

## D.T. GRUELLE COMPANY GROUP, LLC

301 Moon Clinton Road, Moon Township, PA 15108 U.S.A.

Tel: (412) 262-2755 eFax: (412) 424-6231 Website: [www.dtgruelle.com](http://www.dtgruelle.com)

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## U.S. Required Emergency Response Information and Telephone Services

The following has the purpose of familiarizing parties who partake in international commerce with the international requirements, and United States of America's regulations, concerning "Emergency Response Information" and "Emergency Response Telephone Number" services that delivers critical information to first-responders in the case of an adverse event.

### DEFINITIONS

Dangerous Goods Declaration (DGD): When shipping commodities/materials that have hazardous properties, the Shipper/Manufacturer (or the Packer for those Parties) must complete a form known as a "Dangerous Goods Declaration" (DGD). This document certifies that the shipment has been labeled, packed and declared in accordance to the relevant superimposed regulations; Both international regulations and the regulations imposed by the countries in which a shipment will pass through must be considered. Furthermore, additional information such as "Emergency Response Information" (ERI) will be placed on this document, when required.

Emergency Response Information (ERI): Information that can be used in the mitigation of an incident involving hazardous materials and, as a minimum, typically contains the following information:

- The basic description and technical name of the hazardous material;
- Immediate hazards to health;
- Risks of fire or explosion;
- Immediate precautions to be taken in the event of an accident or incident;
- Immediate methods for handling fires;
- Initial methods for handling spills or leaks in the absence of fire; and
- Preliminary first aid measures.

ERI is most often communicated via a Safety Data Sheet per hazardous commodity/product.

Safety Data Sheet (SDS): An SDS (formerly known as MSDS) includes information such as the properties of a hazardous material; the physical, health, and environmental health hazards; protective measures; and safety precautions for handling, storing, and transporting the chemical. It also provides guidance for each specific chemical on things such as Personal Protective Equipment (PPE); first-aid procedures; spill clean-up procedures; firefighting methods; and transportation marking and packaging provisions.

It is important to note that an SDS configuration and requirements are a multinational agreed upon set of standards which is led by the United Nations Economic Commission for Europe's Committee of Experts on the Transport of Dangerous Goods and on the Globally Harmonized System of Classification and Labelling of Chemicals. The latest addition of the Globally Harmonized System can be found here: <https://unece.org/transport/standards/transport/dangerous-goods/ghs-rev9-2021>

**DISCLAIMER:** The contents of this document are intended to convey general information only and not to provide legal advice or opinions; thus, the contents herein are non-binding in nature. Any citations herein were in accordance with the laws and/or regulations at the time of the revision date indicated on top right of this document; alterations in laws and regulation may have occurred.

**Emergency Response Telephone Number:** The telephone number of a person (or company) who is either knowledgeable of the hazardous material being shipped and has comprehensive emergency response and incident mitigation information for that material, or has immediate access to a person who possesses such knowledge and information.

## **INTERNATIONAL REQUIREMENTS**

Country specific requirements. When it comes to Emergency Response Information and related services that need to be provided for, the regulations on what is needed varies greatly from country-to-country. As anything else when participating in international commerce, these differences can present the threat of oversight and often lead to unforeseen complications in shipments. To assist with minimizing these kinds of issues, the leading, globally-recognized international organizations that regulate international transportation take it upon themselves to act as conduit by standardizing most requirements. Though these international organizations do a great job assisting in these kinds of provisions, there are still additional requirements that vary from country-to-country.

International Maritime Organization's ("IMO"). IMO controls international ocean transportation and requires an appropriate Dangerous Goods Declaration. Furthermore, consignments of dangerous goods must have the appropriate information immediately available at all times for the use in emergency response to accidents and incidents involving dangerous goods in transport. The information shall be available away from packages containing the dangerous goods and immediately accessible in the event of an incident. The most common method of compliance is also providing the steamship line with the Safety Data Sheet. There are no requirements to provide Emergency Response Telephone Number; However, steamship lines often require this as part of their standard operating procedures.

International Air Transport Association ("IATA"). IATA controls international air transportation and requires an appropriate Dangerous Goods Declaration. There are no requirements to provide Emergency Response Telephone Number; However, airlines often require this and an SDS per dangerous commodity/material as part of their standard operating procedures.

## **UNITED STATES OF AMERICA'S ERI AND EMERGENCY RESPONSE REQUIREMENTS**

1) Emergency Response Information (ERI), commonly in the form of an SDS, must be immediately available for use at all times the hazardous material is present.

2) Emergency Response information, including an Emergency Response Telephone Number, must be immediately available to any person who responds to an incident involving a hazardous material, or is conducting an investigation which involves a hazardous material.

3) The requirements of what needs to be on the Dangerous Goods Declaration (DGD) under "Additional Information" are as follows:

- a. Name of the Emergency Response Information ERI service provider.
- b. The emergency contact number of the ERI service provider.
  - i. Must be a 24-hour response number. No call back numbers allowed.
  - ii. For telephone numbers outside the United States, the international access code or the "+" (plus) sign, country code, and city code, as appropriate, that are needed to complete the call must be included.

- iii. Indicated that the telephone number is for emergency response information (for example: "EMERGENCY CONTACT: \* \* \*").
- c. Any Unique Identifier assigned by the ERI Provider (i.e., Account Number assigned to the Manufacturer/Shipper by the ERI service provider) must be present, even if it is by the company's name. If by company name, it is best practice to state "Unique Identifier: \*company's name\*".

### PROVIDING FOR U.S. ERI AND EMERGENCY RESPONSE TELEPHONE NUMBER REQUIREMENTS

In the United States of America, the Federal hazardous materials transportation law authorizes PHMSA's Chief Counsel to assess a civil penalty of not less than \$450, but not more than \$75,000. As of 02October2013, [Appendix A to Subpart D of Part 107 - Guidelines for Civil Penalties](#) sets a baseline assessment for the failure to include an emergency response telephone number on a shipping paper at \$3,200.00 USD, per violation. To remain compliant DTGruelle recommends the following:

- a. Emergency Response Information: It in best practices to collect and retain all SDSs from any Manufacturers/Shippers. All relevant SDSs will need to be provided to the logistics service providers prior to a shipment being dispatched. Furthermore, the Emergency Response Telephone Number service provider will need to collect, review, and process all SDSs into a binder so they ERI can be accessed quickly.
- b. Emergency Response Telephone Number: In most cases the Manufacturer will have an Emergency Response Telephone Number service provider established and should have all the required information for this service readily available and on the Dangerous Goods Declaration. This will have to be discussed prior to a shipment being dispatch. In cases where the Manufacturer's country does not require this service and has opted to not provide this service for their U.S. Consignee, the U.S. Consignee will have to arrange this service themselves prior to receiving the shipments.

### PROVIDING FOR INTERNATIONAL REQUIREMENTS

Similar to the unique requirements of the United States, there are country-specific requirements all around the world. Prior to dispatching a shipment, please contact DTGruelle to ensure that all requirements are being accounted for.

#### References:

1. ICAO derived International Air Transport Association ("IATA") Dangerous Goods Regulations, Edition 61
  - a. 8.1.6.11
  - b. State (Country) Variation USG-12
2. International Maritime Organization's ("IMO") International Maritime Dangerous Goods Code ("IMDG Code"), Amendments 40-20
  - a. 5.4.3.4.1
3. 49CFR172
  - a. .602, "Emergency response information"
  - b. .604, "Emergency response telephone number"

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