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Title 49 –Transportation

Subtitle B –Other Regulations Relating to Transportation

Chapter I –Pipeline and Hazardous Materials Safety Administration, Department of Transportation

Subchapter C –Hazardous Materials Regulations

Part 172 –Hazardous Materials Table, Special Provisions, Hazardous Materials

Communications, Emergency Response Information, Training Requirements, and Security Plans

Subpart C –Shipping Papers

Authority: 49 U.S.C. 5101-5128, 44701; 49 CFR 1.81, 1.96 and 1.97.

Source: Amdt. 172-29, 41 FR 15996, Apr. 15, 1976, unless otherwise noted.

§ 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 acknowledgement 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.