

Change to Shipping Paper Requirements for Import Shipments into the United States

In a final rule dated May 3, 2007, the US Pipeline and Hazardous Materials Safety Administration (PHMSA) amended the Hazardous Materials Regulations to revise and consolidate the use of international regulations. While most of the provisions in the final rule became effective as of October 1, 2007, there were transition periods set for some requirements. Specifically, a new Subpart C to Part 171 was added, and includes the following section:

§171.22 Authorization and conditions for the use of international standards and regulations.

...

(f) Complete information and certification.

(1) Except for shipments into the United States from Canada conforming to §171.12, each person importing a hazardous material into the United States must provide the forwarding agent at the place of entry into the United States timely and complete written information as to the requirements of this subchapter applicable to the particular shipment.

(2) **After May 4, 2009, the shipper, directly or through the forwarding agent at the place of entry, must provide the initial U.S. carrier with the shipper's certification required by §172.204 of this subchapter, unless the shipment is otherwise excepted from the certification requirement.** Except for shipments for which the certification requirement does not apply, a carrier may not accept a hazardous material for transportation unless provided a shipper's certification.

(3) All shipping paper information and package markings required in accordance with this subchapter **must be in English.** The use of shipping papers and a package marked with both English and a language other than English, in order to dually comply with this subchapter and the regulations of a foreign entity, is permitted under this subchapter.

(4) Each person who provides for transportation or receives for transportation (see §§174.24, 175.30, 176.24 and 177.817 of this subchapter) a shipping paper must retain a copy of the shipping paper or an electronic image thereof that is accessible at or through its principal place of business in accordance with §172.201(e) of this part.

This section requires that all shipments entering the United States, including those entering from Canada or Mexico via road or rail, must include the shipper's certification statement as required in § 172.204 on the shipping paper after May 4, 2009. **Shipping papers prepared according to the applicable requirements of the Canadian TDG Regulations will be acceptable only if one of the following statements is included on the shipping paper.** The statement may be located anywhere on the same page as the shipper's signature.

"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."

or

"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 labelled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations."