



Petroleum Transportation & Storage Association

## COMPLIANCE BULLETIN

December 23, 2005

### REVISED SHIPPING PAPER RETENTION REQUIREMENTS

**BACKGROUND:** The federal HAZMAT regulations requires a person who offers hazardous materials for transportation to describe the material on a shipping paper pursuant to 49 CFR 172 subpart C. A paper copy of the shipping paper must accompany the hazardous material during transportation. In 1994 Congress amended the federal hazardous material law to require that after a hazardous material is no longer in transportation, each shipper must retain a copy of the shipping paper at its principal place of business for a period of one year. On July 12, 2002, the U.S. DOT's Research and Special Programs Administration (RSPA) issued a final rule that lengthens the shipping paper retention period to 375 days. A revised rule released November 1, 2002 clarifies that shipping papers must be produced "**at reasonable times and locations**", a change that allows petroleum marketers to centralize shipping papers in one location and facilitates the use of electronic shipping papers.

**NEW REQUIREMENT:** The Hazardous Material Safety and Security Act of 2005 has changed the retention period for shipping papers. Shippers must now keep shipping papers for a period of **two full years**.

- **Acceptance Date:** the 2-year retention period begins when the shipment is loaded at the terminal facility or bulk plant. Shipping papers must include the date the shipment is accepted by the initial carrier. It is not necessary to modify shipping papers to include the acceptance date. Instead, the date accompanying the driver's signature may be used as the acceptance date.
- **Record Retention:** Copies of the shipping paper must be maintained at the transporter's principal place of business. Records must be maintained so that they can be made available to an authorized official of a federal, state or local government agency upon request "**at reasonable times and locations**". Either a paper copy of the shipping paper or an electronic image thereof may be retained. Electronic images include an image transmitted by facsimile, a computerized image or an image scanned by an optical imaging machine.
- **Multiple Deliveries:** The use of permanent shipping papers for multiple deliveries is allowed. A copy of the permanent shipping paper must be retained for the two-year day period. However, a record of each shipment made under a permanent shipping paper must also be retained. A new shipping paper is not necessary for each delivery under a permanent shipping paper. Instead, the shipping paper requirement may be met by inventory and tax records which are already kept for each delivery pursuant to standard business practices. In order for these records to qualify for the shipping paper requirement, they must include the shipping name, hazardous material id number, quantity transported and date of shipment.

**COMPLIANCE DATE:** *The two- year shipping paper retention period is effective January 9, 2006*