

§ 172.204 Shipper's certification.

(a) *General.* Except as provided in paragraphs (b) and (c) of this section, each person who offers a hazardous material for transportation shall certify that the material is offered for transportation in accordance with this subchapter by printing (manually or mechanically) on the shipping paper containing the required shipping description the certification contained in paragraph (a)(1) of this section or the certification (declaration) containing the language contained in paragraph (a)(2) of this section.

(1) "This is to certify that the above-named materials are properly classified, described, packaged, marked and labeled, and are in proper condition for transportation according to the applicable regulations of the Department of Transportation."

NOTE: In line one of the certification the words "herein-named" may be substituted for the words "above-named".

(2) "I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labelled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations."

(b) *Exceptions.* (1) Except for a hazardous waste, no certification is required for a hazardous material offered for transportation by motor vehicle and transported:

- (i) In a cargo tank supplied by the carrier, or
- (ii) By the shipper as a private carrier except for a hazardous material that is to be reshipped or transferred from one carrier to another.

(2) No certification is required for the return of an empty tank car which previously contained a hazardous material and which has not been cleaned or purged.

(c) *Transportation by air—(1) General.* Certification containing the following language may be used in place of the certification required by paragraph (a) of this section:

I hereby certify that the contents of this consignment are fully and accurately described above by proper shipping name and

are classified, packaged, marked and labeled, and in proper condition for carriage by air according to applicable national governmental regulations.

NOTE TO PARAGRAPH (c)(1): In the certification, the word "packed" may be used instead of the word "packaged" until October 1, 2010.

(2) *Certificate in duplicate.* Each person who offers a hazardous material to an aircraft operator for transportation by air shall provide two copies of the certification required in this section. (See §175.30 of this subchapter.)

(3) *Passenger and cargo aircraft.* Each person who offers for transportation by air a hazardous material authorized for air transportation shall add to the certification required in this section the following statement:

This shipment is within the limitations prescribed for passenger aircraft/cargo aircraft only (delete nonapplicable).

(4) *Radioactive material.* Each person who offers any radioactive material for transportation aboard a passenger-carrying aircraft shall sign (mechanically or manually) a printed certificate stating that the shipment contains radioactive material intended for use in, or incident to, research, or medical diagnosis or treatment.

(d) *Signature.* The certifications required by paragraph (a) or (c) of this section:

- (1) Must be legibly signed by a principal, officer, partner, or employee of the shipper or his agent; and
- (2) May be legibly signed manually, by typewriter, or by other mechanical means.

[Amdt. 172-29A, 41 FR 40677, Sept. 20, 1976]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §172.204, see the List of CFR Sections Affected which appears in the Finding Aids section of the printed volume and on GPO Access.

§ 172.205 Hazardous waste manifest.

(a) No person may offer, transport, transfer, or deliver a hazardous waste (waste) unless an EPA Form 8700-22 and 8700-22A (when necessary) hazardous waste manifest (manifest) is prepared in accordance with 40 CFR 262.20 and is signed, carried, and given as required of that person by this section.