

paper document is produced, the data must be presented as required by this subpart.

(ii) The offeror must forward the shipping paper (record) for a loaded movement to the carrier prior to shipment unless the carrier prepares the shipping paper on behalf of the offeror. The offeror is only relieved of the duty to forward the shipping paper once the offeror has received a copy of the shipping paper from the carrier;

(iii) A carrier that generates a residue shipping paper using information from the previous loaded movement of a hazardous materials packaging must ensure the description of the hazardous material that accompanies the shipment complies with the offeror's request; and

(iv) *Verification.* The carrier and the offeror must have a procedure by which the offeror can verify accuracy of the transmitted hazard communication information that will accompany the shipment.

(b) [Reserved]

(c) *Continuation page.* A shipping paper may consist of more than one page, if each page is consecutively numbered and the first page bears a notation specifying the total number of pages included in the shipping paper. For example, "Page 1 of 4 pages."

(d) *Emergency response telephone number.* Except as provided in §172.604(d), a shipping paper must contain an emergency response telephone number and, if utilizing an emergency response information telephone number service provider, identify the person (by name or contract number) who has a contractual agreement with the service provider, as prescribed in subpart G of this part.

(e) *Retention and Recordkeeping.* Each person who provides a shipping paper must retain a copy of the shipping paper required by §172.200(a), or an electronic image thereof, that is accessible at or through its principal place of business and must make the shipping paper available, upon request, to an authorized official of a Federal, State, or local government agency at reasonable times and locations. For a hazardous waste, the shipping paper copy must be retained for three years after the material is accepted by the

initial carrier. For all other hazardous materials, the shipping paper must be retained for two years after the material is accepted by the initial carrier. Each shipping paper copy must include the date of acceptance by the initial carrier, except that, for rail, vessel, or air shipments, the date on the shipment waybill, airbill, or bill of lading may be used in place of the date of acceptance by the initial carrier. A motor carrier (as defined in §390.5 of subchapter B of chapter III of subtitle B) using a shipping paper without change for multiple shipments of one or more hazardous materials having the same shipping name and identification number may retain a single copy of the shipping paper, instead of a copy for each shipment made, if the carrier also retains a record of each shipment made, to include shipping name, identification number, quantity transported, and date of shipment.

[Amdt. 172-29A, 41 FR 40677, Sept. 20, 1976]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §172.201, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.govinfo.gov.

§ 172.202 Description of hazardous material on shipping papers.

(a) The shipping description of a hazardous material on the shipping paper must include:

(1) The identification number prescribed for the material as shown in Column (4) of the §172.101 table;

(2) The proper shipping name prescribed for the material in Column (2) of the §172.101 table;

(3) The hazard class or division number prescribed for the material, as shown in Column (3) of the §172.101 table. The subsidiary hazard class or division number is not required to be entered when a corresponding subsidiary hazard label is not required. Except for combustible liquids, the subsidiary hazard class(es) or subsidiary division number(s) must be entered in parentheses immediately following the primary hazard class or division number. In addition—

(i) The words "Class" or "Division" may be included preceding the primary and subsidiary hazard class or division numbers.

(ii) The hazard class need not be included for the entry "Combustible liquid, n.o.s."

(iii) For domestic shipments, primary and subsidiary hazard class or division names may be entered following the numerical hazard class or division, or following the basic description.

(4) The packing group in Roman numerals, as designated for the hazardous material in Column (5) of the §172.101 table, Class 1 (explosives) materials; self-reactive substances; Division 5.2 materials; and entries that are not assigned a packing group (*e.g.*, Class 7) are excepted from this requirement. The packing group may be preceded by the letters "PG" (for example, "PG II"); and

(5) Except for transportation by aircraft, the total quantity of hazardous materials covered by the description must be indicated (by mass or volume, or by activity for Class 7 materials) and must include an indication of the applicable unit of measurement, for example, "200 kg" (440 pounds) or "50 L" (13 gallons). The following provisions also apply:

(i) For Class 1 materials, the quantity must be the net explosive mass. For an explosive that is an article, such as Cartridges, small arms, the net explosive mass may be expressed in terms of the net mass of either the article or the explosive materials contained in the article.

(ii) For hazardous materials in salvage packaging, an estimate of the total quantity is acceptable.

(iii) The following are excepted from the requirements of paragraph (a)(5) of this section:

(A) Bulk packages, provided some indication of the total quantity is shown, for example, "1 cargo tank" or "2 IBCs."

(B) Cylinders, provided some indication of the total quantity is shown, for example, "10 cylinders."

(C) Packages containing only residue.

(6) For transportation by aircraft, the total net mass per package, must be shown unless a gross mass is indicated in Columns (9A) or (9B) of the §172.101 table in which case the total gross mass per package must be shown; or, for Class 7 materials, the quantity of radioactive material must be shown

by activity. The following provisions also apply:

(i) For empty uncleaned packaging, only the number and type of packaging must be shown;

(ii) For chemical kits and first aid kits, the total net mass of hazardous materials must be shown. Where the kits contain only liquids, or solids and liquids, the net mass of liquids within the kits is to be calculated on a 1 to 1 basis, *i.e.*, 1 L (0.3 gallons) equals 1 kg (2.2 pounds);

(iii) For dangerous goods in machinery or apparatus, the individual total quantities or an estimate of the individual total quantities of dangerous goods in solid, liquid or gaseous state, contained in the article must be shown;

(iv) For dangerous goods transported in a salvage packaging, an estimate of the quantity of dangerous goods per package must be shown;

(v) For cylinders, total quantity may be indicated by the number of cylinders, for example, "10 cylinders;"

(vi) For items where "No Limit" is shown in Column (9A) or (9B) of the §172.101 table, the quantity shown must be the net mass or volume of the material. For articles (*e.g.*, UN2800 and UN3166) the quantity must be the gross mass, followed by the letter "G"; and

(vii) For hazardous materials in limited quantities, the total net quantity per package must be shown unless a gross mass is indicated in Column 4 of §173.27 Table 3, in which case the total gross mass per package must be shown. Where different hazardous materials in limited quantities are packed together in the same outer packaging, when a gross mass is indicated Column 4 of §173.27 Table 3, the net quantity of each hazardous material must be shown in addition to the gross mass of the completed package.

(viii) For authorized consumer commodities, the information provided may be either the gross mass of each package or the average gross mass of the packages.

(7) The number and type of packages must be indicated. The type of packages must be indicated by description of the package (for example, "12 drums"). Indication of the packaging specification number ("1H1") may be

included in the description of the package (for example, “12 1H1 drums” or “12 drums (UN 1A1)”). Abbreviations may be used for indicating packaging types (for example, “cyl.” for “cylinder”) provided the abbreviations are commonly accepted and recognizable.

(b) Except as provided in this subpart, the basic description specified in paragraphs (a)(1), (2), (3), and (4) of this section must be shown in sequence with no additional information interspersed. For example, “UN2744, Cyclobutyl chloroformate, 6.1, (8, 3), PG II.” Shipping descriptions for hazardous materials offered or intended for transportation by rail that contain all the information required in this subpart and that are formatted and ordered in accordance with recognized electronic data interchange standards and, to the extent possible, in the order and manner required by this subpart are deemed to comply with this paragraph.

(c)(1) The total quantity of the material covered by one description must appear before or after, or both before and after, the description required and authorized by this subpart. The type of packaging and destination marks may be entered in any appropriate manner before or after the basic description. Abbreviations may be used to express units of measurement and types of packagings.

(2) Hazardous materials and hazardous substances transported by highway considered “household wastes” as defined in 40 CFR 261.4, and not subject to the Environmental Protection Agency’s hazardous waste regulations in 40 CFR parts 262 and 263, are excepted from the requirements of this paragraph.

(d) Technical and chemical group names may be entered in parentheses between the proper shipping name and hazard class or following the basic description. An appropriate modifier, such as “contains” or “containing,” and/or the percentage of the technical constituent may also be used. For example: “UN 1993, Flammable liquids, n.o.s. (contains Xylene and Benzene), 3, II”.

(e) Except for those materials in the UN Recommendations, the ICAO Technical Instructions, or the IMDG Code

(IBR, see §171.7 of this subchapter), a material that is not a hazardous material according to this subchapter may not be offered for transportation or transported when its description on a shipping paper includes a hazard class or an identification number specified in the §172.101 Table.

[Amdt. 172–101, 45 FR 74665, Nov. 10, 1980]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §172.202, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.govinfo.gov.

§ 172.203 Additional description requirements.

(a) *Special permits.* Except as provided in §173.23 of this subchapter, each shipping paper issued in connection with a shipment made under a special permit must bear the notation “DOT–SP” followed by the special permit number assigned and located so that the notation is clearly associated with the description to which the special permit applies. Each shipping paper issued in connection with a shipment made under an exemption or special permit issued prior to October 1, 2007, may bear the notation “DOT–E” followed by the number assigned and so located that the notation is clearly associated with the description to which it applies.

(b) *Limited quantities.* When a shipping paper is required by this subchapter, the description for a material offered for transportation as “limited quantity,” as authorized by this subchapter, must include the words “Limited Quantity” or “Ltd Qty” following the basic description.

(c) *Hazardous substances.* (1) Except for Class 7 (radioactive) materials described in accordance with paragraph (d) of this section, if the proper shipping name for a material that is a hazardous substance does not identify the hazardous substance by name, the name of the hazardous substance must be entered in parentheses in association with the basic description. If the material contains two or more hazardous substances, at least two hazardous substances, including the two with the lowest reportable quantities (RQs), must be identified. For a hazardous waste, the waste code (e.g.,

D001), if appropriate, may be used to identify the hazardous substance.

(2) The letters "RQ" must be entered on the shipping paper either before or after the basic description required by § 172.202 for each hazardous substance (see definition in § 171.8 of this subchapter). For example: "RQ, UN 1098, Allyl alcohol, 6.1, I, Toxic-inhalation hazard, Zone B"; or "UN 3077, Environmentally hazardous substances, solid, n.o.s., 9, III, RQ (Adipic acid)".

(d) *Radioactive material.* The description for a shipment of a Class 7 (radioactive) material must include the following additional entries as appropriate:

(1) The name of each radionuclide in the Class 7 (radioactive) material that is listed in § 173.435 of this subchapter. For mixtures of radionuclides, the radionuclides required to be shown must be determined in accordance with § 173.433(g) of this subchapter. Abbreviations, *e.g.*, "⁹⁹Mo," are authorized.

(2) A description of the physical and chemical form of the material:

(i) For special form materials, the words "special form" unless the words "special form" already appear in the proper shipping name; or

(ii) If the material is not in special form, a description of the physical and chemical form of the material (generic chemical descriptions are permitted).

(3) The maximum activity of the radioactive contents contained in each package during transport in terms of the appropriate SI units (*e.g.*, Becquerels (Bq), Terabecquerels (TBq)). The activity may also be stated in appropriate customary units (*e.g.*, Curies (Ci), milliCuries (mCi), microCuries (uCi)) in parentheses following the SI units. Abbreviations are authorized. Except for plutonium-239 and plutonium-241, the weight in grams or kilograms of fissile radionuclides (or the mass of each fissile nuclide for mixtures when appropriate) may be inserted instead of activity units. For plutonium-239 and plutonium-241, the weight in grams of fissile radionuclides (or the mass of each fissile nuclide for mixtures when appropriate) may be inserted in addition to the activity units.

(4) The category of label applied to each package in the shipment. For ex-

ample: "RADIOACTIVE WHITE-I," or "WHITE-I."

(5) The transport index assigned to each package in the shipment bearing RADIOACTIVE YELLOW-II or RADIOACTIVE YELLOW-III labels.

(6) For a package containing fissile Class 7 (radioactive) material:

(i) The words "Fissile Excepted" if the package is excepted pursuant to § 173.453 of this subchapter; or otherwise

(ii) The criticality safety index for that package.

(7) For a package approved by the U.S. Department of Energy (DOE) or U.S. Nuclear Regulatory Commission (NRC), a notation of the package identification marking as prescribed in the applicable DOE or NRC approval (see § 173.471 of the subchapter).

(8) For an export shipment or a shipment in a foreign made package, a notation of the package identification marking as prescribed in the applicable International Atomic Energy Agency (IAEA) Certificate of Competent Authority which has been issued for the package (see § 173.473 of the subchapter).

(9) For a shipment required by this subchapter to be consigned as exclusive use:

(i) An indication that the shipment is consigned as exclusive use; or

(ii) If all the descriptions on the shipping paper are consigned as exclusive use, then the statement "Exclusive Use Shipment" may be entered only once on the shipping paper in a clearly visible location.

(10) For the shipment of a package containing a highway route controlled quantity of Class 7 (radioactive) materials (see § 173.403 of this subchapter) the words "Highway route controlled quantity" or "HRCQ" must be entered in association with the basic description.

(e) *Empty packagings.* (1) The description on the shipping paper for a packaging containing the residue of a hazardous material may include the words "RESIDUE: Last Contained * * *" immediately before or after the basic shipping description on the shipping paper.

(2) The description on the shipping paper for a tank car containing the residue of a hazardous material must include the phrase, “RESIDUE: Last Contained * * *” immediately before or after the basic shipping description or immediately preceding the proper shipping name of the material on the shipping paper.

(f) *Transportation by air.* A statement indicating that the shipment is within the limitations prescribed for either passenger and cargo aircraft or cargo aircraft only must be entered on the shipping paper.

(g) *Transportation by rail.* (1) A shipping paper prepared by a rail carrier for a rail car, freight container, transport vehicle or portable tank that contains hazardous materials must include the reporting mark and number when displayed on the rail car, freight container, transport vehicle or portable tank.

(2) The shipping paper for each DOT-113 tank car containing a Division 2.1 material or its residue must contain an appropriate notation, such as “DOT 113”, and the statement “Do not hump or cut off car while in motion.”

(3) When shipments of elevated temperature materials are transported under the exception permitted in §173.247(h)(3) of this subchapter, the shipping paper must contain an appropriate notation, such as “Maximum operating speed 15 mph.”

(h) *Transportation by highway.* Following the basic description for a hazardous material in a Specification MC 330 or MC 331 cargo tank, there must be entered for—

(1) *Anhydrous ammonia.* (i) The words “0.2 PERCENT WATER” to indicate the suitability for shipping anhydrous ammonia in a cargo tank made of quenched and tempered steel as authorized by §173.315(a), Note 14 of this subchapter, or

(ii) The words “NOT FOR Q and T TANKS” when the anhydrous ammonia does not contain 0.2 percent or more water by weight.

(2) *Liquefied petroleum gas.* (i) The word “NONCORROSIVE” or “NONCOR” to indicate the suitability for shipping “Noncorrosive” liquefied petroleum gas in a cargo tank made of quenched and tempered steel as author-

ized by §173.315(a), Note 15 of this subchapter, or

(ii) The words “NOT FOR Q and T TANKS” for grades of liquefied petroleum gas other than “Noncorrosive”.

(i) *Transportation by water.* Each shipment by water must have the following additional shipping paper entries:

(1) The name of the shipper.

(2) A minimum flashpoint, if 60 °C (140 °F) or below (in °C closed cup (c.c.)), in association with the basic description, for Class 3 flammable liquid materials (as a primary or subsidiary hazard). For lab packs packaged in conformance with §173.12(b) of this subchapter, an indication that the lowest flashpoint of all hazardous materials contained in the lab pack is below 23 °C or that the flash point is not less than 23 °C but not more than 60 °C must be identified on the shipping paper in lieu of the minimum flashpoint.

(3) For a hazardous material consigned under an “n.o.s.” entry not included in the segregation groups listed in section 3.1.4 of the IMDG Code (IBR see §171.7 of this subchapter) but belonging, in the opinion of the consignor, to one of these groups, the appropriate segregation group must be shown in association with the basic description (for example, IMDG Code segregation group—1 Acids). When no segregation group is applicable, there is no requirement to indicate that condition.

(4) For lithium cells or batteries transported in accordance with §173.185(f), “DAMAGED/DEFECTIVE”; and for lithium cells or batteries transported for purposes of disposal or recycling, “LITHIUM BATTERIES FOR DISPOSAL” or “LITHIUM BATTERIES FOR RECYCLING”, as appropriate.

(j) [Reserved]

(k) *Technical names for “n.o.s.” and other generic descriptions.* Unless otherwise excepted, if a material is described on a shipping paper by one of the proper shipping names identified by the letter “G” in column (1) of the §172.101 Table, the technical name of the hazardous material must be entered in parentheses in association with the basic description. For example “UN 1760, Corrosive liquid, n.o.s., (Octanoyl chloride), 8, II”, or “UN 1760,

Corrosive liquid, n.o.s., 8, II (contains Octanoyl chloride)". The word "contains" may be used in association with the technical name, if appropriate. For organic peroxides which may qualify for more than one generic listing depending on concentration, the technical name must include the actual concentration being shipped or the concentration range for the appropriate generic listing. For example, "UN 3102, Organic peroxide type B, solid, 5.2, (dibenzoyl peroxide, 52-100%)" or "UN 3108, Organic peroxide type E, solid, 5.2, (dibenzoyl peroxide, paste, <52%)". Shipping descriptions for toxic materials that meet the criteria of Division 6.1, PG I or II (as specified in §173.132(a) of this subchapter) or Division 2.3 (as specified in §173.115(c) of this subchapter) and are identified by the letter "G" in column (1) of the §172.101 Table, must have the technical name of the toxic constituent entered in parentheses in association with the basic description. A material classed as Division 6.2 and assigned identification number UN 2814 or UN 2900 that is suspected to contain an unknown Category A infectious substance must have the words "suspected Category A infectious substance" entered in parentheses in place of the technical name as part of the proper shipping description. For additional technical name options, see the definition for "Technical name" in §171.8. A technical name should not be marked on the outer package of a Division 6.2 material (see §172.301(b)).

(1) If a hazardous material is a mixture or solution of two or more hazardous materials, the technical names of at least two components most predominately contributing to the hazards of the mixture or solution must be entered on the shipping paper as required by paragraph (k) of this section. For example, "UN 2924, Flammable liquid, corrosive, n.o.s., 3 (8), II (contains Methanol, Potassium hydroxide)".

(2) The provisions of this paragraph do not apply—

(i) To a material that is a hazardous waste and described using the proper shipping name "Hazardous waste, liquid or solid, n.o.s.", classed as a miscellaneous Class 9, provided the EPA hazardous waste number is included on

the shipping paper in association with the basic description, or provided the material is described in accordance with the provisions of §172.203(c) of this part.

(ii) To a material for which the hazard class is to be determined by testing under the criteria in §172.101(c)(11).

(iii) If the n.o.s. description for the material (other than a mixture of hazardous materials of different classes meeting the definitions of more than one hazard class) contains the name of the chemical element or group which is primarily responsible for the material being included in the hazard class indicated.

(iv) If the n.o.s. description for the material (which is a mixture of hazardous materials of different classes meeting the definition of more than one hazard class) contains the name of the chemical element or group responsible for the material meeting the definition of one of these classes. In such cases, only the technical name of the component that is not appropriately identified in the n.o.s. description shall be entered in parentheses.

(1) *Marine pollutants.* (1) For a proper shipping name used to describe a hazardous material that is a marine pollutant, either assigned the letter "G" in column (1) of the §172.101 hazardous materials table, or that contains the text "n.o.s.", the name of the component that makes the material a marine pollutant must appear in parentheses in association with the basic description. Where two or more components that make the material a marine pollutant are present, the names of at least two of the components most predominantly contributing to the marine pollutant designation must appear in parentheses in association with the basic description. For material described using "UN3077, Environmentally hazardous substance, solid, n.o.s." and "UN3082, Environmentally hazardous substance, liquid, n.o.s.," see §172.102(c)(1), special provision 441 for additional provisions.

(2) The words "Marine Pollutant" shall be entered in association with the basic description for a material which is a marine pollutant.

(3) Except for transportation by vessel, marine pollutants subject to the

provisions of 49 CFR 130.11 are excepted from the requirements of paragraph (1) of this section if a phrase indicating the material is an oil is placed in association with the basic description.

(4) Except when all or part of transportation is by vessel, marine pollutants in non-bulk packagings are not subject to the requirements of paragraphs (1)(1) and (1)(2) of this section (see § 171.4 of this subchapter).

(m) *Poisonous Materials*. Notwithstanding the hazard class to which a material is assigned, for materials that are poisonous by inhalation (see § 171.8 of this subchapter), the words “Poison-Inhalation Hazard” or “Toxic-Inhalation Hazard” and the words “Zone A”, “Zone B”, “Zone C”, or “Zone D” for gases or “Zone A” or “Zone B” for liquids, as appropriate, shall be entered on the shipping paper immediately following the shipping description. The word “Poison” or “Toxic” need not be repeated if it otherwise appears in the shipping description.

(n) *Elevated temperature materials*. If a liquid material in a package meets the definition of an elevated temperature material in § 171.8 of this subchapter, and the fact that it is an elevated temperature material is not disclosed in the proper shipping name (for example, when the words “Molten” or “Elevated temperature” are part of the proper shipping name), the word “HOT” must immediately precede the proper shipping name of the material on the shipping paper.

(o) *Organic peroxides, polymerizing substances, and self-reactive materials*. The description on a shipping paper for a Division 4.1 (polymerizing substance and self-reactive) material or a Division 5.2 (organic peroxide) material must include the following additional information, as appropriate:

(1) If notification or competent authority approval is required, the shipping paper must contain a statement of approval of the classification and conditions of transport.

(2) For Division 4.1 (polymerizing substance and self-reactive) and Division 5.2 (organic peroxide) materials that require temperature control during transport, the words “TEMPERATURE CONTROLLED” must be added as part of the proper shipping name,

unless already part of the proper shipping name. The control and emergency temperature must be included on the shipping paper.

(3) The word “SAMPLE” must be included in association with the basic description when a sample of a Division 4.1 (self-reactive) material (see § 173.224(c)(3) of this subchapter) or Division 5.2 (organic peroxide) material (see § 173.225(b)(2) of this subchapter) is offered for transportation.

(p) *Liquefied petroleum gas (LPG)*. The word “non-odorized” or “not-odorized” must be included in association with the proper shipping description on a shipping paper when non-odorized liquefied petroleum gas is offered for transportation.

(q) *Holding time*. The date at which the actual holding time ends, as calculated in accordance with § 178.338–9, must be provided on the shipping paper in association with the basic description for refrigerated liquefied gases transported in a portable tank.

[Amdt. 172–29A, 41 FR 40677, Sept. 20, 1976]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 172.203, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.govinfo.gov.

§ 172.204 Shipper's certification.

(a) *General*. Except as provided in paragraphs (b) and (c) of this section, each person who offers a hazardous material for transportation shall certify that the material is offered for transportation in accordance with this subchapter by printing (manually or mechanically) on the shipping paper containing the required shipping description the certification contained in paragraph (a)(1) of this section or the certification (declaration) containing the language contained in paragraph (a)(2) of this section. For transportation by rail only, the certification may be received verbally or with an electronic signature in conformance with paragraphs (a)(3)(i) and (a)(3)(ii) of this section.

(1) “This is to certify that the above-named materials are properly classified, described, packaged, marked and labeled, and are in proper condition for

transportation according to the applicable regulations of the Department of Transportation.”

NOTE: In line one of the certification the words “herein-named” may be substituted for the words “above-named”.

(2) “I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations.”

NOTE TO PARAGRAPH (a)(2): In the certification the word “above” may be substituted for the word “below” as appropriate.

(3) *Rail only certifications.* For transportation by rail, the shipping paper certification may also be accomplished by one of the following methods:

(i) *Verbal Certification.* When received telephonically, by the carrier reading the complete shipping description that will accompany the shipment back to the offeror and receiving verbal acknowledgment that the description is as required. This verbal acknowledgment must be recorded, either on the shipping document or in a separate record, e.g., the waybill, in accordance with §174.24, and must include the date and name of the person who provided this information; or

(ii) *Electronic certification.* When transmitted electronically, by completing the field designated for the shipper’s signature with the name of the principal person, partner, officer, or employee of the offeror or their agent, the shipper is also certifying its compliance with the certification specified in this paragraph (a).

(b) *Exceptions.* (1) Except for a hazardous waste, no certification is required for a hazardous material offered for transportation by motor vehicle and transported:

(i) In a cargo tank supplied by the carrier, or

(ii) By the shipper as a private carrier except for a hazardous material that is to be reshipped or transferred from one carrier to another.

(2) No certification is required for the return of an empty tank car which previously contained a hazardous material

and which has not been cleaned or purged.

(c) *Transportation by air—(1) General.* Certification containing the following language may be used in place of the certification required by paragraph (a) of this section:

I hereby certify that the contents of this consignment are fully and accurately described above by proper shipping name and are classified, packaged, marked and labeled, and in proper condition for carriage by air according to applicable national governmental regulations.

NOTE TO PARAGRAPH (c)(1): In the certification, the word “packed” may be used instead of the word “packaged” until October 1, 2010.

(2) *Certificate in duplicate.* Each person who offers a hazardous material to an aircraft operator for transportation by air shall provide two copies of the certification required in this section. (See §175.30 of this subchapter.)

(3) *Additional certification requirements.* Effective October 1, 2006, each person who offers a hazardous material for transportation by air must add to the certification required in this section the following statement:

“I declare that all of the applicable air transport requirements have been met.”

(i) Each person who offers any package or overpack of hazardous materials for transport by air must ensure that:

(A) The articles or substances are not prohibited for transport by air (see the §172.101 Table);

(B) The articles or substances are properly classed, marked and labeled and otherwise in a condition for transport as required by this subchapter;

(C) The articles or substances are packaged in accordance with all the applicable air transport requirements, including appropriate types of packaging that conform to the packing requirements and the “A” Special Provisions in §172.102; inner packaging and maximum quantity per package limits; the compatibility requirements (see, for example, §173.24 of this subchapter); and requirements for closure for both inner and outer packagings, absorbent materials, and pressure differential in

§173.27 of this subchapter. Other requirements may also apply. For example, single packagings may be prohibited, inner packaging may need to be packed in intermediate packagings, and certain materials may be required to be transported in packagings meeting a more stringent performance level.

(ii) [Reserved]

(4) *Radioactive material.* Each person who offers any radioactive material for transportation aboard a passenger-carrying aircraft shall sign (mechanically or manually) a printed certificate stating that the shipment contains radioactive material intended for use in, or incident to, research, or medical diagnosis or treatment.

(d) *Signature.* The certifications required by paragraph (a) or (c) of this section:

(1) Must be legibly signed by a principal, officer, partner, or employee of the shipper or his agent; and

(2) May be legibly signed manually, by typewriter, or by other mechanical means.

(3) For transportation by rail, when transmitted by telephone or electronically, the signature must be in one of the following forms: The name of the principal person, partner, officer, or employee of the offeror or his agent in a computer field defined for that purpose.

[Amdt. 172–29A, 41 FR 40677, Sept. 20, 1976]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §172.204, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.govinfo.gov.

§ 172.205 Hazardous waste manifest.

(a) No person may offer, transport, transfer, or deliver a hazardous waste (waste) unless an EPA Form 8700–22 and 8700–22A (when necessary) hazardous waste manifest (manifest) is prepared in accordance with 40 CFR 262.20 and is signed, carried, and given as required of that person by this section.

(b) The shipper (generator) shall prepare the manifest in accordance with 40 CFR part 262.

(c) The original copy of the manifest must be dated by, and bear the hand-

written signature of, the person representing:

(1) The shipper (generator) of the waste at the time it is offered for transportation, and

(2) The initial carrier accepting the waste for transportation.

(d) A copy of the manifest must be dated by, and bear the handwritten signature of the person representing:

(1) Each subsequent carrier accepting the waste for transportation, at the time of acceptance, and

(2) The designated facility receiving the waste, upon receipt.

(e) A copy of the manifest bearing all required dates and signatures must be:

(1) Given to a person representing each carrier accepting the waste for transportation,

(2) Carried during transportation in the same manner as required by this subchapter for shipping papers,

(3) Given to a person representing the designated facility receiving the waste,

(4) Returned to the shipper (generator) by the carrier that transported the waste from the United States to a foreign destination with a notation of the date of departure from the United States, and

(5) Retained by the shipper (generator) and by the initial and each subsequent carrier for three years from the date the waste was accepted by the initial carrier. Each retained copy must bear all required signatures and dates up to and including those entered by the next person who received the waste.

(f) *Transportation by rail.* Notwithstanding the requirements of paragraphs (d) and (e) of this section, the following requirements apply:

(1) When accepting hazardous waste from a non-rail transporter, the initial rail transporter must:

(i) Sign and date the manifest acknowledging acceptance of the hazardous waste;

(ii) Return a signed copy of the manifest to the non-rail transporter;

(iii) Forward at least three copies of the manifest to:

(A) The next non-rail transporter, if any;

(B) The designated facility, if the shipment is delivered to that facility by rail; or