

## BILLING CODE 4910-60-C

**General Overview for Completing the Hazardous Materials Incident Report—Department of Transportation Form F 5800.1***What Federal Regulation Requires Me To Submit the Report?*

The Hazardous Materials Regulations (HMR; 49 CFR Parts 171–180) require that certain types of incidents be reported to the Research and Special Programs Administration (RSPA). Section 171.15 of the HMR requires an immediate telephonic report (within 12 hours) of certain types of hazardous materials incidents and a follow-up written report. Section 171.16 requires a written report for certain types of hazardous materials incidents within 30 days. Each type of report is explained below.

*What Is the Purpose of the Report?*

The information you are providing in this report is fundamental to hazardous material transportation risk analysis and risk management by government and industry. It allows us to better understand the causes and consequences of hazardous material transportation incidents. The data is used to identify trends and provide basic program performance measures. It helps to demonstrate the effectiveness of existing regulations and to identify areas where changes should be considered. It also assists all parties, including industry segments and individual companies, in understanding the types and frequencies of incidents, what can go wrong, and possible measures that would prevent their recurrence. Your accurate and complete description of incidents can make a significant contribution to continual safety improvement through better regulations, cooperative partnerships, and individual efforts.

*Who Must Complete the Report?*

Any person in possession of a hazardous material during transportation, including loading, unloading and storage incidental to transportation, must report to the Department of Transportation (DOT) if certain conditions are met. This means that when the conditions apply for completing the report, the entity having physical control of the shipment is responsible for filling out and filing Form DOT F 5800.1.

For example, if a shipper is carrying hazardous material, the consignee is unloading the material and there is an incident involving this material, the consignee is responsible for filling out and filing the form. However, if the consignee is unloading the hazardous material and causes a hazardous materials incident involving a consignment intended for someone else, the shipper is responsible for filling out and filing the form.

*What Definitions Should I Know in Order To Complete the Report?*

In order to accurately complete the report, you should be familiar with the following terms. A complete list of definitions is contained in § 171.8.

**Bulk packaging**—a packaging, other than a vessel or a barge, including a transport vehicle or freight container, in which hazardous materials are loaded with no intermediate form of containment and which has:

- (1) A maximum capacity greater than 450 liters (119 gallons) as a receptacle for a liquid;
- (2) A maximum net mass greater than 400 kilograms (822 pounds) and a maximum capacity greater than 450 liters (119 gallons) as a receptacle for a solid; or
- (3) A water capacity greater than 454 kilograms (1000 pounds) as a receptacle for a gas as defined in § 173.115.

**Cargo tank**—a bulk packaging which is:

(1) A tank intended primarily for the carriage of liquids or gases and includes appurtenances, reinforcements, fittings, and closures;

(2) Is permanently attached to or forms a part of a motor vehicle, or is not permanently attached to a motor vehicle but which, by reason of its size, construction, or attachment to a motor vehicle, is loaded or unloaded without being removed from the motor vehicle; and

(3) Is not fabricated under a specification for cylinders, portable tanks, tank cars, or multi-unit tank car tanks.

**Hazardous material**—a substance or material that has been determined to be capable of posing an unreasonable risk to health, safety, and property when transported in commerce, and that has been so designated. The term includes hazardous substances, hazardous wastes, marine pollutants, elevated temperature materials, materials designated as hazardous under the provisions of § 172.101, the Hazardous Materials Table (HMT), and materials that meet the defining criteria for hazard classes and divisions in Part 173.

**Hazardous substance**—a material, including its mixtures and solutions, that—

- (1) Is listed in Appendix A to § 172.101;
- (2) Is in a quantity, in one package, which equals or exceeds the reportable quantity (RQ) listed in Appendix A to § 172.101; and
- (3) When in a mixture or solution—
  - (i) For radionuclides, conforms to paragraph 7 of Appendix A to § 172.101.
  - (ii) For other than radionuclides, is in a concentration by weight which equals or exceeds the concentration corresponding to the RQ of the material, as shown in the following table:

| RQ pounds (kilograms) | Concentration by weight |         |
|-----------------------|-------------------------|---------|
|                       | Percent                 | PPM     |
| 5000 (2270) .....     | 10                      | 100,000 |
| 1000 (454) .....      | 2                       | 20,000  |
| 100 (45.4) .....      | 0.2                     | 2,000   |
| 10 (4.54) .....       | 0.02                    | 200     |
| 1 (0.454) .....       | 0.002                   | 20      |

The term hazardous substance does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance in Appendix A to § 172.101, and the term does not include natural gas, natural gas liquids, liquefied natural gas, or synthetic gas useable for fuel (or mixtures of natural gas and such synthetic gas).

**Hazardous waste**—any material that is subject to the Hazardous Waste Manifest Requirements of the U.S. Environmental Protection Agency specified in 40 CFR Part 262.

**Marine pollutant**—a material that is listed in Appendix B to § 172.101 (also see § 171.4) and, when in a solution or mixture of one or

more marine pollutants, is packaged in a concentration that equals or exceeds:

- (1) Ten percent by weight of the solution or mixture for materials listed in Appendix B; or
  - (2) One percent by weight of the solution or mixture for materials that are identified as severe marine pollutants in Appendix B.
- Undeclared hazardous material**—a hazardous material that is:

- (1) Subject to any of the hazard communication requirements in subparts C (Shipping Papers), D (Marking), E (Labeling), and F (Placarding) of Part 172 of this subchapter, or an alternative marking requirement in Part 173 of this subchapter (such as §§ 173.4(a)(10) and 173.6(c)); and
- (2) Offered for transportation in commerce without any clear indication of the presence

of the hazardous material in or on at least one of the following: an accompanying shipping paper, the outer package, the transport vehicle or freight container, or another written statement by the person offering the hazardous material for transportation.

**Unintentional release**—the escape of a hazardous material from a package on an occasion not anticipated or planned. This includes releases resulting from collision, package failures, human error, criminal activity, negligence, improper packing, or unusual conditions such as the operation of pressure relief devices as a result of over-pressurization, overfill, or fire exposure. It does not include releases, such as venting of packages, where allowed, and the operational discharge of contents from packages.