



U.S. Department
of Transportation

1200 New Jersey Avenue SE
Washington, DC 20590

**Pipeline and Hazardous
Materials Safety
Administration**

OCT 15 2015

Mr. Ron Rogness
Vice President, Corporate Relations
American Seafoods Group LLC
2025 First Ave., Suite 900
Seattle, WA 98121

Ref. No. 15-00159

Dear Mr. Rogness:

This is in response to your July 30, 2015 e-mail in which you requested written clarification of the Hazardous Materials Regulations (HMR; 49 CFR parts 171-180) concerning transport provisions for fish meal. You state that your company produces dried fish meal with moisture content between 5% and 12% and that you currently treat your products with required levels of the antioxidant ethoxyquin. You further state that you are interested in using an alternate antioxidant, Tocopherol, in fish meal produced on your vessels in U.S. waters to be shipped entirely within the U.S. and not entering international commerce in 77 pound bags. You ask if the use of Tocopherol fulfills the antioxidant requirements for fish meal under U.S. law.

In your incoming request you do not mention if you intend to classify and offer the fish meal as UN 1374 "Fish meal, unstabilized" or UN 2216 "Fish meal, stabilized". It is assumed for the purposes of this response that you are intending to offer the material as UN 2216 "Fish meal, stabilized". The HMR only prescribes requirements for a specific antioxidant (ethoxyquin) when shipping UN 2216 in bulk in freight containers in accordance with § 173.218(c). As the packages you intend to offer are non-bulk packages this requirement to use ethoxyquin does not apply. Inherently there has to be a means of stabilization in order to use the UN 2216 proper shipping description as it is a stabilized version of a Division 4.1 material. For domestic transportation the addition of any antioxidant, including Tocopherol, that ensures the product does not exhibit properties of a Division 4.1 material would be acceptable.

I trust this information is helpful. Please do not hesitate to contact us if you have any questions.

Sincerely,

Duane Pfund
International Standards Coordinator
Standards and Rulemaking Division

Webb
§ 173.218
Non-Bulk Packaging
15-0159

Dodd, Alice (PHMSA)

From: Webb, Steven (PHMSA)
Sent: Thursday, July 30, 2015 12:43 PM
To: Goodall, Shante CTR (PHMSA); Dodd, Alice (PHMSA)
Subject: FW: Antioxidant treatment for fish meal

Can one of you please log this in as a request for interpretation. The reference section is § 173.218. I would like to be assigned this interp if at all possible as I've already done a decent amount of work to informally respond to the requestor.

From: Ron Rogness [<mailto:Ron.Rogness@americanseafoods.com>]
Sent: Friday, June 12, 2015 4:51 PM
To: INFOCNTR (PHMSA)
Subject: Antioxidant treatment for fish meal

American Seafoods Company is a Seattle, Washington based company that owns and operates catcher-processors in fisheries in the U.S. Exclusive Economic Zone off the coasts of Alaska, Washington and Oregon. One of the products we produce on these vessels is dried fish meal containing between 5% and 12% moisture. Consistent with U.S. and international law, we currently treat our products with the required levels of the antioxidant ethoxyquin.

We are interested in using an alternative antioxidant, Tocopherol, for a certain quantity of our production of fish meal that would be destined for the U.S. companion animal food market. Fish meal treated with Tocopherol would be produced on our vessels in U.S. waters and be shipped within the United States and would not enter international commerce. 46 CFR 148.265 states "Coast Guard Special Permit 14-95 authorizes treating fishmeal with a tocopherol (vitamin E) based liquid antioxidant in lieu of the antioxidants specified in the former regulations." We contacted Ms. Amy Parker of the U.S. Coast Guard and it is our understanding that the USCG no longer requires a special permit for the use of Tocopherol. It is our further understanding that the regulations referenced apply only to "bulk" shipments of fish meal. Our fish meal is packed into 77 pound bags and thus would not fit the definition of shipments in "bulk."

Ms. Parker suggested we contact your office to confirm that the use of Tocopherol, at those levels proscribed in the regulations, as an antioxidant for our fish meal production packed in 77 pound bags and limited to transport within the United States, fulfills the antioxidant requirements for fish meal under U.S. law.

Thank you for your attention in this matter.

Sincerely yours,

Ron Rogness

Ron Rogness | Vice President, Corporate Relations | American Seafoods Group LLC | 2025 First Avenue, Suite 900 | Seattle, Washington 98121

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