



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

1200 New Jersey Avenue SE  
Washington, DC 20590

AUG 31 2015

Mr. Brian Kucharski  
DOT Compliance Manager  
US Ecology – Regional Office  
17440 College Parkway, Suite 300  
Livonia, MI 48152

Reference No. 15-0109

Dear Mr. Kucharski:

This is in response to your June 4, 2015 email requesting clarification of the shipping description requirements on a shipping paper for hazardous wastes in accordance with the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Your questions are paraphrased and answered below:

Q1. Does the definition of a “technical name” in § 171.8 include the EPA’s hazardous waste codes?

A1. The answer is no. As defined in § 171.8, a technical name means a recognized chemical name or microbiological name currently used in scientific and technical handbooks, journals, and texts. Generic descriptions are authorized for use as technical names provided they readily identify the general chemical group, or microbiological group. Examples of acceptable generic chemical descriptions are organic phosphate compounds, petroleum aliphatic hydrocarbons and tertiary amines.

Q2. Does the following example satisfy the requirement in § 172.203(k) to include the technical name entered in parentheses in association with the basic description?

UN1993, Waste Flammable Liquids, n.o.s., (D001), 3, PG II  
*-Where “D001” is the technical name*

A2. See A1. The answer is no. Section 172.203(k) requires that unless otherwise excepted, if a material is described on a shipping paper by one of the proper shipping names identified by the letter “G” in column (1) of the §172.101 Hazardous Materials Table (HMT), the technical name of the hazardous material must be entered in parentheses in association with the basic description. The technical name entered in parentheses must be the constituent(s) which makes the product a hazardous material. For UN1993, this would be the constituent(s) which cause the material to be classed as a Class 3, flammable liquid.

Q3. Is the exception from the requirement to include a technical name in association with the basic description on a shipping paper prescribed in § 172.203(k)(2)(i) limited only to shipments offered under the entries “NA3077, Hazardous waste, solid, n.o.s., Class 9, PG III” or “NA3082, Hazardous waste, liquid, n.o.s., Class 9, PG III” ?

A3. The answer is yes, the exception is limited to these two entries. Wastes offered under these entries meet the criteria for inclusion in Class 9 because they are hazardous substances that equal or exceed the reportable quantity (RQ) listed in Appendix A to §172.101 that are not listed by name in the HMT and do not meet the definition of any hazard class 1 through 8. In accordance with § 172.203(c) for a material that is designated as a hazardous waste by EPA, and is also a hazardous substance, the waste code (e.g., D001), if appropriate, may be used to identify the hazardous substance.

Q4. Is the exception from the requirement to include a technical name in association with the basic description on a shipping paper prescribed in § 172.203(k)(2)(i) limited only to Class 9 materials?

A4. See A3.

Q5. Is the exception from the requirement to include a technical name in association with the basic description on a shipping paper prescribed in § 172.203(k)(2)(i) limited only to hazardous materials that are also hazardous substances?

A5. The answer is yes. See A3.

Q6. Is a hazardous material that is shipped using a generic proper shipping name, which is also a hazardous substance, subject to the additional description requirements in § 172.203(c) or § 172.203(k); or would the requirements of both apply?

A6. The requirements in both § 172.203(c) and § 172.203(k) would apply.

Q7. Is the following example an appropriate shipping description?

RQ, UN1993, Waste Flammable Liquids, n.o.s., (isopropanol, xylenes), 3, PG II (D001)

*-Where “isopropanol” and “xylenes” are chemical constituents that make the material flammable and the material is also a hazardous substance because it exceeds the RQ for the D001 waste code.*

A7. Yes, this is an appropriate description for the scenario described.

I trust this information is helpful. If you have further questions, please do not hesitate to contact this office.

Sincerely,

A handwritten signature in black ink that reads "Duane A. Pfund". The signature is written in a cursive style with a large, sweeping initial "D".

Duane Pfund  
International Standards Coordinator  
Standards and Rulemaking Division

Wiener  
\$172.203  
Shipping Papers  
15-0109

**Dodd, Alice (PHMSA)**

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**From:** Geller, Shelby CTR (PHMSA)  
**Sent:** Thursday, June 04, 2015 3:58 PM  
**To:** Hazmat Interps  
**Subject:** FW: Request for Written Letter of Interpretation  
**Attachments:** PHMSA RFI 20150614 EPA Waste Numbers vs Technical Names.pdf; 010020 - EPA Waste Numbers for Haz Substance.pdf; 990096 - EPA Waste Numbers as Technical Names.pdf

Hi Shante and Alice,

Please forward this for a formal letter of interpretation. Mr. Kucharski spoke with Adam Lucas in the HMIC.

Thanks,  
Shelby

**From:** Brian Kucharski [<mailto:Brian.Kucharski@usecology.com>]  
**Sent:** Thursday, June 04, 2015 9:55 AM  
**To:** INFOCNTR (PHMSA)  
**Subject:** Request for Written Letter of Interpretation

Hello,

Attached is a request for written interpretation as well as two supporting documents.

Thank you,

Brian Kucharski

[brian.kucharski@usecology.com](mailto:brian.kucharski@usecology.com)



[USEcology.com](http://USEcology.com)



17440 College Parkway, Suite 300, Livonia, MI 48152  
734.521.8000 734.521.8040

June 4<sup>th</sup>, 2015

U.S. Department of Transportation  
PHMSA Office of Hazardous Materials Standards  
Attn: PHH-10  
East Building  
1200 New Jersey Ave, SE  
Washington D.C. 20590

RE: Request for Written Interpretation Regarding Description of Hazardous Wastes

To whom it may concern,

I am requesting written interpretation regarding the basic description of hazardous materials which are also hazardous wastes (as defined in 49 CFR 171.8). A specific background scenario is provided as well as a series of questions. During research on the topic of including EPA waste numbers in the DOT basic description of a hazardous material, two previous letters of interpretation (99-0096 and 01-0020) were identified (attached) that provided some clarification. During internal discussion it was determined that additional interpretation is needed in order to fully clarify the details of this issue.

Background:

Under EPA regulation, consumer products that are damaged, returned or spilled and can not be used for their intended purpose become solid waste. In many instances these products will exhibit characteristics of hazardous waste and must be properly packaged and shipped for final disposal. Consumer products made of many different ingredients can exhibit the same characteristics of hazardous waste; ie. ignitable waste can include chemicals such as acetone, xylene, mineral spirits, kerosene and ethyl alcohol to name a few. These products would have an EPA Hazardous Waste Number of D001. When shipping these hazardous materials/hazardous wastes using a generic proper shipping name, DOT requires that technical name(s) be provided as additional information per 49 CFR 173.203(k). The following questions seek to clarify the requirements and exceptions for provision of technical names and the ability to utilize the EPA's Hazardous Waste Number as additional information.

Q1 – Does the definition of a “technical name” in 49 CFR 171.8 include the EPA’s hazardous waste numbers (sometimes referred to as waste codes)? Example:

UN1993, Waste Flammable Liquids, n.o.s., (D001), 3, PGII

*Where “D001” is the technical name*

[For questions 2-4, It appears that 49 CFR 172.203(k)(2)(i) provides relief from the requirement to further describe a generic proper shipping name using one or more technical names. The next three questions are specific to the applicability of this relief:]

Q2 – Is this relief limited only to shipments using the “Hazardous Waste, solid, n.o.s.” or “Hazardous Waste, liquid, n.o.s.” proper shipping name?

Q3 – Is this relief limited only to class 9 hazardous materials?

Q4 – Is this relief limited to only hazardous materials that are also hazardous substances?

[The next question is specific to how to determine additional information required by 49 CFR 172.203:]

Q5 – Is a hazardous material that is shipped using a generic proper shipping name, which is also a hazardous substance, subject to the additional description requirements of only either 49 CFR 172.203(c) or 49 CFR 172.203(k); or would both need to be complied with? Example:

RQ, UN1993, Waste Flammable Liquids, n.o.s., (isopropanol, xylenes), 3, PGII (D001)

*Where “isopropanol” and “xylenes” are chemical constituents that make the hazardous material flammable, and the hazardous material is a hazardous substance because it exceeds the RQ threshold for the D001 waste number.*

Sincerely,

Brian Kucharski  
DOT Compliance Manager  
US Ecology – Regional Office  
17440 College Parkway, Suite 300  
Livonia, MI 48152

Attachments (2)



U.S. Department  
of Transportation  
**Research and  
Special Programs  
Administration**

400 Seventh St., S.W.  
Washington, D.C. 20590

JUN 20 2001

Mr. David M. Kolan  
Environmental Scientist  
Org. G-1244, M/C 7A-WH  
The Boeing Company  
P. O. Box 3707  
Seattle, WA 98124-2207

Reference No.: 01-0020

Dear Mr. Kolan:

This is in response to your inquiry concerning the placement of the waste code in the shipping description shown on a shipping paper under 49 CFR 172.203. Specifically, you ask whether the waste code may precede the shipping name, for example, as follows:

RQ (D001), Waste Flammable Liquid, n.o.s. (methyl ethyl ketone, toluene), 3, UN 1993, PG III.

The answer is no. Under § 172.203(c)(1), the waste code number must be identified in parentheses "in association with" the basic description when the waste code is used to identify the hazardous substance. The term, "in association with," means that the component may follow the basic description of the hazardous material in any reasonable format, provided it is clearly part of the entry. The basic description consisting of the proper shipping name, hazard class, identification number, and packing group is required by § 172.202(b) to be entered in sequence, with authorized exceptions. This position is supported by the preamble discussion of the final rule that adopted this terminology into the HMR (copy enclosed). Among the authorized exceptions are entering the letters "RQ" before or after the basic description as authorized by § 172.203(c)(2) and entering the technical name or chemical name between the proper shipping name and hazard class as authorized by § 172.202(d).

I hope this satisfies your request. Please contact us if we can be of further assistance.

Sincerely,

Hattie L. Mitchell  
Chief, Regulatory Review and Reinvention  
Office of Hazardous Materials Standards

Enclosure

cc: Ms. Linda Schinke, Safety Manager  
Commercial Vehicle Division



010020

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172.203

n.o.s. be revised to agree with those provided for the same entries in § 172.101. Since the IMCO Code allows stowage of these materials as specified by the competent authority, MTB agrees that the proposed change is entirely appropriate and has revised the stowage location designations accordingly.

An objection was raised to the identification numbers indicated for the entries Sodium fluoride, solution and Siliconfluorides, solid, n.o.s. on the basis that neither the IMCO Code nor the UN Recommendations specifies an identification number for those entries. Numbers for these materials were, however, adopted by the UN Committee at its Tenth Session (December 1978) and will appear in the next edition of the UN Recommendations. The numbers contained in the proposal have, therefore, been retained. The same commenter suggested that the letter "N" be inserted before the entry "Hydrazine, anhydrous and solutions containing less than 36% water by weight" because the class and labels provided for these hydrazine solutions in the Optional Table disagree with the DOT class and labels for these materials and because he considered the DOT classification to be adequate. MTB believes that use of the IMCO class and labels for these solutions will not result in a derogation of safety in transportation. The insertion of the letter "N" before entries solely because the class and label(s) under IMCO may be different from those provided in § 172.101 is contrary to the purpose and intent of adopting the Optional Table. The suggestion has, therefore, not been incorporated into the Optional Table.

A number of requests were received to add certain shipping descriptions to the Optional Table which appear as proper shipping names in § 172.101 and are also acceptable alternate descriptions for the materials in the IMCO Code. Such descriptions have been included in Roman type in the Optional Table with a cross reference to the entry which appears as the primary description for the material in the IMCO Code. Other comments requested the addition to the Optional Table of certain shipping descriptions which appear in § 172.101 but not in the IMCO Code. MTB does not consider it appropriate to add such entries because they are not recognized by IMCO for international shipments.

One commenter noted several discrepancies between the entries for "Fishmeal" or "Fishscrap" in the Optional Table and those in the IMCO Code. The entries in the Optional Table

have been revised to agree with those in the IMCO Code.

*Section 172.200.* Section 172.200(b) is revised as proposed in Dockets HM-145A and HM-145B, to remove the ORM exceptions to the shipping paper requirements when a material being offered or transported is a hazardous waste or a hazardous substance. The wording of the proposal has been simplified in the final rule, without changed effect. The proposed entry for ORM-E materials has been deleted since the exception proposed in the Notice is unnecessary under the final rules.

*Section 172.201.* Paragraphs (a)(1)(ii), (a)(1)(iii), and (a)(4)(i) of § 172.201 are revised by MTB to accommodate the revision to § 172.202(a)(3) which requires the identification number preceded by "UN" or "NA", as appropriate, to be entered as the third element of the basic description, as proposed in Docket HM-128A. Also, MTB added a provision to paragraph (a)(1)(iii) to authorize the entry of "RQ" in the "HM" column in place of the "X" to identify the entry as representing a hazardous substance. This was recommended by several commenters, and MTB concurs. As proposed in Docket HM-171, paragraph (a)(4)(i) is amended to allow the optional insertion of the entries "IMCO" or "IMCO Class" in the hazardous materials description on the shipping papers. MTB believes that certain shippers may desire to include these entries to clarify the fact that a hazardous material is being offered under the IMCO hazard class, particularly when this hazard class differs from that provided for the material in § 172.101. A proposal that the entry "IMCO" be allowed to appear immediately before the proper shipping name has not been adopted since it is MTB's belief that the proper shipping name should appear first in the basic hazardous materials description.

*Section 172.202.* Paragraphs (a)(1) and (a)(2) are revised by MTB to clarify the fact that the entries in § 172.102 are optional. Also, paragraph (a)(2) is revised to reduce some of the shipping paper entries. Whenever entries from the Optional Table are used for domestic shipments, § 171.102 applies. A number of commenters expressed concern that the proposal would allow unrestricted mixing of DOT and IMCO shipping descriptions, classification and labeling which could result in confusion and suggested that this paragraph be amended to prevent such unrestricted mixing. MTB agrees with these comments and has amended § 172.202 to require that the proper shipping name,

class and identification number for a material appearing on the shipping paper must be taken either entirely from § 172.101 or entirely from § 172.102, and has amended § 172.400 to insure that the package labeling is consistent with the proper shipping name market on the package.

Various methods were suggested by commenters for insuring that some indication is included in the shipping paper description when an entry from § 172.102 is being utilized. MTB believes that such an indication is already provided, since the class of a material is always expressed numerically in Column (3) of the Optional Table and, therefore, would have to be indicated in the same manner on the shipping papers. This means that a numerical indication of the class on the shipping papers will serve as a direct indication that the entry under which the material is offered is taken from § 172.102.

Paragraph (b) is revised for clarity and to provide an example since the rule change to paragraph (a)(2)(ii) made the previous example, Corrosive liquid, n.o.s., incorrect. It should be noted, as paragraph (b) now indicates, that the basic description now consists of three elements: the proper shipping name, the hazard class, and the identification number. However, technical names may be required to be entered after the proper shipping name. These requirements were proposed in Dockets HM-128A and HM-145B.

Some shipping paper entries are required to be made "in association with" the basic description. The term "in association with" means that the additional entry may follow the complete description for a hazardous material in any reasonable format, as long as it is clearly part of the entry.

The requirement to enter the basic description in a prescribed sequence, with certain exceptions specified, does not preclude the use of a shipping paper format with columns. However, the basic description sequence must be maintained, with authorized exceptions.

Paragraph (b) is revised to show the addition of the identification number to the basic description.

One commenter suggested that a provision be added which would require the indication of flashpoint on shipping papers in order to assist water carriers in planning vessel stowage. MTB believes that, in general, the indication of the appropriate IMCO division number for flammable liquids sufficiently specifies flashpoint for stowage purposes, and that the relatively few instances where the stowage of hazardous materials of other classes is dependent on flashpoint

The Boeing Company  
P.O. Box 3707  
Seattle, WA 98124-2207

Corbin  
§172.203(c)  
Shipping Papers

January 17, 2001  
G-1244-DMK-003



Mr. Edward Mazzullo, Director, -  
Office of Hazardous Materials Standards (DHM-10),  
Research and Special Programs Administration,  
Room 8422,  
400 Seventh Street, SW.,  
Washington, DC 20590-0001

Dear Mr. Mazzullo:

Subject: Shipping Papers  
Interpretation of 49 CFR 172.203(c) et al.

I am writing to inquire about the appropriate interpretation of the rule noted above, as it relates to shipping papers for hazardous wastes. I inquire as a result of a Uniform Driver/Vehicle Inspection Report, a copy of which is enclosed with this letter. We feel that there are at least two ways to indicate the RQ and hazardous substance information on a manifest and packaging label. One way to indicate RQ information with the basic description is as follows:

Waste Flammable Liquid, n.o.s., (methyl ethyl ketone, toluene),  
3, UN1993, PG II, RQ (D001)

Specifically, I would like to know whether it also complies with U.S. Department of Transportation (DOT) rules if one identifies a hazardous substance on a manifest as follows:

RQ (D001), Waste Flammable Liquid, n.o.s., (methyl ethyl ketone, toluene),  
3, UN1993, PG III.

That is, is it acceptable to place a waste code in a parenthetical after the letters "RQ" but in front of the basic description?

We have interpreted 49 CFR 172.203(c)(2), which requires placing the letters "RQ" either before or after the basic description, to allow the parenthetical information (naming the relevant hazardous substance or applicable RCRA waste code) to be identified as a unit with the letters "RQ." This sequence, of course, makes common sense, in that it clearly identifies the substance triggering the RQ designation. It is also consistent with 49 CFR 203(c)(1), which requires the name of the hazardous substance, or a waste code, to be entered in parentheses in association with the basic description.

It is also the only way to achieve consistency between the shipping paper sequence and the non-bulk package labelling requirements in 49 CFR 172.324. This latter provision requires the letters RQ and the name of the hazardous substance, or a waste code, to be marked in association with the proper shipping name on the package. Since 49 CFR 172.202 requires that the proper shipping name be the first part of the basic description and 49 CFR 203(c)(2) requires placing the letters "RQ" either before or after the basic description, then the only way to have the RQ and the name of the hazardous substance, or a waste code, marked in association with the proper shipping name is to put them both up front.

**BOEING**

Our interpretation also appears to be consistent with 49 CFR 172.202(b), which prohibits changing the sequence of the basic description or interspersing additional information "except as provided in this subpart" (i.e., Subpart C, Shipping Papers), since it appears that the letters "RQ" and the name of the hazardous substance, or a waste code, should be associated with the proper shipping name.

We would appreciate your guidance on this question. Please do not hesitate to contact me at (425) 865-6521. Thank you for your assistance.

Sincerely,

David M. Kolan  
Environmental Scientist  
Org. G-1244, M/C 7A-WH  
Phone: 425-865-6521  
E-mail: [david.m.kolan@boeing.com](mailto:david.m.kolan@boeing.com)

Cc: Ms. Linda Schinke, Safety Manager  
Commercial Vehicle Division,  
Washington State Patrol



U.S. Department  
of Transportation

**Research and  
Special Programs  
Administration**

400 Seventh Street, S.W.  
Washington, D.C. 20590

AUG -6 1999

Mr. Paul Bomgardner  
Director, Hazardous Materials Policy  
American Trucking Associations  
2200 Mill Road  
Alexandria, VA 22314-4677

Ref. No. 99-0096

Dear Mr. Bomgardner:

This is in response to your letter dated April 8, 1999, regarding the placement of an U.S. Environmental Protection Agency (EPA) waste code in shipping descriptions for hazardous wastes. Specifically, you ask if a materials EPA waste code can be placed between the shipping name and hazard class.

Section 172.202(d) authorizes the placement of technical and chemical group names between the proper shipping name and hazard class. It is the opinion of this Office, that the hazardous waste code designated by the EPA for a material may be placed, on shipping papers, between the proper shipping name and hazard class. However, except for a material described as "Hazardous waste, liquid or solid, n.o.s.", an EPA hazardous waste code cannot be used to satisfy the requirement to place the technical name of the hazardous material in association with the basic description. (See § 172.203(k)).

I hope this satisfies your request.

Sincerely,

Thomas G. Allan  
Acting Director  
Office of Hazardous Materials Standards



990096

172.202



AMERICAN TRUCKING ASSOCIATIONS

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Gale  
\$ 172.202

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Safety Policy

April 8, 1999

990096

Mr. Delmar Billings  
Office of Hazardous Materials Standards  
Research and Special Programs Administration  
U. S. Department of Transportation  
400 Seventh Street, SW  
Washington, DC 20590

Re: Request for clarification regarding placement of an alpha-numeric waste code in shipping paper descriptions for hazardous wastes.

*Del*  
Dear Mr. Billings:

Lately, transporters have been running into difficulty in several states regarding the placement of the alpha-numeric waste code in the description of a hazardous waste on hazardous waste manifests. Carriers are being cited for placing the waste code, in lieu of the complete waste stream information, between the proper shipping name and hazard class. States have cited as their reasoning that the waste code is not a technical name, and therefore must be placed after the basic description.

We disagree. Section 172.203(c)(1) permits the use of the waste code in lieu of the technical name for hazardous wastes. Section 172.202(d) states that technical and chemical group names may be entered in parentheses between the proper shipping name and hazard class or following the basic description. Since section 172.203(c)(1) permits the use of the waste code in lieu of the technical name, placement of the waste code should be governed by the provisions of section 172.202(d), and be allowed to be placed, in parentheses, between the proper shipping name and hazard class. Additionally, because the alpha-numeric waste code specifically identifies the waste stream it should be considered to be a technical name by definition. This is affirmed by the fact that section 172.203(c)(1) permits its use in lieu of the full alpha technical name.

We believe that Research and Special Programs Administration (RSPA) should rectify this situation in our favor. The waste code should be allowed to be placed, in parentheses either between the proper shipping name and hazard class or following the basic description.

Thank you for your assistance in this matter. If you have any questions regarding this request, please contact me on 703-838-1849.

Sincerely:

*Paul Boyard*  
Paul Borgardner

Director, Hazardous Materials Policy

*Del Billings  
talked w/ Paul  
Answer letter in terms  
of the Sp HAZ. waste n.o.s.*