



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

1200 New Jersey Avenue SE  
Washington, DC 20590

**FEB 10 2012**

Mr. Carlisle Smith  
Supervisor, Hazardous Materials Program  
Transportation Enforcement Division  
Public Utilities Commission of Ohio  
180 East Broad Street  
Columbus, OH 43215

Reference No. 11-0305

Dear Mr. Smith:

This is in response to your December 7, 2011 e-mail to Mr. Charles Betts, Director, Standards and Rulemaking Division, Pipeline and Hazardous Materials Safety Administration, concerning how a carrier may display the emergency response information for a hazardous materials shipment under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask whether a carrier may display the required information in a "smart," unlocked mobile telephone attached to a motor vehicle's dashboard.

The answer is no. Although many smartphones (iPhones, Blackberry, etc.) and other handheld devices have applications available that are capable of quickly retrieving the emergency response information required under 49 CFR Part 172, Subpart G, the presence of a device equipped with such applications alone does not fulfill the requirements of § 172.602(b). Section 172.602(b-introductory paragraph), (b)(1), and (b)(2) require emergency response information for a hazardous material to be printed legibly in English and available for use away from the hazardous material package. Section 172.602(b)(3) of the HMR authorizes emergency response information required for a hazardous material to be presented: 1) on a shipping paper; 2) in a document, other than the shipping paper, that includes both the basic description and the technical name of the hazardous material, and the emergency response information; or 3) in a separate document in a manner that cross references the description of the hazardous material on the shipping paper with the emergency response information contained in the document. Further, § 172.602(c)(1) requires each carrier who transports a hazardous material to maintain the emergency response information specified in § 172.602(a) and § 172.606 in the same manner the HMR require shipping papers to be maintained. Specifically, under § 177.817(e), this requires the driver and/or carrier of a motor vehicle containing a hazardous material to ensure that the shipping paper, including its emergency response information, is readily available to and recognizable by authorities in the event of an accident or inspection by:

- (1) Clearly distinguishing the shipping paper, if it is carried with other shipping papers or other papers of any kind, by either distinctively tabbing it or by having it appear first; and
- (2) Storing the shipping paper as follows:
  - (i) When the driver is at the vehicle's controls, the shipping paper shall be:
    - (A) Within his immediate reach while he is restrained by the lap belt; and
    - (B) Either readily visible to a person entering the driver's compartment or in a holder which is mounted to the inside of the door on the driver's side of the vehicle.
  - (ii) When the driver is not at the vehicle's controls, the shipping paper shall be:
    - (A) In a holder which is mounted to the inside of the door on the driver's side of the vehicle; or
    - (B) On the driver's seat in the vehicle.

Obtaining permission to display a hazardous material's emergency response information in a manner that is not prescribed in the HMR can only be obtained through issuance of a special permit by this agency's Associate Administrator for Hazardous Materials Safety or another designated U.S. Department of Transportation official. The application process for a special permit is described in 49 CFR Part 107, Subpart B.

I hope this satisfies your request. Please contact us if we can be of further assistance.

Sincerely,



T. Glenn Foster  
Chief, Regulatory Review and Reinvention Branch  
Standards and Rulemaking Division

**Drakeford, Carolyn (PHMSA)**

Edmonson  
\$ 172.200

**From:** INFOCNTR (PHMSA)  
**Sent:** Wednesday, December 07, 2011 12:49 PM  
**To:** Drakeford, Carolyn (PHMSA)  
**Subject:** FW: Hazmat Information Center Feedback: Other Questions?

\$ 172.600  
Shipping Papers/  
Emergency Response  
Information  
11-0305

Hi Carolyn,

We received the following request for a letter of interpretation.

Thanks,  
Victoria

Victoria Lehman  
Hazmat Information Center (HMIC)  
<http://phmsa.dot.gov/hazmat/info-center>  
(202) 366-1035

-----Original Message-----

**From:** PHMSA-Feedback  
**Sent:** Wednesday, December 07, 2011 12:29 PM  
**To:** PHMSA HM InfoCenter; PHMSA Webmaster  
**Subject:** Hazmat Information Center Feedback: Other Questions?

**To:** Charles E. Betts,  
Director, Office of HM Standards

Dear Mr. Betts,

I am writing to inquire of the use of a smart phone to store and retrieve hazardous materials shipping papers and emergency response information on a commercial move of hazardous materials.

Recently an Ohio Commercial Vehicle Inspector stopped a shipment of hazardous materials. When the Inspector asked for the shipping papers and emergency response information, the driver provided a hard copy of a shipping paper and a smart phone with an ERG application. The smart phone was mounted to the vehicle's dash in a holder and was in clear view when the Inspector approached the CMV. No passwords were required for the phone or its application. The driver showed the Inspector that by typing in a UN/NA number the appropriate emergency actions for the hazardous material could be accessed. The smart phone was not marked in any manner to indicate that the emergency response information was enclosed in the phone.

In closing, I am requesting a formal response regarding the use of smart phone technology to store and retrieve emergency response information. In addition, I am asking if smart phone technology can be used to store and retrieve hazardous materials shipping papers. Thank you for your time.

Sincerely,  
Carlisle Smith, Supervisor Hazardous Materials Program Transportation Enforcement Division  
Public Utilities Commission of Ohio 180 East Broad Street Columbus OH, 43215

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