



U.S. Department  
of Transportation

Pipeline and Hazardous  
Materials Safety  
Administration

1200 New Jersey Avenue, SE  
Washington, D.C. 20590

JUN 03 2016

Chris Godfrey  
CMA CGM (America), LLC  
5701 Lake Wright Drive  
Norfolk, VA 23502

Ref. No. 16-0005

Dear Mr. Godfrey:

This responds to your letter of January 5, 2016 requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) and the International Maritime Dangerous Goods (IMDG) Code applicable to consignments of fish meal transported by vessel. Specifically, you ask whether a laboratory analysis certificate is considered a certificate issued by a "recognized authority" in accordance with Special Provision 928 of the IMDG Code ("SP 928").

SP 928 states, "The provisions of this Code shall not apply to...consignments of fish meal which are accompanied by a certificate issued by a recognized competent authority of the country of shipment or **other recognized authority** stating that the product has no self-heating properties in packaged form" [emphasis added]. Based on this Office's understanding of the IMDG Code provision, it does not require an approval from the competent authority to ship fish meal as not regulated. Further, it is our opinion that a laboratory analysis certificate is sufficient to be considered a certificate issued by a "recognized authority." Therefore, in accordance with SP 928, a consignment of fish meal transported by vessel would not be subject to the provisions of the IMDG Code if accompanied by a laboratory analysis certificate specifying that the shipment has no self-heating properties in packaged form.

Please note that, under § 173.22 of the HMR, it is the shipper's responsibility to properly class and describe a hazardous material. In addition, provided all or part of the movement is by vessel, hazardous materials may be offered for transportation or transported to, from, or within the U.S. in accordance with the requirements of the IMDG Code and all applicable requirements of Part 171, Subpart C. See §§ 171.22, 171.23, and 171.25.

I hope this answers your inquiry. If you need additional assistance, please contact this Office again.

Sincerely,

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



hesko  
IMDG  
\$ 171.25  
16-0005

January 5, 2016

Mr. Charles E. Betts  
Director, Standards and Rulemaking Division  
U.S. Department of Transportation  
Pipeline Hazardous Materials Safety Administration  
Attn: PHH-10  
1200 New Jersey Avenue, SE East Building, 2<sup>nd</sup> Floor  
Washington, DC 20590-0001

Subj: REQUEST FOR INTERPRETATION OF SPECIAL PROVISION (SP) 928 OF THE  
IMDG CODE

Dear Mr. Betts,

I am writing to request an interpretation of IMDG Special Provision (SP) 928. SP 928 excepts consignments of stabilized fishmeal which are accompanied by a certificate issued by a recognized competent authority of the country of shipment or other recognized authority stating that the product has no self-heating properties when transported in packaged form. A laboratory analysis certificate from Thionville Laboratories, LLC, accompanies our shipper's consignments (example enclosed).

Would such a laboratory analysis certificate be considered a certificate issued by a "recognized authority" and thus the shipment is not subject to the provisions of the IMDG Code if accompanied by this or a similar certificate?

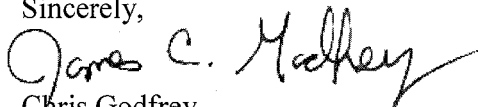
We have encountered a recent issue with the Chinese MSA (Maritime Safety Administration) in Nansha. MSA authorities in Nansha have reported that they will not identify organizations like Thionville Laboratories as a recognized authority because they are not listed in IMDG 7.9. Chinese CNS (Chinese National Standards) GB12268-2012 classifies "Fish meal, stabilized" as UN2216, IMDG Class 9 and there is no exemption or special provision of CNS similar to SP 928 to allow for the shipment of stabilized fishmeal as non-hazardous cargo.

Subj: REQUEST FOR INTERPRETATION OF SPECIAL PROVISION (SP) 928 OF THE  
IMDG CODE

MSA officials have stated the possibility of an exemption, "if an official letter, interpretation or certificate", from US DOT/PHMSA or the USCG stating that organizations like Thionville Laboratories LLC can be classified as a recognized party to issue non-hazardous cargo certificates for fishmeal.

Many thanks for your time and attention with this matter.

Sincerely,



Chris Godfrey  
Manager, Hazardous Department/Dangerous Cargo Office,  
Norfolk Safety, Security & Environmental (SSE)/Compliance  
Officer

CMA CGM (America) LLC

Legal Department

5701 Lake Wright Drive

Norfolk, VA 23502

[usa.cgodfrey@cma-cgm.com](mailto:usa.cgodfrey@cma-cgm.com)

Direct: 757-961-2665

Fax: 718-304-1577

Enclosure: Example Non-Hazardous Cargo Certificate

**CMA CGM (America) LLC**

5701 Lake Wright Drive • Norfolk, VA 23502-1868 • Tel: (757) 961-2100 • Fax: (757) 961-2151

Official Weighers  
and Inspectors For:  
NATIONAL COTTONSEED  
PRODUCTS ASSOCIATION,  
PUBLIC WEIGHER,  
NATIONAL INSTITUTE OF  
OILSEED PRODUCTS  
Official Chemists:  
NATIONAL COTTONSEED  
PRODUCTS ASSOCIATION,  
NATIONAL OILSEED  
PROCESSORS ASSOCIATION  
NATIONAL INSTITUTE OF  
OILSEED PRODUCTS



## THIONVILLE LABORATORIES, LLC

*Independent & Official Weighers, Samplers, Chemists*

P.O. Box 23687 • 5440 Pepsi Street  
New Orleans, LA 70183-0687, U.S.A. New Orleans, LA 70123, U.S.A.

(504) 733-9603  
FAX: (504) 733-6457  
operations@thionvillenola.com

GAFTA & FOSFA Superintendent & Analyst  
AUGUST 19, 2015

Referee Chemists:  
AMERICAN OIL CHEMISTS'  
SOCIETY  
Member:  
AMERICAN ASSOCIATION  
OF CEREAL CHEMISTS  
AMERICAN FATS & OILS  
ASSOCIATION  
AMERICAN INSTITUTE OF  
CHEMISTS  
N.O. CHAMBER OF  
COMMERCE  
N.O. BOARD OF TRADE  
NATIONAL RENDERERS  
ASSOCIATION

### NON HAZARDOUS CARGOES CERTIFICATE

OUR FILE NO. : 10160  
COMMODITY : MENHADEN FISHMEAL  
PORT OF LOADING : NEW ORLEANS, LA. U.S.A.  
PORT OF DISCHARGE : BEIJAO, CHINA  
LOT NUMBER : P01E000103  
PACKING : 8 CONTAINERS IN BAGS  
DATE OF PRODUCTION : JULY 11, 2015  
SAMPLED ON : JULY 28, 2015  
SAMPLED AT : DAYBROOK FISHERIES, INC.  
136 DAYBROOK ROAD, EMPIRE, LA  
SAMPLED BY : THIONVILLE SURVEYING CO. LLC

#### Analysis Results

The results of the analysis are as listed below:

TEST	AOCS METHOD	RESULTS
Moisture	AOCS Ba 2-38	7.70 PCT
Fat	AOCS Ba 3-38	9.62 PCT
The Antioxidant (Ethoxyquin)	AOAC 996.13	524 PPM

Date of Production: JULY 11, 2015

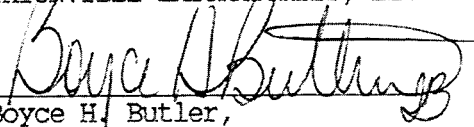
Temperature of fishmeal was above 80°F at the time of loading.

Based upon the above analysis, we state the following:

"We certify to the best of our knowledge and belief, that at time of sampling, based upon the above analysis, that the condition of the product meets the requirements set forth by the Code of Safe Practice for solid bulk cargoes (BC Code), 1998 Edition." Further, no self-heating properties when transported in packaged form.

FILE NO. 10160  
LAB NO. G-22027  
TAB/aqp  
07/20/15 1615

Respectfully Submitted,  
THIONVILLE LABORATORIES, LLC

  
Boyce H. Butler,  
Laboratory Director