



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, D.C. 20590

JUN 14 2013

Mike Stillwell
Team Lead, Transportation Safety and Rail Security Coordinator
Huntsman LLC
8600 Gosling Road
The Woodlands, TX 77831

Ref. No. 13-0065

Dear Mr. Stillwell:

This responds to your March 25, 2013 letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to shipping papers. Specifically, you ask about shipping a Class 8 material containing a marine pollutant under a generic shipping description such as "UN2375, Corrosive Liquid, n.o.s." In your letter, you propose two different shipping descriptions and request that the Pipeline and Hazardous Materials Safety Administration (PHMSA) clarify which description is correct based on the wording in § 172.203(k)(1). The shipping descriptions listed in your letter are as follows:

UN2375, Corrosive liquid, n.o.s. (corrosive component), 8, II marine pollutant (marine pollutant component); or

UN2375, Corrosive liquid, n.o.s. (corrosive component, marine pollutant component), 8, II marine pollutant.

In accordance with § 173.22, it is the shipper's responsibility to properly classify a hazardous material. This Office does not generally perform that function. However, based on the information you provided, the appropriate method to describe the material in your scenario would be "UN2375, Corrosive liquid, n.o.s. (corrosive component), 8, II, marine pollutant (marine pollutant component)." The intention of § 172.203(k)(1) is for only the corrosive component which makes the material a corrosive liquid be included in the shipping description in addition to the generic n.o.s. description.

Thank you for your continued interest in this matter. If you have any questions regarding the handling of your request, please feel free to contact me directly at (202) 366-8553.

Sincerely,

T. Glenn Foster
Chief, Regulatory Review and Reinvention Branch
Standards and Rulemaking Division

Andrews
§ 172.203 (k)(1)
Shipping Papers
13-0065

U.S. DOT
PHMSA Office of Hazardous Materials Standards
Attn: PHH-10 , East Building
1200 New Jersey Avenue, SE.
Washington, DC 20590-0001

I would like to get a written interpretation and clarification of 49 CFR 172.203 (k) (1)
I have included the actual elements from the regulations with my understanding /
interpretation attached at the end of each entry

172.203 (k) (1) Additional description requirements

(1) If a hazardous material is a mixture or solution of two or more hazardous materials, the technical names of at least two components most predominately contributing to the hazards of the mixture or solution must be entered on the shipping paper as required by paragraph (k) of this section. For example, "Flammable liquid, corrosive, n.o.s., 3, UN 2924, II (contains Methanol, Potassium hydroxide)".

My interpretation of the above is that materials that are classified as corrosive and using a n.o.s. designation will have the technical name(s) of the material parenthesis after the proper shipping name and that is all.

I need clarification on the following.

I have a mixture of chemicals which is classified as the following and stated this way on the shipping document.

(a) UN2375 Corrosive liquid, n.o.s. (corrosive component) 8, II marine pollutant (marine pollutant component)

The change below is being requested

(b) UN2375 Corrosive liquid, n.o.s. (corrosive component, marine pollutant component) 8, II marine pollutant

I see this as a direct conflict with the excerpt 172.203(k)(1) above for two reasons

- (1) The current classification is based on one component driving the corrosive issue and the other component is the marine pollutant and is clearly identifiable in example (a).
- (2) The second option implies the two components listed in example (b) are both contributing to the corrosivity and both contributing to the Marine Pollutant.

I appreciate your guidance in helping me ensure ongoing compliance for our company.

Sincerely,

Mike Stillwell DGSA
Team Lead Transportation Safety & Rail Security Coordinator
Huntsman LLC
8600 Gosling Road
The Woodlands, Texas 77381

If you have any questions, please contact me at 281-719-3027