HAZARDOUS MATERIALS
Regulations
Your up-to-date resource of DOT hazmat regulations

This publication updates in May/November
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

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Federal hazardous materials transportation law (49 U.S.C. 5101 et seq.) directs the Secretary of Transportation to develop regulations for the pre-transportation and transportation of hazardous materials in commerce, as the Secretary considers appropriate. In 49 CFR 1.53, the Secretary is authorized 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 materials 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) to persons and functions.

Federal hazardous materials transportation law (49 U.S.C. 5101 et seq.) directs the Secretary of Transportation to develop regulations for the pre-transportation and transportation of hazardous materials in commerce, as 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) to persons and functions.

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 develop regulations for the pre-transportation and transportation of hazardous materials in commerce, as 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) to persons and functions.
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 movement in transportation in commerce, 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 leasing or rented motor vehicle.

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

8. 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.

9. 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—

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

(b) 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 materials transportation law,
§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 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 person 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) Each person who represents, mark, certifies, sells, or offers for transportation in commerce or transports a hazardous material, or an exception or special permit, approval, or registration issued under this subchapter or subchapter A of this chapter, must perform the function in accordance with that specification, approval, or exemption or special permit, as appropriate.

(h) 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 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.

(i) Each person who performs a function covered by this subchapter must perform that function in accordance with this subchapter.
subchapter or subchapter A of this chapter. The require-
ments of this paragraph apply whether or not the packaging
or container is used or to be used for the transportation of a
hazardous material.

(b) The representations, markings, and certifications sub-
ject to the prohibitions of paragraph (g) of this section include:

(1) Specification identifications that include the letters
“ICC,” “DOT,” “TC,” “CTC,” “CNC,” “BC,” “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, test, exemption, or special permit markings indi-
cating compliance with a test or test requirement of the
HMR, or an exemption, special permit, approval, or registra-
tion issued under the HMR or under subchapter A of this
chapter.

(i) No person may certify that a hazardous material is of-
fered for transportation in commerce in accordance with the
requirements of this subchapter unless the hazardous mate-
rinal is properly classed, described, packaged, marked,
labeled, and in condition for shipment as required or autho-
rized 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 mate-
rnal for transportation in commerce in accordance with the
requirements of this subchapter or an exemption or special
permit, approval, or registration issued under this subchap-
ter 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.

(ii) No person may, by marking or otherwise, represent
that a container or package for transportation of a hazard-
ous material is safe, certified, or in compliance with 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, con-
tainer, motor vehicle, rail car, aircraft, or vessel if the
hazardous material is not present.

(l) No person may alter, remove, deface, destroy, or oth-
erwise unlawfully tamper with any marking, label, placard,
or description on a document required by Federal hazard-
ous 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 spe-
cial permit, approval, registration, or other grant of authority
issued under this subchapter or subchapter A of this chap-
ter. No person may offer a hazardous material for
transportation or transport a hazardous material in com-
merce under an exemption or special permit, approval,
registration or other grant of authority issued under this sub-
chapter or subchapter A of this chapter if such grant of
authority has been altered without the consent of the issu-
ing 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 is-
issued under this subchapter or subchapter A of this chapter
if such grant of authority has been altered without the con-
sent 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 manifest set forth in
§172.205 of this subchapter; and

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

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

(ii) The designated subsequent carrier; or

(iii) A designated place outside the United States.

NOTE: Federal law specifies penalties up to $200,000 fine for an indi-
vidual and $500,000 for a company and 5 years imprisonment for the
willful discharge of hazardous waste at other than designated facilities.

(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 im-
mediate 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 dis-
tached to the manifest and placard when a hazardous waste is trans-
ad. (Identification number application forms may be obtained from EPA re-
gional 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 interstate or intrastate
commerce except in accordance with the requirements of
this subchapter.

(b) The requirements of this subchapter for the transpor-
tation of marine pollutants are based on the provisions of
Annex III of the 1973 International Convention for Preven-
tion of Pollution from Ships, as modified by the Protocol of
1978 (MARPOL ’78).

(c) Exceptions. (1) Except when all or part of the trans-
portation is by vessel, the requirements of this subchapter
specific to marine pollutants do not apply to non-bulk pack-
agings transported by motor vehicle, rail car or aircraft.
Part 171: General Requirements

§171.6 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 with regard to any additional hazard class, all provisions of this subchapter relevant to any additional hazard class 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 by OMB to collections of information in the HMR. Column 1 lists the Report Title of the approved collection of information. Column 2 contains the Title 49 CFR part or section where identified and described.

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§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 under 5 U.S.C. 552(a) and 1 CFR part 51.

(b) 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 202-741-6000, or go to: http://www.archives.gov/federal_regis/ibr_locations.html.

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

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

(ii) [Reserved]


(iv) [Reserved]


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


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


(ii) [Reserved]


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

(ii) [Reserved]

(g) The American Society of Mechanical Engineers (ASME), 505 Clove Road, North Bellmore, NY 11706, telephone 1-800-934-2763, http://www.asme.org.


(iii) Section II—Materials—Part B—Nonferrous Materials Specifications.

(iv) Section V—Nondestructive Examination.

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

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

(g) ASME B31.4-2012, Pipeline Transportation Systems and Slurries, November 12, 2012, into §173.420.


(k) ASME B31.4-2012, Pipeline Transportation Systems and Slurries, November 12, 2012, into §173.420.


(m) ASME B31.4-2012, Pipeline Transportation Systems and Slurries, November 12, 2012, into §173.420.

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