.	§§172.102, Special provisions: B45, B46, B55, B61, B69, B77, B78, B81; 173.10, 173.31, 174.20, 174.50, 174.63, 174.104, 174.114, 174.204, 179.3, 179.4, 179.5, 179.6, 179.7, 179.11, 179.18, 179.22, 179.100-9, 179.100-12, 179.100-13, 179.100-16, 179.100-17, 179.102-4, 179.102-17, 179.103-1, 179.103-2, 179.103-3, 179.103-5, 179.200-10, 179.200-14, 179.200-15, 179.200-16, 179.200-17, 179.200-19, 179.201-3, 179.201-8, 179.201-9, 179.220-4, 179.220-7, 179.220-8, 179.220-13, 179.220-15, 179.220-17, 179.220-18, 179.220-20, 179.220-22, 179.300-3, 179.300-7, 179.300-9, 179.300-12, 179.300-13, 179.300-15, 179.300-20, 179.400-3, 179.400-4, 179.400-11, 179.400-13, 179.400-16, 179.400-17, 179.400-19, 179.400-20, 179.500-5, 179.500-8, 179.500-12, 179.500-18, 180.505, 180.509, 180.515, 180.517.
2137-0572	Testing Requirements for Non-Bulk Packages.	§§173.168, 178.2, 178.601, Appendix C to Part 178, Appendix D to Part 178.
2137-0582	Container Certification Statement.	§§176.27, 176.172.
2137-0586	Hazardous Materials Public Sector Training and Planning Grants.	Part 110.
2137-0591	Response Plans for Shipments of Oil.	Part 130.
2137-0595	Cargo Tank Motor Vehicles in Liquefied Compressed Gas Service.	§§173.315, 178.337-8, 178.337-9, 180.405, 180.416.

## Part 171: General Requirements

Current OMB control No.	Title	Title 49 CFR part or section where identified and described
2137-0612	Hazardous Materials Security Plans.	Part 172, Subpart I, §§172.800, 172.802, 172.804.
2137-0613	Subsidiary Hazard Class and Number/Type of Packagings.	§§172.202, 172.203.
2137-0620	Inspection and Testing of Meter Provers.	Part 173, Subpart A, §173.5a.
2137-0621	Requirements for United Nations (UN) Cylinders.	§§173.301, 173.304, 173.304b, 178.69, 178.70, 178.74, 178.75, 180.207, 180.209, 180.212, 180.215, 180.217.

### §171.7 Reference material.

(a) **Matter incorporated by reference**—(1) *General*. Certain material is incorporated by reference into subchapters A, B, and C with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, PHMSA must publish a document in the *Federal Register* and the material must be available to the public. Matters referenced by footnote are included as part of the regulations of this subchapter.

(2) *Accessibility of materials*. All incorporated matter is available for inspection at:

(i) The Office of Hazardous Materials Safety, Office of Hazardous Materials Standards, East Building, PHH-10, 1200 New Jersey Avenue SE., Washington, DC 20590-0001. For information on the availability of this material at PHH-10, call 1-800-467-4922, or go to: <http://www.phmsa.dot.gov>; and

(ii) The National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html).

(b) **Air Transport Association of America**, 1301 Pennsylvania Avenue NW., Washington, DC 20004-1707.

(1) ATA Specification No. 300 Packaging of Airline Supplies, Revision 19, July 31, 1996, into §172.102.

(2) [Reserved]

(c) **The Aluminum Association**, 1525 Wilson Blvd., Suite 6000, Arlington, VA 22209, telephone 703-358-2960, <http://www.aluminum.org>.

(1) Aluminum Standards and Data, Seventh Edition, June 1982, into §§172.102; 178.65.

(2) Welding Aluminum: Theory and Practice, 2002 Fourth Edition, into §178.68.

(d) **American National Standards Institute, Inc.**, 25 West 43rd Street, New York, NY 10036.

(1) ANSI/ASHRAE 15-94, Safety Code for Mechanical Refrigeration, 1944, into §§173.306; 173.307.

(2) ANSI N14.1 Uranium Hexafluoride—Packaging for Transport, 1971 Edition, into §§173.417; 173.420.

(3) ANSI N14.1 Uranium Hexafluoride—Packaging for Transport, 1982 Edition, into §§173.417; 173.420.

(4) ANSI N14.1 Uranium Hexafluoride—Packaging for Transport, 1987 Edition, into §§173.417; 173.420.

(5) ANSI N14.1 Uranium Hexafluoride—Packaging for Transport, 1990 Edition, into §§173.417; 173.420.

(6) ANSI N14.1 Uranium Hexafluoride—Packaging for Transport, 1995 Edition, into §§173.417; 173.420.

(7) ANSI N14.1 Uranium Hexafluoride—Packaging for Transport, 2001 Edition, into §§173.417; 173.420.

(e) **American Petroleum Institute**, 1220 L Street NW., Washington, DC 20005-4070.

(1) API Recommended Practice Closures of Underground Petroleum Storage Tanks, 3rd Edition, March 1996, into §172.102.

(2) [Reserved]

(f) **American Pyrotechnics Association (APA)**, P.O. Box 30438, Bethesda, MD 20824, (301) 907-8181, [www.americanpyro.com](http://www.americanpyro.com).

(1) APA Standard 87-1, Standard for Construction and Approval for Transportation of Fireworks, Novelties, and Theatrical Pyrotechnics, December 1, 2001 version into §173.56.

(2) [Reserved]

(g) **The American Society of Mechanical Engineers (ASME)**, 150 Clove Road, Little Falls, NJ 07424-2139, telephone 1-800-843-2763, <http://www.asme.org>.

(1) 2015 ASME Boiler and Pressure Vessel Code (ASME Code), 2015 Edition, July 1, 2015 (as follows), into §§172.102; 173.3; 173.5b; 173.24b; 173.306; 173.315; 173.318; 173.420; 178.255-1; 178.255-2; 178.255-14; 178.255-15; 178.273; 178.274; 178.276; 178.277; 178.320; 178.337-1; 178.337-2; 178.337-3; 178.337-4; 178.337-6; 178.337-16; 178.337-18; 178.338-1; 178.338-2; 178.338-3; 178.338-4; 178.338-5; 178.338-6; 178.338-13; 178.338-16; 178.338-18; 178.338-19; 178.345-1; 178.345-2; 178.345-3; 178.345-4; 178.345-7; 178.345-14; 178.345-15; 178.346-1; 178.347-1; 178.348-1; 179.400-3; 180.407.

(i) Section II—Materials—Part A—Ferrous Materials Specifications.

(ii) Section II—Materials—Part B—Nonferrous Material Specifications.

(iii) Section V—Nondestructive Examination.

(iv) Section VIII—Rules for Construction of Pressure Vessels Division 1.

(v) Section IX—Welding, Brazing, and Fusing Qualifications.

(2) ASME B31.4-2012, Pipeline Transportation Systems for Liquids and Slurries, November 12, 2012, into §173.5a.

(h) **American Society for Testing and Materials**, 100 Barr Harbor Drive, West Conshohocken, PA 1942, telephone (610) 832-9585, <http://www.astm.org>. Copies of

# Want to Keep Reading?

[Visit JJKeller.com now](http://JJKeller.com) to order or get more details on this guide written by our safety & compliance experts.

Convenient Update Service subscriptions are also available to help you make sure your information is always up to date.

## NOW AVAILABLE - Access Your Guide Online

With our NEW Online Edition options, you can access this guide's content from any browser or mobile device. You'll get:

- Search capabilities for easy navigation and fast research
- Bookmarks to help you to quickly flip to sections you frequently use
- Continuous updates to ensure you always have the most current info
- Notifications via homepage and email to help you stay on top of changes
- Easy access to ask questions of our subject matter experts

[Order Now to Keep Reading!](#)



Connect With Us



@jjkeller



jjkeller.com/LinkedIn



google.com/+jjkeller



contact us