



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety Administration**

400 Seventh Street, S.W.
Washington, D.C. 20590

NOV 7 2006

Ms. Denese Deeds
Industrial Health & Safety Consultants
17 Hazel Terrace
Woodbridge, CT 06525

Ref. No.: 06-0214

Dear Ms. Deeds:

This is in response to your September 19, 2006, letter requesting clarification of (49 CFR Parts 100-185). Specifically, you ask whether contract logistics providers who are responsible for the preparation of shipping papers and the loading and unloading of hazardous material shipments must register.

In your letter, you present the following scenario:

Company "A" contracts the delivery of mail, equipment, and hazardous materials between its facilities to a contract logistics provider, Company "B". While Company "B" and its personnel are responsible for the movement of these deliveries, Company "A" is the offeror of the hazardous material and their equipment is used and at no time does ownership of the materials transfer to Company "B". As the logistics provider, Company "B" is responsible for the preparation of shipping papers and the loading and unloading of the hazardous material shipments. You further note that many of the hazardous material shipments utilize public roads and require placards.

The answer is yes. In accordance with § 107.601, a person who offers or transports hazardous materials in the amounts listed must register. Based on the scenario described in your letter, the person who transports, loads, unloads or prepares a shipping paper for a hazardous material shipment in an amount required for registration, must register. You should also be aware the requirement to register is retroactive and registration is required for all prior years in which a person was engaged in activities requiring a hazardous material registration and failed to register.

I hope this satisfies your request.

Sincerely,

Charles E. Betts
Senior Transportation Specialist
Office of Hazardous Materials Standards



060214

107.601
173.22

INFOCNTR <PHMSA>

From: REGISTER <PHMSA>
Sent: Tuesday, September 19, 2006 9:51 AM
To: INFOCNTR <PHMSA>
Subject: FW:

BAH
§ 107.601
§ 173.22
Registration → Shipper's Responsibility
06-0214

COMPLETED BY TELEPHONE 9/19/2006 GR 3:05PM

John James
Catapult Technology
Contractor to Department of Transportation Pipeline and Hazardous Materials Safety
Administration
(202)366-4518
john.james@dot.gov

-----Original Message-----

From: Nobody [mailto:nobody@bugatti.volpe.dot.gov]
Sent: Tuesday, September 19, 2006 10:00 AM
To: REGISTER <PHMSA>
Subject:

From: d.deeds@ih-sc.com
Subject: Registration Program Questions/Comments
Below is the result of your feedback form. It was submitted by
Denese Deeds (d.deeds@ih-sc.com) on Tuesday, September 19, 2006 at 10:00:11.

Email: d.deeds@ih-sc.com

Name: Denese Deeds

Category: Do I Have to Register?

Organization: Industrial Health & Safety Consultants

Street: 17 Hazel Terrace

City: Woodbridge

State: Connecticut

Zip Code: 06525

Phone: 203-929-3473

Fax: 203-929-5823

Comments: Dear Sir or Madam;

The purpose of this letter is to request clarification of the DOT requirement for Hazmat registration as it relates to a contract logistics provider. I represent a company (Company A) that uses a contract logistics provider (Company B) to make deliveries of mail, courier packages, equipment, and Company A materials including hazardous materials between various Company A facilities in a limited geographic area. Company B is a third party logistics provider and at no time has title or ownership interest in the shipments/deliveries. The hazardous materials require placarding in some cases and the materials are carried on public roads. Both the hazardous materials and vehicles are owned

and maintained by Company A. Company A is the offeror of the hazardous materials, all vehicles operate under Company A's DOT authority, and Company A holds a Hazmat registration. Company B provides drivers and other logistics personnel who load, unload and drive the vehicles. Company B provides supervisory staff on-site and prepares the bills of lading for the shipments per the direct instruction and request of Company A, with all shipping descriptions and information pertaining to the hazardous materials being provided by Company A.

In this case is Company B required to have a separate Hazmat registration or are they covered by Company A's registration? If Company B is required to have a separate Hazmat registration, who's DOT number would the vehicles and drivers operate under?

Thank you for your assistance. Please let me know if you need any further information.

Wants a Written Letter of Interp.