



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

May 2, 2024

Tom Forbes
Chief, Motor Carrier Enforcement
Ohio Public Commission
180 E Broad Street
Columbus, OH 43215

Reference No. 24-0011

Dear Mr. Forbes:

This letter is in response to your February 28, 2024, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to emergency response information requirements. Specifically, you describe a scenario where emergency response information is made available by a shipper on a safety data sheet (SDS) and includes the statement “safety data sheet available from the terminal for these products on request” printed on the shipping paper. Additionally, you state that if a carrier were to leave the facility without a printed SDS, the reverse of the shipping paper has a website where persons may access the shipper’s SDS information for the hazardous material in transport.

We have paraphrased and answered your questions as follows:

- Q1: You ask whether adding the statement to the shipping paper, as indicated above, satisfies the § 172.602(b) requirement of providing emergency response information.
- A1: The answer is no. The HMR requires that all persons offering for transportation, accepting for transportation, transferring, storing, or otherwise handling hazardous materials during transportation have emergency response information immediately available for use at all times that the hazardous material is present. Additionally, the HMR defines the beginning of transportation in commerce as when a carrier takes possession of the hazardous material for purpose of transporting it—see § 171.1(c)—and specifies providing and maintaining emergency response information as a pre-transportation function—see § 171.1(b). Thus, the emergency response information must be provided with the shipping paper in a form required in § 172.602(b).
- Q2: You ask whether providing a website on the back of a shipping paper for carriers to access a SDS for a hazardous material satisfies the requirement of providing emergency response information.

A2: The answer is no. The emergency response information provided by a shipper must be in the form of a physical document¹ printed legibly in English—see § 172.602(b)(3)—and must include all the information required by § 172.602(a). Further, the electronic display of emergency response information—via a website—does not meet the HMR requirement.

I hope this information is helpful. Please contact us if we can be of further assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dirk Der Kinderen".

Dirk Der Kinderen
Chief, Standards Development Branch
Standards and Rulemaking Division

From: [INFOCNTR \(PHMSA\)](#)
To: [Dodd, Alice \(PHMSA\)](#)
Cc: [Hazmat Interps](#)
Subject: FW: Written Interpretation Request
Date: Monday, March 4, 2024 12:56:09 PM
Attachments: [image001.png](#)
[BOL_16131 \(1\).pdf](#)

24-0011

Hi Alice,

Please see the below interpretation request and the attached document.

Let me know if you need anything.

Regards,

-Breanna

From: tom.forbes@puco.ohio.gov <tom.forbes@puco.ohio.gov>
Sent: Wednesday, February 28, 2024 8:14 AM
To: PHMSA HM InfoCenter <PHMSAHMInfoCenter@dot.gov>
Subject: Written Interpretation Request

CAUTION: This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Info Center:

We are requesting a written interpretation as to the requirement of Section 172.600 pertaining to the shipper providing ER info.

In the scenario at hand the shipper has a statement near the top of the BOL (attached) stating "SAFETY DATA SHEET AVAIABLE FROM THE TERMINAL FOR THESE PRODUCTS ON REQUEST" . Emergency Response Information in the form of a Safety Data Sheet (SDS) is available at the guard shack when the driver receives their shipping paper, if requested. In addition on the reverse side of the shipping paper is a website in which anyone including the carrier or driver has access to all the shipper's SDS. If the driver, after leaving the facility, noticed they did not have emergency response information they could have accessed it via this website.

Q1: Does the statement on the BOL satisfy the requirement of 172.600 as it relates to the shipper providing ER info?

Thank your in advance for your response.



Public Utilities Commission

Tom Forbes

Chief, Motor Carrier Enforcement

180 E Broad Street

Columbus, Ohio 43215

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tom.forbes@puco.ohio.gov

This message and any response to it may constitute a public record and thus may be publicly available to anyone who requests it.

The State of Ohio is an Equal Opportunity Employer and provider of ADA services.

Marathon Petroleum Company LP

ALL ITEMS SUBJECT TO CONDITIONS ON REVERSE SIDE HEREOF

NON-NEGOTIABLE BILL OF LADING

SAFETY DATA SHEET AVAILABLE FROM THE TERMINAL FOR THESE PRODUCTS ON REQUEST

ORIGINAL

 LOADER (CARRIER'S AGENT/DRIVER)

The loader certifies that the cargo tank was reasonably free of excessive residue or other contaminating materials when presented for loading bituminous material. If this shipment moves in other than shipper's vehicle, the terms will be those (a) of the contract between shipper and carrier or (b) the term of the lawfully applicable tariffs if the carrier is a common carrier.

For Any Product Emergency, Contact CHEMTREC (Day or Night) @ 1-800-424-9300. CCN#: 13740

BOL NUMBER: 16131

REPRINT

ORIGIN: Canton Refinery Scale 2408 Gambrinus Street, Canton, OH 44706

SPLC CODE: 344900

JOB: OCMDFL

TANK: 121

LANE: LNE_1

START LOAD: 1/11/2024 6:30:06 AM END LOAD: 1/11/2024 7:13:54 AM

SOLD TO / CUSTOMER / CONSIGNEE: Owens Corning Roofing and Asphalt LLC-A 4516194614 52665301046030	SHIP TO / DESTINATION: Medina Cnty Medina, OH
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RECEIVED BY / CARRIER: Puryear Tank Lines Inc

CARRIER'S AGENT (DRIVER): 268559 - Wood, Fred | Truck Number: 474 | Trailer Number: 285

HAZARD INFORMATION ON REVERSE SIDE

DOT SHIPPING NAME

UN 3257, Elevated Temperature Liquid, N.O.S. (Asphalt), 9, III

Gallons

TOTAL QUANTITY 1 CARGO TANK: 6,039

Cargo Tank Compartment	Product Descriptions	Temp	Specific Gravity	Gross Weight	Tare Weight	Net Weight	Net Tons	Net Gallons
Q29 ROOFING FLUX ASPHALT		305F	15.6C(60F): 0.9930	79360	29420	49940	24.97	6,039
LBS/GAL	15.6C(60F): 8.270		25C(77F): 0.9870	API: 11.00				

TRANSPORT TRUCK INSPECTION CERTIFICATION: I HEREBY CERTIFY THAT THIS CARRIER TANK WAS FREE FROM SOLVENTS OR OTHER CONTAMINATING MATERIALS WHEN PRESENTED FOR LOADING BITUMINOUS MATERIAL.

LAST MATERIALS IN CARRIER TRUCK: _____ DRIVER INITIALS: _____.

SHIPPER CERTIFIES MATERIAL HAS BEEN TESTED AND CONFORMS TO AGENCY SPECIFICATIONS, INCLUDING PENNDOT BULLETIN 25. MATERIAL PRODUCED AND

SHIPPED ACCORDING TO ASC PLAN: YES NO

Product Lot: 121 Fulx

PO Number: 4516194614

RECEIPT IS ACKNOWLEDGED OF THE ABOVE MERCHANDISE IN GOOD CONDITION AND IN THE QUANTITY INDICATED. CUSTOMER / CONSIGNEE:

MARATHON PETROLEUM COMPANY LP, 539 SOUTH MAIN STREET, FINDLAY, OH 45840

**A CURRENT MPC SAFETY DATA SHEET (SDS) AND LABEL FOR THIS PRODUCT CAN BE IMMEDIATELY
ACCESSED ONLINE IN A PRINTABLE FORMAT AT**

http://www.marathonpetroleum.com/brands_products/Products/sds/

FOR MORE INFORMATION REGARDING THE SDS OR LABEL, PLEASE CALL (419) 421-3070.

EMERGENCY RESPONSE GUIDELINE

FIREFIGHTING: For extremely flammable materials, vapors may travel along ground and cause flash fires. For small fires, use Class B media such as carbon dioxide, dry chemical, foam or water spray. For large fires, waterspray, fog or regular foam can be used. Avoid using straight water streams. Water spray and foam must be applied carefully to avoid frothing. Firefighting should be attempted only by those who are adequately trained and equipped with proper protective equipment.

SPILL, RELEASE AND LEAK PROCEDURES: Isolate and evacuate area, shut off source if safe to do so. Eliminate all ignition sources. Advise National Response Center (800-424-8802) if substance has entered a watercourse or sewer. Notify local health and pollution control agencies, if appropriate. Contain liquid with sand or soil. Recover and return free liquid to proper containers.

DISPOSAL CONSIDERATIONS: It is the responsibility of the user to determine if waste material is hazardous at the time of disposal in accordance with RCRA regulations (40 CFR 260 through 271). State and local regulations may be more restrictive.

ADDITIONAL TERMS AND CONDITIONS

Unless expressly indicated to the contrary in a written agreement between Company and Carrier, this shipment is to be delivered to Customer/Consignee without recourse on Company. Accordingly, Carrier shall look solely to Customer/Consignee for payment of all charges, and, if desired by Carrier for assurance of payment, shall not make delivery of this shipment without payment of all charges.

The receipt of product hereunder is subject to pertinent contracts between Company and Customer and/or Carrier, as applicable, in effect on the date of issuance hereof; and, as between Customer and Carrier, any pertinent contracts in effect between such parties, as well as the terms of any lawfully applicable tariff(s) if Carrier is a common carrier.

This document shall not constitute a Bill of Lading, but merely a receipt for product, when such product is moved in a vehicle operated by the shipper or owner of the product, or when title to product passes on a non-consignment basis. Nothing herein shall alter, in any manner, any contracts between Company and Customer and/or Carrier, as applicable, in effect on the date of issuance hereof.