



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

1200 New Jersey Ave, S.E.
Washington, D.C. 20590

JUN 14 2013

Mr. Joseph Matousek
Sr. Transp Support Specialist
BASF Corporation
100 Park Avenue
Florham Park, NJ 07932

Ref. No.: 13-0097

Dear Mr. Matousek:

This is in response to your letter requesting clarification of the the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) regarding the marking and labeling requirements when reshipping marine pollutants domestically. Your letter states that your company imports marine pollutants by vessel, marked and labeled as either “UN3077, Environmentally hazardous substance, solid, n.o.s., Class 9” *or* “UN 3082, Environmentally hazardous substance, liquid, n.o.s., Class 9” in accordance with the International Maritime Dangerous Goods (IMDG) Code. It is your understanding that under the HMR, this material can be reshipped domestically as “not regulated” without removing the affixed markings and labels, provided the materials are not a marine pollutant as defined by the HMR and are not otherwise hazardous.

Your understanding is correct. Section 171.4 excepts marine pollutants in non-bulk packages from the requirements of the HMR when transported by motor vehicle, rail car, or aircraft. That means they are not subject to the requirements for shipping papers, markings, labels or placards when transported by highway, rail or air. The markings and labels that were required to be affixed to the packages for transportation by vessel in accordance with the IMDG Code need not be removed or covered for subsequent transportation by other modes.

In addition, § 172.401(c) permits labeling in accordance with the IMDG Code and §172.303(b)(3) permits the marking of a shipping name on a package when the name describes a material not regulated under the HMR. Although your material does not meet the definition of a hazardous material under the HMR, the package may remain appropriately marked and labeled in accordance with the IMDG Code and transit the United States without shipping papers. However, if your shipment will not be accompanied by a shipping paper, the marks and labels on your package may cause delays or otherwise frustrate its transportation. To avoid this problem, we suggest the following:

1. Remove, obliterate, or securely cover the markings and labels;
2. Leave the marking and labeling in place and describe the material as "Environmentally hazardous substances, liquid or solid, n.o.s." in accordance with § 172.102, Special Provision 146; or
3. Provide an indication on the package or bill of lading that the material is not regulated by the HMR.

Alternatively, § 171.22(d) provides that a material subject to the IMDG code, but not subject to the HMR, may be transported in the United States when described on a shipping paper, marked, and labeled in accordance with the IMDG code.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Delmer Billings". The signature is written in a cursive style with a large initial "D".

Delmer Billings
Senior Regulatory Advisor
Standards and Rulemaking Division

Wiener
§172.101 App B
Marine Pollutants

Drakeford, Carolyn (PHMSA)

13-0097

From: INFOCNTR (PHMSA)
Sent: Monday, May 06, 2013 4:21 PM
To: Drakeford, Carolyn (PHMSA)
Subject: FW: Clarification of marking and labeling requirements for reshipment of imported Class 9 Marine Pollutants

Hi Carolyn,

This caller requested we submit his e-mail as a formal letter of interpretation.

Thanks,
Victoria

From: Joseph Matousek [<mailto:joseph.matousek@basf.com>]
Sent: Monday, May 06, 2013 10:13 AM
To: INFOCNTR (PHMSA)
Cc: Thomas F McGourty; Kelley, Shane (PHMSA)
Subject: RE: Clarification of marking and labeling requirements for reshipment of imported Class 9 Marine Pollutants

TO: DOT Information Center

RE: Clarification of marking and labeling requirements for reshipment of imported Class 9 Marine Pollutants

We import materials from Germany which are classified as UN 3082 or UN 3077 Class 9 Marine Pollutants for IMDG. When received, these materials are stored at a BASF site and reshipped to customers based in the United States. This same material is classified as " Not Regulated " for USDOT domestic movement.

It is our understanding that this material can be reshipped domestically as " Not regulated " without removing or covering the Class 9 marks and label. This is to request a formal letter of interpretation confirming this.

Respectfully yours,

Joseph Matousek
Sr. Transp Support Specialist
973-245-6335
e-mail: joseph.matousek@basf.com
Joseph Matousek
Sr Transportation Sprt Spclst
NTU/P-NT/CA

Phone: 973 245-6335 Mobile: 973-415-7999 E-Mail: joseph.matousek@basf.com
Postal Address: BASF Corporation, 100 Park Avenue, N.J. 07932