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U.S. Department
of Transportation
**Research and
Special Programs
Administration**

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

APR - 5 2000

John E. La Gorce
Manager, Hazardous Materials
Cosco North America, Inc.
100 Lighting Way
Secaucus, NJ 07094

Ref. No. 00-0023

Dear Mr. La Gorce:

This is in response to your letter dated January 19, 2000, regarding the practice of consolidators offering shipments of hazardous materials from several shippers under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if a cargo consolidator is required to create a new shipping paper that consolidates the individual consignments or if he/she is allowed to offer the shipment with the shipping papers that were prepared by the original offerors.

The HMR do not require that a cargo consolidator create new shipping papers. If the individual shipping paper documents are still active (i.e., the shipment has not reached its intended destination as shown on the shipping papers) they are still acceptable. However, if the cargo consolidator elects to create new shipping papers they may rely on the previous certification when recertifying the shipment unless objective factors are present to cause the cargo consolidator to believe that the condition of the shipment have changed since offered by the original shipper (e.g., damage to the packages during transit, broken seal, etc.).

I hope this information is helpful. If you have further questions, please do not hesitate to contact us.

Sincerely,

Thomas G. Allan
Senior Transportation Regulations Specialist
Office of Hazardous Materials Standards



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172.204



COSCO North America, Inc.

*Gave
§ 172.204
00-0023*

Mr. Edward Mazzullo
Director, Office of Hazardous Materials
USDOT/RSPA (DHM 10)
400 7th St. SW
Washington, D.C. 20590-0001

Via FAX: 202-366-3012
Page 1 of 1 Jan 19, 2000

Dear Mr. Mazzullo:

We would appreciate it if RSPA would provide a written letter of interpretation for the following scenario: With regard to the common practice of cargo consolidation in the ocean freight business, consolidators (freight forwarders, non-vessel operating common carriers, etc.) often collect hazmat shipments from many different parties and load these into the same ocean container, which they then offer for shipment at marine terminals. I believe for transportation by water that this consolidator becomes the shipper (singular) for the purposes of compliance with 49 CFR 172.203 (name of shipper) and for the purposes of the Shipper's certification.

In order to certify a shipping paper, should the consolidator (who has no knowledge of the individual shipments other than a 172.204 certification given to him by each individual shipper) be required to type up a new shipping paper that "consolidates" the individual consignments on to a single consecutively numbered shipping paper and sign the certification statement that is required? I believe this makes practical sense; as without such a procedure many hazmat shipments would have multiple shipping papers (possibly as many as 15 different shipping papers covering a single transport unit) and these multiple shipping papers would cause confusion in responding to an emergency.

I believe that as long as the consolidator keeps the original 172.204 certifications on file and has no knowledge at the time of shipment of any condition that affects the safety of the shipment or any information contrary to the intent of 172.204 that this practice should be required. Since this scenario is not specifically addressed by the hazmat regulations I believe a written interpretation by RSPA would help my company to communicate with the many consolidators that we work with and could effect hazmat safety in a positive manner. There is also a general trend in our industry toward third party logistics and consolidation and, as such, scenarios as above are expected to increase significantly in the future as more consolidators offer freight to ocean carriers.

Sincerely,

no required, but allowed

John E. La Gorce
Cosco North America, Inc.
Manager, Hazardous Materials