



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

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

DEC 19 2013

Mr. Todd Strobel
Regulatory Compliance Specialist
3M
3M Center Building 225-4S-18
St. Paul, MN 55144

Ref. No.: 13-0214

Dear Mr. Strobel:

This is in response to your email dated November 8, 2013, requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) relating to shipments offered in accordance with Canada's Transport of Dangerous Goods Regulations (TDG Regulations). Your questions are paraphrased and answered as follows:

Q1- Must a shipping paper provided for hazardous materials originating in Canada, and offered by motor carrier or rail, conform to all applicable requirements of subpart C of part 171 of the HMR?

A1- Yes. Shipments originating from Canada and offered for transportation by motor carrier or rail in accordance with the TDG Regulations are authorized for transport by § 171.12(a)(1) provided the applicable requirements in §§ 171.22 and 171.23 are met.

Q2- Is it necessary for shipping papers for shipments originating in Canada to indicate the number and type of packages?

A2- - Shipments originating from Canada and offered for transportation by motor carrier or rail in accordance with the TDG Regulations are authorized for transport by § 171.12(a)(1) provided the applicable requirements in §§ 171.22 and 171.23 are met. TDG Regulation 3.5 (1)(e) requires a number of small means of containment for all dangerous goods that require a label to be displayed on them to be indicated on shipping papers, but no requirement equivalent to the § 172.202(a)(7) HMR requirement to indicate a type of package exists in the TDG Regulations. There is no requirement in subpart A or subpart C for shipping papers accompanying shipments made in accordance with TDG regulations to comply with § 172.202. Furthermore, section 171.12(a)(1) specifically excepts shipments transported in accordance with the TDG Regulations from parts 172, 173, and 178 of subchapter C of the HMR (except as otherwise provided in subpart A and subpart C of 171).

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, prominent initial "D".

Duane A. Pfund
International Standards Coordinator
Standards and Rulemaking Division

Drakeford, Carolyn (PHMSA)

Webb
§171.22
§171.23

From: Betts, Charles (PHMSA)
Sent: Friday, November 08, 2013 1:25 PM
To: Drakeford, Carolyn (PHMSA)
Cc: Billings, Delmer (PHMSA)
Subject: FW: Canada/U.S. Transborder Shipments

TDG
13-0214

Importance: High

Carolyn –

Please log and assign to a specialist for response.

Thanks,
Charles

From: tastrob@mmm.com [<mailto:tastrob@mmm.com>]
Sent: Friday, November 08, 2013 11:07 AM
To: Betts, Charles (PHMSA)
Subject: RE: Canada/U.S. Transborder Shipments

Charles,

49 CFR, 171.12 (a) specifies hazardous materials that are classed, marked, labeled, placarded, described on a shipping paper, and packaged in accordance with the Canadian Transportation of Dangerous Goods (TDG) regulations can be offered for transportation and transported to or through the United States by motor vehicle or rail car as authorized in § 171.22, provided the requirements in §§ 171.22 and 171.23, as applicable, are met.

DOT Letter of Interpretation (Ref. No. 09-0122) clarifies that it is necessary to provide a shipper's certification for hazardous materials originating in Canada; however, is it also necessary for the shipping paper to indicate the number and type of packages [as specified in 49 CFR, 172.202 (a)(7)] for hazardous materials shipments originating in Canada?

Note: The reason for the inquiry is that I believe the Canadian Transportation of Dangerous Goods (TDG) regulations do not specifically require the type of packages be specified on the shipping paper; therefore, I am seeking clarification on whether or not the shipping paper provided for hazardous materials originating in Canada must conform to all applicable requirements of Subpart C of Part 171 of the HMR.

If you have any questions or need additional information, please contact me.

Sincerely,



Todd A. Strobel, DGSA | Regulatory Compliance Specialist
Manufacturing & Supply Chain Services
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Webb, Steven (PHMSA)

From: Lamarche, David <david.lamarche@tc.gc.ca>
Sent: Thursday, December 19, 2013 1:50 PM
To: Webb, Steven (PHMSA)
Subject: Interpretation Request/Concurrence

Hello Steve:

I reviewed the e-mail and the response letter and I concur with your response.

Best regards,

David

David Lamarche, P. Eng., ing.

Chief, Approvals and Special Regulatory Projects/ Chef, Approbations et projets réglementaires spéciaux
(613) 949-4628 | facsimile / télécopieur (613) 993-5925 | TTY / ATS (613) 990-4500 | david.lamarche@tc.gc.ca Transport
of Dangerous Goods / Transport des marchandises dangereuses Transport Canada | Place de Ville (ASDD), Tower C, 330
Sparks Street, 9th Floor, Ottawa, Ontario K1A 0N5 Transports Canada | Place de Ville (ASDD), Tour C, 330 Sparks, 9e
étage, Ottawa (Ontario) K1A 0N5 <http://www.tc.gc.ca/> Government of Canada / Gouvernement du Canada

-----Original Message-----

From: steven.webb@dot.gov [<mailto:steven.webb@dot.gov>]
Sent: December 19, 2013 9:02 AM
To: Lamarche, David
Subject: Interpretation Request/Concurrence

David,

Hope all is well and the holiday season is treating you well. I am working on a letter of interpretation that Mr. Pfund requested I send to you for your concurrence/comment. Please review the attached incoming email and draft response and let me know if you have comments/questions or if you concur with our response. As always thanks in advance for the assistance.

V/R

Steve Webb

Transportation Specialist- International Standards Pipeline & Hazardous Materials Safety Administration (PHMSA) -U.S.
DOT Office of Hazardous Materials Standards
1200 New Jersey Avenue S.E., E24-422, Washington D.C. 20590
E24-422
steven.webb@dot.gov
202-366-4579

-----Original Message-----

From: Webb, Steven (PHMSA)
Sent: Thursday, December 19, 2013 8:58 AM
To: Webb, Steven (PHMSA); Webb, Steven (PHMSA)
Subject: Scanned Image

Please See Attached