

Requirement To Include Number and Types of Packages on Shipping Papers

We are also revising paragraph (a)(6) regarding the indication on shipping papers of the total quantity of hazardous materials. The amendment makes it mandatory for shippers to include on shipping papers the number and types of packages, such as drums, boxes, jerricans, *etc.*, being used to transport hazardous materials by all modes of transportation. In the NPRM, we proposed a one-year implementation period and requested comments specific to this issue, including suggestions to minimize any impacts that would be associated with the change, such as providing an extended transition period. A number of the commenters suggested that because of the costs associated with implementing the changes, such as to computer programs and systems, we should extend the compliance date. Most commenters suggested that a two or three-year implementation period would be sufficient. We agree that this new requirement warrants additional time to implement. To help reduce the implementation burden and associated costs, we are authorizing use of the current requirements until October 1, 2007 (*see* § 171.14). This date will provide companies four years from the effective date of this final rule.

One commenter requested that we justify the requirement to indicate package types and numbers on shipping papers. We believe that the requirement to indicate types and numbers of packages will enhance the safety and security of hazardous materials transportation while enhancing international harmonization. When incidents occur during transportation, it is essential to know the number of packages present in a given shipment. For example, emergency responders at the scene of an incident would use the information to be certain that they have accounted for all of the packages. After a release of hazardous materials from a motor vehicle involved in a highway traffic accident, it is important for the emergency responders to quickly ascertain the number and types of packages when determining their emergency response actions.

From a security perspective, an indication of the number and type of packages facilitates accountability of the packages. With today's heightened risk of terrorism, the requirement to include the number and types of packages on shipping papers is an effective tool in promoting public safety by allowing carriers, transportation workers, emergency responders and law enforcement personnel to quickly

determine whether packages may be missing, such as from theft. The requirement will assist law enforcement personnel in identifying questionable shipments where further investigation may be warranted. The requirement will help deter and prevent hazardous materials in transportation from being used in a criminal manner, such as weapons of terrorism.

Finally, for ease of compliance with the appropriate regulations, international carriers engaged in the transportation of hazardous materials by aircraft generally elect to comply with the ICAO Technical Instructions, while vessel operators generally elect to comply with the IMDG Code. Because the ICAO Technical Instructions and the IMDG Code currently require the number and types of packages to be included on shipping papers, shippers complying with these international regulations are presently subject to conformance with this requirement. Consistency between international regulations and the HMR with respect to requiring the number and types of packages to be included on shipping papers is another step towards our goal of international uniformity.

One commenter requested that we allow the newly required indication of package types and numbers information to be entered before or after the basic description. We agree and have adopted this placement in this final rule.

Several commenters asked whether we would allow abbreviations for package type, noting that EPA allows certain abbreviations on the hazardous waste manifest. We agree that abbreviations may be used for package types and have revised paragraph (a)(6) accordingly.

We reformatted paragraph (a)(5) in response to a comment from the Dangerous Goods Advisory Council (DGAC) requesting clarification on the structure of paragraph. For the purpose of consolidation, we also transferred to paragraph (a)(5) the existing additional requirements for transportation by vessel currently located in § 172.203(i)(1), (i)(2), (i)(3) and (i)(6).

Optional Sequence of Information

Paragraph (b) is revised to allow an alternative to the basic description sequence currently required in this paragraph. Under the alternate format, the identification number is listed first, followed by the proper shipping name, the hazard class and subsidiary risk, and packing group number. Several commenters stated that authorizing a new sequence of information will cause confusion, and two commenters requested that a single sequence of

information be adopted at the international level. While we believe that the new sequence is necessary for harmonization with international regulations, we are making it optional, rather than requiring it in this final rule. We agree that it would be beneficial to work with the appropriate international bodies to adopt on a single sequence of information.

Structure of 172.202(a)(5)

One commenter requested that 172.202(a)(5) be restructured to clarify the requirements. We agree and have made the necessary changes.

Description of Cylinders on Shipping Papers

One commenter requested that cylinders not be excepted from the requirement to indicate the total quantity on the shipping paper. This comment is outside the scope of this rulemaking as it addresses an existing requirement. Another commenter requested that we clarify § 172.202(a)(5) to indicate that cylinders may be described by a net or gross quantity, in addition to by number of cylinders. The commenter is correct that a net or gross mass may be used to describe cylinders and that this information is not mandatory. As previously discussed, however, we are requiring that the number and types of packages be included on shipping papers. This final rule, therefore, continues to allow the option of indicating the mass of cylinders, but makes mandatory the indication of the number of cylinders in a shipment. One commenter questioned whether airbags containing compressed gas cylinders would be subject to this requirement. We do not consider cylinders employed for use in airbags or other articles to be in the package, so the requirement does not apply in this instance. In the case of airbags and other articles containing cylinders, the package containing the airbag or article is considered to be the package.

Requirement To Indicate Net or Gross Mass

One commenter noted that the removal of the words "as otherwise appropriate" implies that shippers can no longer use other more relevant units of radioactivity to account for the quantity of radioactive materials in a consignment. This was not our intent, and we have specifically added text to allow the use of units more appropriate to radioactive material shipments.

Several commenters suggested that we eliminate the words "net mass" and "gross mass" from the example "1box, net mass, 30 kg" or "2 drums, gross