

(e) A copy of the manifest bearing all required dates and signatures must be:

(1) Given to a person representing each carrier accepting the waste for transportation,

(2) Carried during transportation in the same manner as required by this subchapter for shipping papers,

(3) Given to a person representing the designated facility receiving the waste,

(4) Returned to the shipper (generator) by the carrier that transported the waste from the United States to a foreign destination with a notation of the date of departure from the United States, and

(5) Retained by the shipper (generator) and by the initial and each subsequent carrier for three years from the date the waste was accepted by the initial carrier. Each retained copy must bear all required signatures and dates up to and including those entered by the next person who received the waste.

(f) *Transportation by rail.* Notwithstanding the requirements of paragraphs (d) and (e) of this section, the following requirements apply:

(1) When accepting hazardous waste from a non-rail transporter, the initial rail transporter must:

(i) Sign and date the manifest acknowledging acceptance of the hazardous waste;

(ii) Return a signed copy of the manifest to the non-rail transporter;

(iii) Forward at least three copies of the manifest to:

(A) The next non-rail transporter, if any;

(B) The designated facility, if the shipment is delivered to that facility by rail; or

(C) The last rail transporter designated to handle the waste in the United States; and

(iv) Retain one copy of the manifest and rail shipping paper in accordance with 40 CFR 263.22.

(2) Rail transporters must ensure that a shipping paper containing all the information required on the manifest (excluding the EPA identification numbers, generator certification and signatures) and, for exports, an EPA Acknowledgment of Consent accompanies the hazardous waste at all times. Intermediate rail transporters

are not required to sign either the manifest or shipping paper.

(3) When delivering hazardous waste to the designated facility, a rail transporter must:

(i) Obtain the date of delivery and handwritten signature of the owner or operator of the designated facility on the manifest or the shipping paper (if the manifest has not been received by the facility); and

(ii) Retain a copy of the manifest or signed shipping paper in accordance with 40 CFR 263.22.

(4) When delivering hazardous waste to a non-rail transporter, a rail transporter must:

(i) Obtain the date of delivery and the handwritten signature of the next non-rail transporter on the manifest; and

(ii) Retain a copy of the manifest in accordance with 40 CFR 263.22.

(5) Before accepting hazardous waste from a rail transporter, a non-rail transporter must sign and date the manifest and provide a copy to the rail transporter.

(g) The person delivering a hazardous waste to an initial rail carrier shall send a copy of the manifest, dated and signed by a representative of the rail carrier, to the person representing the designated facility.

(h) A hazardous waste manifest required by 40 CFR part 262, containing all of the information required by this subpart, may be used as the shipping paper required by this subpart.

[Amdt. 172-58, 45 FR 34698, May 22, 1980, as amended by Amdt. 172-90, 49 FR 10510, Mar. 20, 1984; 49 FR 11184, Mar. 26, 1984; Amdt. 172-248, 61 FR 28675, June 5, 1996]

Subpart D—Marking

§ 172.300 Applicability.

(a) Each person who offers a hazardous material for transportation shall mark each package, freight container, and transport vehicle containing the hazardous material in the manner required by this subpart.

(b) When assigned the function by this subpart, each carrier that transports a hazardous material shall mark each package, freight container, and

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transport vehicle containing the hazardous material in the manner required by this subpart.

[Amdt. 172-101, 45 FR 74666, Nov. 10, 1980]

§ 172.301 General marking requirements for non-bulk packagings.

(a) *Proper shipping name and identification number.* (1) Except as otherwise provided by this subchapter, each person who offers for transportation a hazardous material in a non-bulk packaging shall mark the package with the proper shipping name and identification number (preceded by “UN” or “NA”, as appropriate) for the material as shown in the §172.101 table. Identification numbers are not required on packages which contain only limited quantities, as defined in §171.8 of this subchapter, or ORM-D materials.

(2) The proper shipping name for a hazardous waste (as defined in §171.8 of this subchapter) is not required to include the word “waste” if the package bears the EPA marking prescribed by 40 CFR 262.32.

(3) *Large quantities of a single hazardous material in non-bulk packages.* A transport vehicle or freight container containing only a single hazardous material in non-bulk packages must be marked, on each side and each end as specified in the §172.332 or §172.336, with the identification number specified for the hazardous material in the §172.101 Table, subject to the following provisions and limitations:

(i) Each package is marked with the same proper shipping name and identification number;

(ii) The aggregate gross weight of the hazardous material is 4,000 kg (8,820 pounds) or more;

(iii) All of the hazardous material is loaded at one loading facility;

(iv) The transport vehicle or freight container contains no other material, hazardous or otherwise; and

(v) The identification number marking requirement of this paragraph (a)(3) does not apply to Class 1, Class 7, or to non-bulk packagings for which identification numbers are not required.

(b) *Technical names.* In addition to the marking required by paragraph (a) of this section, each non-bulk packaging containing hazardous materials subject to the provisions of §172.203(k) of this

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part shall be marked with the technical name in parentheses in association with the proper shipping name in accordance with the requirements and exceptions specified for display of technical descriptions on shipping papers in §172.203(k) of this part.

(c) *Exemption packagings.* The outside of each package authorized by an exemption shall be plainly and durably marked “DOT-E” followed by the exemption number assigned.

(d) *Consignee's or consignor's name and address.* Each person who offers for transportation a hazardous material in a non-bulk package shall mark that package with the name and address of the consignor or consignee except when the package is—

(1) Transported by highway only and will not be transferred from one motor carrier to another; or

(2) Part of a carload lot, truckload lot or freight container load, and the entire contents of the rail car, truck or freight container are shipped from one consignor to one consignee.

(e) *Previously marked packagings.* A package which has been previously marked as required for the material it contains and on which the marking remains legible, need not be remarked. (For empty packagings, see §173.29 of this subchapter.)

[Amdt. 172-123, 55 FR 52590, Dec. 21, 1990, as amended by Amdt. 172-151, 62 FR 1227, Jan. 8, 1997; 62 FR 39404, July 22, 1997; 63 FR 16075, Apr. 1, 1998; 66 FR 45182, Aug. 28, 2001]

§ 172.302 General marking requirements for bulk packagings.

(a) *Identification numbers.* Except as otherwise provided in this subpart, no person may offer for transportation or transport a hazardous material in a bulk packaging unless the packaging is marked as required by §172.332 with the identification number specified for the material in the §172.101 table—

(1) On each side and each end, if the packaging has a capacity of 3,785 L (1,000 gallons) or more;

(2) On two opposing sides, if the packaging has a capacity of less than 3,785 L (1,000 gallons); or

(3) For cylinders permanently installed on a tube trailer motor vehicle, on each side and each end of the motor vehicle.