

CHAPTER 11 – PART 171

GENERAL INFORMATION AND REGULATIONS ON HAZARDOUS MATERIALS

OVERVIEW

(Note: 49 CFR Part 171 also contains the Research and Special Programs Administration (RSPA) requirements for filing hazardous materials incident reports. These regulations are discussed in Chapter 6 in this manual, on Reporting Hazardous Materials Incidents.)

Section 171.1 sets out the scope and purpose of the Hazardous Materials Regulations (HR). The HMR are applicable to transportation of hazardous materials by, and the offering by a shipper for transportation to, a motor carrier in interstate, intrastate and foreign commerce. Intrastate transportation by motor vehicle of certain items is also subject to the HMR:

- (a) Hazardous waste;
- (b) Hazardous substances; and
- (c) Flammable cryogenic liquids in portable tanks and cargo tanks.

Virtually all states have adopted some form of hazardous materials regulations, usually based on or identical to the federal HMR.

The general statement of application of the regulations is found in Section 171.2, which states that no person may accept a hazardous material for transportation in commerce within the United States unless the material is properly classed, described, packaged, marked, labeled and in the proper condition for shipment. In addition, no person may transport a hazardous material in commerce within the United States unless the material is handled and transported in accordance with the HMR. This includes transportation of cylinders of hazardous materials in passenger cars, if the transportation is "in commerce" (a walk-in customer who purchases a cylinder of oxygen for personal use and ordinarily not be considered to be transporting "in commerce").

Any person who knowingly violates a requirement of the hazmat law is liable for a civil penalty of not more than \$32,500 and not less than \$275 for each violation.