

§ 172.200

testing, see § 173.308(b)(2). The examination and testing of each lighter design must be performed by a person authorized by the Associate Administrator under the provisions of subpart E of part 107 of this chapter, as specified in § 173.308(a)(4). For continued use of approvals dated prior to January 1, 2012, see § 173.308(b)(5).

For non-pressurized lighters containing a Class 3 (flammable liquid) material, its design, description, and packaging must be approved by the Associate Administrator prior to being offered for transportation or transported in commerce. In addition, a lighter design intended to contain a non-pressurized Class 3 material is excepted from the examination and testing criteria specified in § 173.308(b)(3). An unused lighter or a lighter that is cleaned of residue and purged of vapors is not subject to the requirements of this subchapter.

169 This entry applies to lighter refills (see § 171.8 of this subchapter) that contain a Division 2.1 (flammable) gas but do not contain an ignition device. Lighter refills offered for transportation under this entry may not exceed 4 fluid ounces capacity (7.22 cubic inches) or contain more than 65 grams of fuel. A lighter refill exceeding 4 fluid ounces capacity (7.22 cubic inches) or containing more than 65 grams of fuel must be classed as a Division 2.1 material, described with the proper shipping name appropriate for the material, and packaged in the packaging specified in part 173 of this subchapter for the flammable gas contained therein. In addition, a container exceeding 4 fluid ounces volumetric capacity (7.22 cubic inches) or containing more than 65 grams of fuel may not be connected or manifolded to a lighter or similar device and must also be described and packaged according to the fuel contained therein. For transportation by passenger-carrying aircraft, the net mass of lighter refills may not exceed 1 kg per package, and, for cargo-only aircraft, the net mass of lighter refills may not exceed 15 kg per package. See § 173.306(h) of this subchapter.

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Subpart C—Shipping Papers

§ 172.200 Applicability.

(a) *Description of hazardous materials required.* Except as otherwise provided in this subpart, each person who offers a hazardous material for transportation shall describe the hazardous material on the shipping paper in the manner required by this subpart.

(b) This subpart does not apply to any material, other than a hazardous

substance, hazardous waste or marine pollutant, that is—

(1) Identified by the letter “A” in column 1 of the § 172.101 table, except when the material is offered or intended for transportation by air; or

(2) Identified by the letter “W” in column 1 of the § 172.101 table, except when the material is offered or intended for transportation by water; or

(3) An ORM-D, except when the material is offered or intended for transportation by air.

(4) Category B infectious substances prepared in accordance with § 173.199.

[Amdt. 172–29A, 41 FR 40677, Sept. 20, 1976, as amended by Amdt. 172–58, 45 FR 34697, May 22, 1980; Amdt. 172–74, 47 FR 43065, Sept. 30, 1982; Amdt. 172–112, 53 FR 17160, May 13, 1988; Amdt. 172–127, 57 FR 52938, Nov. 5, 1992; 71 FR 32258, June 2, 2006]

§ 172.201 Preparation and retention of shipping papers.

(a) *Contents.* When a description of hazardous material is required to be included on a shipping paper, that description must conform to the following requirements:

(1) When a hazardous material and a material not subject to the requirements of this subchapter are described on the same shipping paper, the hazardous material description entries required by § 172.202 and those additional entries that may be required by § 172.203:

(i) Must be entered first, or

(ii) Must be entered in a color that clearly contrasts with any description on the shipping paper of a material not subject to the requirements of this subchapter, except that a description on a reproduction of a shipping paper may be highlighted, rather than printed, in a contrasting color (the provisions of this paragraph apply only to the basic description required by § 172.202(a)(1), (2), (3), and (4)), or

(iii) Must be identified by the entry of an “X” placed before the proper shipping name in a column captioned “HM.” (The “X” may be replaced by “RQ,” if appropriate.)

(2) The required shipping description on a shipping paper and all copies thereof used for transportation purposes, must be legible and printed (manually or mechanically) in English.

(3) Unless it is specifically authorized or required in this subchapter, the required shipping description may not contain any code or abbreviation.

(4) A shipping paper may contain additional information concerning the material provided the information is not inconsistent with the required description. Unless otherwise permitted or required by this subpart, additional information must be placed after the basic description required by § 172.202(a).

(b) [Reserved]

(c) *Continuation page.* A shipping paper may consist of more than one page, if each page is consecutively numbered and the first page bears a notation specifying the total number of pages included in the shipping paper. For example, "Page 1 of 4 pages."

(d) *Emergency response telephone number.* Except as provided in § 172.604(c), a shipping paper must contain an emergency response telephone number, as prescribed in subpart G of this part.

(e) *Retention and Recordkeeping.* Each person who provides a shipping paper must retain a copy of the shipping paper required by § 172.200(a), or an electronic image thereof, that is accessible at or through its principal place of business and must make the shipping paper available, upon request, to an authorized official of a Federal, State, or local government agency at reasonable times and locations. For a hazardous waste, the shipping paper copy must be retained for three years after the material is accepted by the initial carrier. For all other hazardous materials, the shipping paper must be retained for two years after the material is accepted by the initial carrier. Each shipping paper copy must include the date of acceptance by the initial carrier, except that, for rail, vessel, or air shipments, the date on the shipment waybill, airbill, or bill of lading may be used in place of the date of acceptance by the initial carrier. A motor carrier (as defined in § 390.5 of subchapter B of chapter III of subtitle B) using a shipping paper without change for multiple shipments of one or more hazardous materials having the same shipping name and identification number may retain a single copy of the shipping paper, instead of a copy

for each shipment made, if the carrier also retains a record of each shipment made, to include shipping name, identification number, quantity transported, and date of shipment.

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

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 172.201, see the List of CFR Sections Affected which appears in the Finding Aids section of the printed volume and on GPO Access.

§ 172.202 Description of hazardous material on shipping papers.

(a) The shipping description of a hazardous material on the shipping paper must include:

(1) The proper shipping name prescribed for the material in column 2 of the § 172.101 table;

(2) The hazard class or division number prescribed for the material, as shown in Column (3) of the § 172.101 Table. Except for combustible liquids, the subsidiary hazard class(es) or subsidiary division number(s) must be entered in parentheses immediately following the primary hazard class or division number.

In addition—

(i) The words "Class" or "Division" may be included preceding the primary and subsidiary hazard class or division numbers.

(ii) The hazard class need not be included for the entry "Combustible liquid, n.o.s.".

(iii) For domestic shipments, primary and subsidiary hazard class or division names may be entered following the numerical hazard class or division, or following the basic description.

(3) The identification number prescribed for the material as shown in column 4 of the § 172.101 table;

(4) The packing group in Roman numerals, as designated for the hazardous material in Column 5 of the § 172.101 Table. Class 1 (explosives) materials, self-reactive substances, organic peroxides and entries that are not assigned a packing group are excepted from this requirement. The packing group may be preceded by the letters "PG" (for example, "PG II"); and

(5) The total quantity of hazardous materials covered by the description must be indicated (by mass or volume, or by activity for Class 7 materials)