



U.S. Department
of Transportation
**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

September 9, 2022

Megan O'Connor
Pilot Chemical Company
9075 Centre Pointe Dr., Suite 400
West Chester, OH 45069

Reference No. 22-0041

Dear Ms. O'Connor:

This letter is in response to your April 22, 2022, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to classification and selection of a proper shipping description for a liquid hazardous material. You state that the hazardous material meets the criteria for Class 8 (Packing Group (PG) II), Class 3 (PG III), and Division 6.1 (PG III), which—according to the precedence of hazard table in § 173.2a—would make the corrosivity hazard the primary hazard. However, you state that you are having difficulty finding an appropriate hazardous materials description in the § 172.101 Hazardous Materials Table (HMT) for this material, consistent with the precedence of hazard table in § 173.2a. You note the proper shipping description “UN3286, Flammable liquid, toxic, corrosive, n.o.s., 3, (6.1, 8), PG II,” which reflects all three hazards posed by the material, and inquire whether it is appropriate to use this description, or whether using another description, such as “UN2920, Corrosive liquids, flammable, n.o.s., 8, (3), PG II,” is more appropriate, even though it does not reflect the subsidiary toxicity hazard.

It is the shipper's responsibility to properly classify and describe a material. However, it is the opinion of this Office that using UN2920 is more appropriate because it corresponds to corrosivity being the primary hazard of the material. As provided in § 173.2a, the Class 8 liquid (PG II) hazard takes precedence over the Class 3 (PG III) and Class 6.1 (PG III) hazards. Note that, while not required, additional information regarding subsidiary hazards posed by materials (e.g., oral toxicity) in transport may be included on a shipping paper, in addition to the basic description. In accordance with § 172.202(a)(3), the subsidiary hazard class or division number is not required to be entered when a corresponding subsidiary hazard label is not required. Section 172.101(g) instructs that § 172.402 may require that a label other than that specified in Column (6) of the HMT be affixed to a package, in addition to what is specified in Column (6). Section 172.402(a)(2) instructs that if not already labeled according to Column (6) of the HMT, a package shall be labeled with subsidiary hazard labels, in accordance with the subsidiary hazard label table, which requires a label for 6.1 (PG III) toxicity hazard. Thus, depending on the

quantity of material shipped, if labeling is required, then the hazardous materials description on the shipping paper should also include the 6.1 hazard.

I hope this information is helpful. Please contact us if we can be of further assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dirk Der Kinderen". The signature is fluid and cursive, with the first name being the most prominent.

Dirk Der Kinderen
Chief, Standards Development Branch
Standards and Rulemaking Division

From: [INFOCNTR \(PHMSA\)](#)
To: [Hazmat Interps](#)
Subject: FW: Formal Letter of Interpretation Request
Date: Thursday, May 5, 2022 1:44:51 PM
Attachments: [image001.png](#)

See below request for interpretation.

Thanks,
Jonathon, HMIC

From: Megan E. O'Connor <meoconnor@pilotchemical.com>
Sent: Friday, April 22, 2022 4:36 PM
To: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>
Cc: Megan R. Landers <mrlanders@pilotchemical.com>
Subject: Formal Letter of Interpretation Request

CAUTION: This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Mr. Shane Kelley
Director, Standards and Rulemaking Division
U.S. DOT/PHMSA (PHH-10)
1200 New Jersey Ave, SE East Building, 2nd Floor
Washington, DC 20590

Dear Mr. Kelley,

We are requesting a formal letter of interpretation for selecting an appropriate UN designation and shipping description for a liquid material. We have determined that the material meets the criteria of the following classifications:

- Class 8, PG II
- Class 3, PG III
- Class 6.1 (oral), PG III

After reviewing the Hazardous Materials Table (49 CFR 172.101), the only applicable shipping description that meets all 3 classes is UN3286, Flammable liquid, toxic, corrosive, n.o.s., Packing Group II. However, our concern is that, if using the Precedence of Hazard Table (49 CFR 173.2a), Class 8 should be the primary hazard, followed by Class 3, and then Class 6.1. However, if using the UN3286 shipping description, the order of hazards is 3, 6.1, 8. Thus under this shipping description, Class 8 is actually the tertiary hazard when it should be the primary.

We also considered the shipping description UN2920, Corrosive liquids, flammable, n.o.s., 8 (3), PG

II, because this shipping description more properly follows the precedence of hazards; however since this shipping description does not convey the toxic properties of the material, we feel this might not be appropriate to use.

Is it more appropriate to use UN3286, Flammable liquid, toxic, corrosive, n.o.s., 3 (6.1) (8), PG II, to ship the material even though the precedence of hazards under this shipping description deviates from what is prescribed in 49 CFR 173.2a, or should we use UN2920 to indicate the severity of the corrosive properties?

Thank you very much for your help with this matter.

Sincerely,

Megan O'Connor

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Megan E. O'Connor
EHS CONTRACTOR

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