



DEPARTMENT OF TRANSPORTATION
MATERIALS TRANSPORTATION BUREAU
WASHINGTON, D.C. 20590

PLAINTIFF'S EXHIBIT

SH-1604

33066

Office of Hazardous Materials Operations
HAZARDOUS MATERIALS
Notice to Shippers and Carriers

A recent accident of serious consequence relating to the transportation of a forbidden explosive makes it necessary for the Bureau to bring to the attention of all shippers and carriers of hazardous materials several requirements of the Department's Hazardous Materials Regulations.

The Department's Hazardous Materials Regulations are found in Title 49, Code of Federal Regulations, Parts 170-179. Section 173.51 contains requirements governing the offering of certain explosives for transportation and specifies the criteria used to identify those explosives. In addition, paragraph (b) of this section states that "Explosive compositions that ignite spontaneously or undergo marked decomposition when subjected for 48 consecutive hours to a temperature of 75° C. (167° F.)" are forbidden explosives. Also, § 173.21(b) states in part that "The offering for transportation of any package or container of any liquid, solid or gaseous material which under conditions incident to transportation may polymerize (combine or react with itself) or decompose so as to cause dangerous evolution of heat or gas is prohibited." Further, paragraph (c) of this section states "The offering for transportation of any package or container of any material which will cause a dangerous evolution of heat or gas under conditions normally incident to transportation is forbidden."

All shippers of hazardous materials are instructed to take note of the above cited prohibitions and should take all steps necessary to ascertain that the materials they offer for transportation do not fall under any of the conditions specified above. It is requested that any

person having knowledge of anyone manufacturing, preparing, or processing materials of this kind, who may be potential shippers, advise them of the prohibitions mentioned above.

It is requested that all carriers handling hazardous materials bring these prohibitions to the attention of the shippers of hazardous materials they serve and make them fully aware of the existence of the Department's Hazardous Materials Regulations. Copies of the Regulations may be obtained from the Superintendent of Documents, Washington, D.C. 20540 at a cost of \$7.20 per copy. They should request "49 Transportation, Parts 100 to 199." Copies of the Regulations may also be obtained from the Bureau of Explosives, Association of American Railroads, 1920 L Street, NW., Washington, D.C. 20036 and from the Tariff Order Section, American Trucking Associations, Inc., 1616 P Street, NW., Washington, D.C. 20036.

Serious penalties may be imposed for violations of the Department's Hazardous Materials Regulations. Title 18 U.S.C. 834 (1), under which most of the existing regulations have been prescribed, states "Whoever knowingly violates any such regulation shall be fined not more than \$1,000 or imprisoned not more than one year, or both; and, if the death or bodily injury of any person results from such violation, shall be fined not more than \$10,000 or imprisoned not more than ten years, or both." New hazardous materials statutes enacted earlier this year increase the possible monetary fine to \$25,000 for each offense.

(18 U.S.C. 831-835; 49 CFR 1.64(c))

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Director, Office of
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