



“Re-shipping of Packaged Hazardous Materials” February Newsletter

It is a common practice in the transportation industry to re-ship packaged hazardous materials, most commonly for distribution purposes. Is this acceptable? Yes, it is, provided the re-shipper fully complies with all applicable Federal and International regulations applicable to the mode(s) of transportation being utilized (highway, air, vessel or rail).

As noted in Title 49 of the U.S. CFR, a person who either receives hazardous materials from another company and re-ships them (re-shipper/offeror), or accepts a hazardous material for transportation, and transports that material (carrier), is responsible for ensuring that the shipment complies in all respects with Federal hazardous materials transportation law. In both cases, the re-shipper or carrier independently may be subject to enforcement action if the shipment does not comply.

Re-shipping a package of hazardous materials that was received as damaged, mis-declared, undeclared or simply not prepared in full compliance with the regulatory requirements is a violation of the law if the shipment is not brought to full compliance by the re-shipper prior to it being offered for transport. **Appendix A to Subpart D of Part 107—Guidelines for Civil Penalties** sets forth the guidelines PHMSA uses in making initial baseline determinations for civil penalties. The first part of these guidelines is a list of baseline amounts or ranges for frequently-cited probable violations. Following the list of violations are general guidelines PHMSA uses in making penalty determinations in enforcement cases.

Violations of the Federal hazardous materials transportation law are preventable! Proper training in compliance with the **49 CFR Subpart H-Training** requirements is the solution. Think before you RE-SHIP!

-Written By Sonia Irusta of BDG