

must not meet the definition and criteria of a Class 1 (explosive) material.

(15) Transportation of marine pollutants, as defined in §171.8 of this subchapter, must conform to the requirements of §§172.203(1) and 172.322 of this subchapter.

(16) Except as provided for limited quantities of compressed gases in containers of not more than 4 fluid ounces capacity under §173.306(a)(1) of this subchapter, aerosols must meet the definition for "Aerosol" in §171.8.

(17) A chemical oxygen generator must be approved in accordance with the requirements of this subchapter. A chemical oxygen generator and a chemical oxygen generator (spent) must be classed, described and packaged in accordance with the requirements of this subchapter.

(18) An organic peroxide that is not identified by technical name in the Organic Peroxide Table in §173.225(b) of this subchapter must be approved by the Associate Administrator in accordance with the requirements of §173.128(d) of this subchapter.

[Amdt. 171-111, 55 FR 52473, Dec. 21, 1990, as amended at 56 FR 66160, Dec. 20, 1991; 57 FR 45453, Oct. 1, 1992; Amdt. 171-116, 57 FR 52935, Nov. 5, 1992; Amdt. 171-153, 62 FR 24700, May 6, 1997; 62 FR 30770, June 5, 1997; 64 FR 10753, Mar. 5, 1999; 64 FR 45396, Aug. 19, 1999; 64 FR 50262, Sept. 16, 1999; 64 FR 51720, Sept. 24, 1999; 64 FR 51915, Sept. 27, 1999; 66 FR 33336, June 21, 2001; 66 FR 44255, Aug. 22, 2001]

**§ 171.14 Transitional provisions for implementing certain requirements.**

*General.* The purpose of the provisions of this section is to provide an orderly transition to certain new requirements so as to minimize any burdens associated with them.

(a) *Previously filled packages*—(1) *Packages filled prior to October 1, 1991.* Notwithstanding the marking and la-

beling provisions of subparts D and E, respectively, of part 172, and the packaging provisions of part 173 and subpart B of part 172 of this subchapter, a package may be offered for transportation and transported prior to October 1, 2001, if it—

- (i) Conforms to the old requirements of this subchapter in effect on September 30, 1991;
- (ii) Was filled with a hazardous material prior to October 1, 1991;
- (iii) Is marked "Inhalation Hazard" if appropriate, in accordance with §172.313 of this subchapter or Special Provision 13, as assigned in the §172.101 table; and
- (iv) Is not emptied and refilled on or after October 1, 1991.

(2) *Non-bulk packages filled prior to October 1, 1996.* Notwithstanding the packaging provisions of subpart B of part 172 and the packaging provisions of part 173 of this subchapter with respect to UN standard packagings, a non-bulk package other than a cylinder may be offered for transportation and transported domestically prior to October 1, 1999, if it—

- (i) Conforms to the requirements of this subchapter in effect on September 30, 1996;
- (ii) Was filled with a hazardous material prior to October 1, 1996; and
- (iii) Is not emptied and refilled on or after October 1, 1996.

(b) *Transitional placarding provisions.* Until October 1, 2001, placards which conform to specifications for placards in effect on September 30, 1991, or placards specified in the December 21, 1990 final rule may be used, for highway transportation only, in place of the placards specified in subpart F of part 172 of this subchapter, in accordance with the following table:

PLACARD SUBSTITUTION TABLE

Hazard class or division No.	Current placard name	Old (Sept. 30, 1991) placard name
Division 1.1 .....	Explosives 1.1 .....	Explosives A.
Division 1.2 .....	Explosives 1.2 .....	Explosives A.
Division 1.3 .....	Explosives 1.3 .....	Explosives B.
Division 1.4 .....	Explosives 1.4 .....	Dangerous.
Division 1.5 .....	Explosives 1.5 .....	Blasting agents.
Division 1.6 .....	Explosives 1.6 .....	Dangerous.
Division 2.1 .....	Flammable gas .....	Flammable gas.
Division 2.2 .....	Nonflammable gas .....	Nonflammable gas.
Division 2.3 <sup>1</sup> .....	Poison gas .....	Poison gas.

PLACARD SUBSTITUTION TABLE—Continued

Hazard class or division No.	Current placard name	Old (Sept. 30, 1991) placard name
Class 3 .....	Flammable .....	Flammable.
Combustible liquid .....	Combustible .....	Combustible.
Division 4.1 .....	Flammable solid .....	Flammable solid.
Division 4.2 .....	Spontaneously combustible .....	Flammable solid.
Division 4.3 .....	Dangerous when wet .....	Flammable solid W.
Division 5.1 .....	Oxidizer .....	Oxidizer.
Division 5.2 .....	Organic peroxide .....	Organic peroxide.
Division 6.1, (inhalation hazard, Zone A or B) <sup>1</sup> ...	Poison inhalation hazard .....	Poison.
Division 6.1, PG I (other than Zone A or B inhalation hazard), PG II, or PG III.	Poison .....	Poison.
Class 7 .....	Radioactive .....	Radioactive.
Class 8 .....	Corrosive .....	Corrosive.
Class 9 .....	Class 9 .....	(none required).

<sup>1</sup>For materials poisonous by inhalation, by all modes of transportation, until October 1, 2001, placards may be used that conform to specifications for placards (1) in effect on September 30, 1991, (2) specified in the December 21, 1990 final rule, or (3) specified in the July 22, 1997 final rule.

(c) *Non-specification fiber drums.* A non-specification fiber drum with a removable head is authorized for a liquid hazardous material in Packing Group III that is not poisonous by inhalation for which the packaging was authorized under the requirements of part 172 or part 173 of this subchapter in effect on September 30, 1991. This authorization expires on the date on which funds are authorized to be appropriated to carry out chapter 51 of title 49, United States Code (related to transportation of hazardous materials), for fiscal years beginning after September 30, 1997. Information concerning this funding authorization date may be obtained by contacting the Office of the Associate Administrator.

(d) A final rule published in the FEDERAL REGISTER on June 21, 2001, effective October 1, 2001, resulted in revisions to this subchapter. During the transition period, until October 1, 2002, as provided in paragraph (d)(1) of this section, a person may elect to comply with either the applicable requirements of this subchapter in effect on September 30, 2001, or the requirements published in the June 21, 2001 final rule.

(1) *Transition dates.* The effective date of the June 21, 2001 final rule is October 1, 2001. A delayed compliance date of October 1, 2002 is authorized. On October 1, 2002, all applicable regulatory requirements adopted in the June 21, 2001 final rule in effect on October 1, 2001 must be met.

(2) *Intermixing old and new requirements.* Prior to October 1, 2002, it is rec-

ommended that the hazard communication requirements be consistent where practicable. Marking, labeling, placarding, and shipping paper descriptions should conform to either the old requirements of this subchapter in effect on September 30, 2001, or the new requirements of this subchapter in the June 21, 2001 final rule without intermixing communication elements. However, intermixing is permitted, during the applicable transition period, for packaging, hazard communication, and handling provisions, as follows:

(i) If either shipping names or identification numbers are identical, a shipping paper may display the old shipping description even if the package is marked and labeled under the new shipping description;

(ii) If either shipping names or identification numbers are identical, a shipping paper may display the new shipping description even if the package is marked and labeled under the old shipping description; and

(iii) Either old or new placards may be used regardless of whether old or new shipping descriptions and package markings are used.

(3) Until October 1, 2003, the KEEP AWAY FROM FOOD labeling and placarding requirements in effect on September 30, 1999, may continue to be used in place of the new requirements for Division 6.1, Packing Group III materials.

(4) Until January 1, 2010, a hazardous material may be transported in an IM or IMO portable tank in accordance

with the T Codes (Special Provisions) assigned to a hazardous material in Column (7) of the HMT in effect on September 30, 2001.

(5) Until October 1, 2005, proper shipping names that included the word "inhibited" prior to the June 21, 2001 final rule in effect on October 1, 2001, may continue to be shown on packagings in place of "stabilized."

[Amdt. 171-131, 59 FR 67406, Dec. 29, 1994, as amended by Amdt. 171-132, 60 FR 26799, 26800, May 18, 1995; Amdt. 171-138, 60 FR 48786, Sept. 20, 1995; Amdt. 171-139, 61 FR 7958, Feb. 29, 1996; Amdt. 171-150, 62 FR 1227, Jan. 8, 1997; Amdt 171-153, 62 FR 24700, May 6, 1997; 62 FR 29676, June 2, 1997; 62 FR 39404, July 22, 1997; 63 FR 52847, Oct. 1, 1998; 64 FR 10753, Mar. 5, 1999; 64 FR 50263, Sept. 16, 1999; 64 FR 51915, Sept. 27, 1999; 66 FR 33336, June 21, 2001; 66 FR 45378, Aug. 28, 2001]

**§ 171.15 Immediate notice of certain hazardous materials incidents.**

(a) At the earliest practicable moment, each carrier who transports hazardous materials (including hazardous wastes) shall give notice in accordance with paragraph (b) of this section after each incident that occurs during the course of transportation (including loading, unloading and temporary storage) in which—

(1) As a direct result of hazardous materials—

- (i) A person is killed; or
- (ii) A person receives injuries requiring his or her hospitalization; or
- (iii) Estimated carrier or other property damage exceeds \$50,000; or
- (iv) An evacuation of the general public occurs lasting one or more hours; or
- (v) One or more major transportation arteries or facilities are closed or shut down for one hour or more; or
- (vi) The operational flight pattern or routine of an aircraft is altered; or

(2) Fire, breakage, spillage, or suspected radioactive contamination occurs involving shipment of radioactive material; or

(3) Fire, breakage, spillage, or suspected contamination occurs involving shipment of infectious substances (etiologic agents); or

(4) There has been a release of a marine pollutant in a quantity exceeding 450 L (119 gallons) for liquids or 400 kg (882 pounds) for solids; or

(5) A situation exists of such a nature (e.g., a continuing danger to life exists at the scene of the incident) that, in the judgment of the carrier, it should be reported to the National Response Center even though it does not meet the criteria of paragraph (a) (1), (2) or (3) of this section.

(b) Except for transportation by aircraft, each notice required by paragraph (a) of this section shall be given to the National Response Center by telephone (toll-free) on 800-424-8802. Notice involving shipments transported by aircraft must be given to the nearest FAA Civil Aviation Security Office by telephone at the earliest practical moment after each incident in place of the notice to the National Response Center. Notice involving etiologic agents may be given to the Director, Centers for Disease Control, U.S. Public Health Service, Atlanta, Ga. (800) 232-0124, in place of the notice to the National Response Center or (toll call) on 202-267-2675. Each notice must include the following information:

- (1) Name of reporter.
- (2) Name and address of carrier represented by reporter.
- (3) Phone number where reporter can be contacted.
- (4) Date, time, and location of incident.
- (5) The extent of injuries, if any.
- (6) Classification, name, and quantity of hazardous materials involved, if such information is available.
- (7) Type of incident and nature of hazardous material involvement and whether a continuing danger to life exists at the scene.

(c) Each carrier making a report under this section shall also make the report required by § 171.16.

NOTE: Under 40 CFR 302.6 EPA requires persons in charge of facilities (including transport vehicles, vessels and aircraft) to report any release of a hazardous substance in a quantity equal to or greater than its reportable quantity, as soon as that person has knowledge of the release, to the U.S. Coast Guard National Response Center at (toll free) 800-424-8802 or (toll) 202-267-2675.

[Amdt. 171-7, 35 FR 16837, Oct. 3, 1970]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 171.15, see the List of CFR Sections Affected which appears in the Finding Aids section of the printed volume and on GPO Access.