


[Careers](#) | [Contact Us](#) | [FAQs](#) | [Site Map](#)

Advanced Search

[For the Public](#)
[Hazmat Safety Community](#)
[Pipeline Safety Community](#)
[Media | Congress](#)
[Doing Business with PHMSA](#)

[About Us](#)
[Calendar](#)
[Contact Us](#)
[Data & Statistics](#)
[Electronic Services](#)
[Field Operations](#)
[Grants](#)
[Hazardous Materials Information Center](#)
[Incident Reporting](#)
[International Standards](#)
[Interpretations](#)
[Library](#)
[NTSB Safety Recommendations](#)
[Registration](#)
[Regulations](#)
[Risk Management](#)
[Safety Advisory Notices](#)
[Security](#)
[Special Permits & Approvals](#)
[Training & Outreach](#)

[Home](#) » [Hazmat Safety Community](#) » [Regulations](#) » [Interpretations](#)

PHMSA Interpretation #10-0029

Mar 30, 2010

PHMSA Response Letter

March 29, 2010

Mr. Ben Barrett
 DG Advisor, LLC
 1924 East Blue Ridge Blvd.
 Kansas City, MO 64146

Reference No. 10-0029

Dear Mr. Barrett:

This is in response to your e-mail and telephone conversation with a member of my staff regarding the HM-206F final rule, "Revision of Requirements for Emergency Response Telephone Numbers" published on October 19, 2009 in the Federal Register [74 FR 53413]. (A correction to the final rule's effective date was published on October 22, 2010 [74 FR 54489].) Specifically, you ask us to clarify the exception to the requirement for the name of the person registered with the emergency response information (ERI) provider to be entered in association with (immediately before, after, above or below) the emergency response telephone number on shipping papers.

The HM-206F final rule requires a shipping paper to identify the offeror of the shipment when an ERI provider is used to comply with the requirements of § 172.604. The final rule provides an exception in § 172.604(b)(1) to this requirement. The name of the person registered with the ERI provider is not required to be entered on the shipping paper in association with the ER telephone number if the name of the person is entered elsewhere on the shipping paper in a prominent, readily identifiable, and clearly visible manner that allows the information to be easily and quickly found. Therefore, provided the registrant's name is already entered elsewhere in this manner, there is no requirement to add the name twice. We will revise the regulatory text to clarify this issue in a future rulemaking.

I hope this information is helpful. Please contact this office should you have additional questions.


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Regulation References:

49 CFR 172.604

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[Home](#)
[About PHMSA](#)

[Mission and Goals](#)
[About the Agency](#)
[Key Officials](#)
[Organization](#)
[Calendar](#)

[Promoting Safety & Security](#)

[Regulations](#)
[Special Permits & Approvals](#)
[International Standards](#)
[Security](#)
[Initiatives](#)



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- [Inspections & Enforcement](#)
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Sincerely,


Hattie L. Mitchell
Chief, Regulatory Review and Reinvention
Office of Hazardous Materials Standards

172.604(b)(1)

DMS ID# 10-0029

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- [eForms](#)
- [ePayments](#)
- [Glossary](#)
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