

Part 172 - Table, Special Provisions, Communications, Emergency Response, and Training

Federal Register Update

In the October 19, 2009 Federal Register, §172.604 was revised as follows effective October 1, 2010, with a voluntary compliance date of November 18, 2009.

The Federal Register Update can be found at: <http://edocket.access.gpo.gov/2009/pdf/E9-24799.pdf>

§172.604 Emergency response telephone number.

(a) **A person¹ who offers a hazardous material** for transportation must provide an emergency response telephone number, including the area code, for use in the event of an emergency involving the hazardous material. For telephone numbers outside the United States, the international access code or the "+" (plus) sign, country code, and city code, as appropriate, must be included. The telephone number must be—

- (1) *Monitored at all times* the hazardous material is in transportation, including storage incidental to transportation;
 - (2) *The telephone number of a person* who is either knowledgeable of the hazardous material being shipped and has comprehensive emergency response and incident mitigation information for that material, or has immediate access to a person who possesses such knowledge and information. A telephone number that requires a call back (such as an answering service, answering machine, or beeper device) does not meet the requirements of paragraph (a) of this section; and
 - (3) *Entered on a shipping paper, as follows:*
 - (i) *Immediately following the description* of the hazardous material required by subpart C of this part; or
 - (ii) *Entered once on the shipping paper* in a prominent, readily identifiable, and clearly visible manner that allows the information to be easily and quickly found, such as by highlighting, use of a larger font or a font that is a different color from other text and information, or otherwise setting the information apart to provide for quick and easy recognition. This provision may be used only if the telephone number applies to each hazardous material entered on the shipping paper, and if it is indicated that the telephone number is for emergency response information (for example: "EMERGENCY CONTACT: * * *").
- (b) **The telephone number** required by paragraph (a) of this section must be—
- (1) *The number of the person* offering the hazardous material for transportation when that person is also the emergency response information provider (ERI provider). The name of the person, or contract number or other unique identifier assigned by an ERI provider, identified with the emergency response telephone number must be entered on the shipping paper immediately before, after, above, or below the emergency response telephone number unless the name is entered elsewhere on the shipping paper in a prominent, readily identifiable, and clearly visible manner that allows the information to be easily and quickly found; or
 - (2) *The number of an agency* or organization capable of, and accepting responsibility for, providing the detailed information required by paragraph (a)(2) of this section. The person who is registered with the ERI provider must ensure that the agency or organization has received current information on the material before it is offered for transportation. The person who is registered with the ERI provider must be identified by name, or contract number or other unique identifier assigned by the ERI provider, on the shipping paper immediately before, after, above, or below the emergency response telephone number in a prominent, readily identifiable, and clearly visible manner that allows the information to be easily and quickly found, unless the name or identifier is entered elsewhere in a prominent manner as provided in paragraph (b)(1) of this section.
- (c) **A person preparing shipping papers** for continued transportation in commerce must include the information required by this section. If the person preparing shipping papers for continued transportation in commerce elects to assume responsibility for providing the emergency response telephone number required by this section, the person must ensure that all the requirements of this section are met.
- (d) **The requirements of this section do not apply to—**
- (1) *Hazardous materials that are offered* for transportation under the provisions applicable to limited quantities; and
 - (2) *Materials properly described* under the following shipping names:
 - Battery powered equipment.
 - Battery powered vehicle.
 - Carbon dioxide, solid.
 - Castor bean.
 - Castor flake.
 - Castor meal.
 - Castor pomace.
 - Consumer commodity.
 - Dry ice.
 - Engines, internal combustion.
 - Fish meal, stabilized.
 - Fish scrap, stabilized.
 - Refrigerating machine.
 - Vehicle, flammable gas powered.
 - Vehicle, flammable liquid powered.
 - Wheelchair, electric.
 - (3) *Transportation vehicles or freight containers* containing lading that has been fumigated and displaying the FUMIGANT marking (see§172.302(g)) as required by §173.9 of this subchapter, unless other hazardous materials are present in the cargo transport unit.
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¹**Person** means an individual, corporation, company, association, firm, partnership, society, joint stock company; or a government, Indian tribe, or authority of a government or tribe offering a hazardous material for transportation in commerce or transporting a hazardous material to support a commercial enterprise. This term does not include the United States Postal Service or, for purposes of 49 U.S.C. 5123 and 5124, a Department, agency, or instrumentality of the government.