

## § 171.2

## 49 CFR Ch. I (10–1–02 Edition)

Code, or imprisoned for not more than 5 years, or both.

[Amdt. 171–150, 62 FR 1215, Jan. 8, 1997, as amended by Amdt. 171–152, 62 FR 2977, Jan. 21, 1997; Amdt. 171–154, 62 FR 49566, Sept. 22, 1997; 65 FR 58618, Sept. 29, 2000; 66 FR 45378, Aug. 28, 2001]

### § 171.2 General requirements.

(a) No person may offer or accept a hazardous material for transportation in commerce unless that person is registered in conformance with subpart G of part 107 of this chapter, if applicable, and the hazardous material is properly classed, described, packaged, marked, labeled, and in condition for shipment as required or authorized by applicable requirements of this subchapter, or an exemption, approval or registration issued under this subchapter or subchapter A of this chapter.

(b) No person may transport a hazardous material in commerce unless that person is registered in conformance with subpart G of part 107 of this chapter, if applicable, and the hazardous material is handled and transported in accordance with applicable requirements of this subchapter, or an exemption, approval or registration issued under this subchapter or subchapter A of this chapter.

(c) No person may represent, mark, certify, sell, or offer a packaging or container as meeting the requirements of this subchapter or an exemption, approval or registration issued under this subchapter or subchapter A of this chapter, governing its use in the transportation in commerce of a hazardous material, whether or not it is used or intended to be used for the transportation of a hazardous material, unless the packaging or container is manufactured, fabricated, marked, maintained, reconditioned, repaired and retested, as appropriate, in accordance with applicable requirements of this subchapter, or an exemption, approval or registration issued under this subchapter or subchapter A of this chapter.

(d) The representations, markings, and certifications subject to the prohibitions of paragraph (c) of this section include, but are not limited to—

(1) Specification identifications that include the letters “ICC,” “DOT,” “CTC,” “MC,” or “UN”;

(2) Exemption, approval, and registration numbers that include the letters “DOT,” “EX,” “M,” or “R”; and

(3) Test dates associated with specification, registration, approval, retest, exemption, or requalification identification number (RIN) markings indicating compliance with a test or retest requirement of this subchapter, or an exemption, an approval, or a registration issued under this subchapter or subchapter A of this chapter.

(e) When a person performs a function covered by or having an effect on a specification prescribed in part 178, 179 or 180 of this subchapter, an approval issued under this subchapter, or an exemption issued under subpart B of this chapter, that person must perform the function in accordance with that specification, approval, or exemption, as appropriate.

(f) No person shall, by marking or otherwise, represent that—

(1) A container or package for the transportation of hazardous materials is safe, certified, or in compliance with the requirements of this title unless it meets the requirements of all applicable regulations issued under the Federal hazardous material transportation law; or

(2) A hazardous material is present in a package, container, motor vehicle, rail car, aircraft, or vessel, if the hazardous material is not present.

(g) No person shall unlawfully alter, remove, deface, destroy, or otherwise tamper with—

(1) Any marking, label, placard, or description on a document required by the Federal hazardous material transportation law, or the regulations issued thereunder; or

(2) Any package, container, motor vehicle, rail car, aircraft, or vessel used for the transportation of hazardous materials.

(h) No person shall—

(1) Falsify or alter an exemption, approval, registration or other grant of authority issued under this subchapter or subchapter A of this chapter; or

(2) Offer a hazardous material for transportation or transport a hazardous material in commerce, or represent, mark, certify, or sell a packaging or container, under a false or altered exemption, approval, registration

or other grant of authority issued under this subchapter or subchapter A of this chapter.

[Amdt. 171-70, 48 FR 2655, Jan. 20, 1983, as amended by Amdt. No. 171-100, 54 FR 25004, June 12, 1989; Amdt. 171-12, 56 FR 8624, Feb. 28, 1991; Amdt. No. 171-115, 57 FR 30631, July 9, 1992; 57 FR 37902, Aug. 21, 1992; Amdt. No. 171-120, 58 FR 33305, June 16, 1993; Amdt. 171-2, 59 FR 49132, Sept. 26, 1994; Amdt. 171-141, 61 FR 21101, May 9, 1996; 64 FR 10752, Mar. 5, 1999; 67 FR 51640, Aug. 8, 2002]

### § 171.3 Hazardous waste.

(a) No person may offer for transportation or transport a hazardous waste (as defined in §171.8 of this subchapter) in interstate or intrastate commerce except in accordance with the requirements of this subchapter.

(b) No person may accept for transportation, transport, or deliver a hazardous waste for which a manifest is required unless that person:

(1) Has marked each motor vehicle used to transport hazardous waste in accordance with §390.21 or §1058.2 of this title even though placards may not be required;

(2) Complies with the requirements for manifests set forth in §172.205 of this subchapter; and

(3) Delivers, as designated on the manifest by the generator, the entire quantity of the waste received from the generator or a transporter to:

(i) The designated facility or, if not possible, to the designated alternate facility;

(ii) The designated subsequent carrier; or

(iii) A designated place outside the United States.

NOTE: Federal law specifies penalties up to \$250,000 fine for an individual and \$500,000 for a company and 5 years imprisonment for the willful discharge of hazardous waste at other than designated facilities. 49 U.S.C. 5124.

(c) If a discharge of hazardous waste or other hazardous material occurs during transportation, and an official of a State or local government or a Federal agency, acting within the scope of his official responsibilities, determines that immediate removal of the waste is necessary to prevent further consequence, that official may authorize the removal of the waste without the preparation of a manifest.

[NOTE: In such cases, EPA does not require carriers to have EPA identification numbers.]

NOTE 1: EPA requires shippers (generators) and carriers (transporters) of hazardous wastes to have identification numbers which must be displayed on hazardous waste manifests. See 40 CFR parts 262 and 263. (Identification number application forms may be obtained from EPA regional offices.)

NOTE 2: In 40 CFR part 263, the EPA sets forth requirements for the cleanup of releases of hazardous wastes.

[Amdt. 171-53, 45 FR 34586, May 22, 1980, as amended by Amdt. 171-53, 45 FR 74648, Nov. 10, 1980; Amdt. 171-78, 49 FR 10510, Mar. 20, 1984; Amdt. 171-107, 54 FR 40068, Sept. 29, 1989; Amdt. 171-111, 55 FR 52466, Dec. 21, 1990; 56 FR 66157, Dec. 20, 1991; Amdt. 171-2, 59 FR 49132, Sept. 26, 1994; Amdt. 171-141, 61 FR 21102, May 9, 1996]

### § 171.4 Marine pollutants.

(a) Except as provided in paragraph (c) of this section, no person may offer for transportation or transport a marine pollutant, as defined in §171.8, in intrastate or interstate commerce except in accordance with the requirements of this subchapter.

(b) The requirements of this subchapter for the transportation of marine pollutants are based on the provisions of Annex III of the 1973 International Convention for Prevention of Pollution from Ships, as modified by the Protocol of 1978 (MARPOL 73/78).

(c) *Exceptions.* Except when transported aboard vessel, the requirements of this subchapter specific to marine pollutants do not apply to non-bulk packagings transported by motor vehicles, rail cars or aircraft.

[Amdt. 171-116, 57 FR 52934, Nov. 5, 1993, as amended by Amdt. 107-39, 61 FR 51337, Oct. 1, 1996]

### § 171.6 Control numbers under the Paperwork Reduction Act.

(a) *Purpose and scope.* This section collects and displays the control numbers assigned to the HMR collections of information by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995. This section complies with the requirements of 5 CFR 1320.7(f), 1320.12, 1320.13 and 1320.14 (OMB regulations implementing the Paperwork Reduction Act of 1995)