



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

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

APR 13 2010

Mr. Peter Hordijk
Transport Safety Advisor
HOYER Global Transport BV
Boyleweg 6
3208 KA Spijkenisse
The Netherlands

Ref. No.: 09-0118R

Dear Mr. Hordijk:

This in response to your May 13, 2009 letter inquiring about the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) to import shipments to the United States. Specifically, you ask whether a bulk packaging containing a combustible liquid with a flash point of 79 °C (174 °F) may be imported into the United States from outside of North America using a proper shipping name followed by an identification number with an "NA" prefix and if the use of NA 1270 with the proper shipping name, "Petroleum Oil" would be appropriate for the shipment of a combustible liquid imported into the United States.

The answer is yes. Section 171.22(c) requires a material that is designated as a hazardous material under the HMR, but excepted from or not subject to international hazardous materials regulations, to be transported in accordance with all applicable requirements of the HMR. Identification numbers in the NA series are associated with descriptions not included in the international regulations. Therefore, the proper shipping name "Petroleum Oil" with the identification number NA 1270 may be used for petroleum oil that meets the definition for a combustible liquid under the HMR and is transported to, from or within the United States.

I hope this information is helpful. Please contact this office should you have additional questions.

Sincerely,

Hattie L. Mitchell
Chief, Regulatory Review and Reinvention
Office of Hazardous Materials Standards

Andrews
 171.22
 172.101
 Proper Shipping Name
 09-0118

Drakeford, Carolyn <PHMSA>

From: INFOCNTR <PHMSA>
Sent: Wednesday, May 13, 2009 9:29 AM
To: Drakeford, Carolyn <PHMSA>
Subject: FW: Hazardous Materials Table, Special Provisions, Hazardous Materials Communications
Importance: High
Attachments: LPA170.pdf

From: Peter Hordijk [mailto:Peter.Hordijk@Hoyer-Global.com]
Sent: Wednesday, May 13, 2009 8:09 AM
To: PHMSA HM InfoCenter
Cc: Allen Dawson; Peter Hordijk
Subject: Hazardous Materials Table, Special Provisions, Hazardous Materials Communications
Importance: High

Good day,

We have a question in relation to the use of the "Combustible Liquid, N.O.S." as a proper shipping name (PSN) together with an UNNR.

Due to an ongoing discussions with customers, we would like to know what the opinion is of the Hazardous Materials Information Centre in order to end the discussions.

Attached an MSDS of one of our customers with the reason for the discussion of this topic.
 The customer states in section 14 (Transport information):

Quote

DOT UN1268, Petroleum distillates, N.O.S., Combustible Liquid, PG III
 This product is regulated as a hazardous material according to the Department of Transportation in bulk quantities (greater than 119 gallons per package) only.

IATA not regulated

IMDG not regulated

Unquote

Above mentioned information will cause confusion for authorities and emergency response teams outside the US due to the use of an UNNR with Combustible Liquid instead of a NA entry from the Hazardous Material Table.

When we have a look at Chapter 172.101(e), it is explaining the proper use of the UN and NA number. It states that in case an UNNR is used, the proper shipping name is considered appropriate for *international* transportation as well as *domestic*. But as this product is **not** a hazardous material for *international* transport, the product MSDS should mention a DOT CFR49 proper shipping name, which can be recognised globally as a Hazardous Material for US domestic transport only. With the use of a UNNR the carrier might recognise this as a Hazardous Material according to the IMDG Code with a Class 3. But a Flashpoint of 79°C is not recognised as hazardous for international regulations.

What we think might be a solution is the use of NA 1270, with the PSN Petroleum Oil which might rule out any misunderstanding in the PSN.

Would you kindly review this case and advise us in return which options we have to solve this matter with our customer?

5/13/2009

Many thanks in advance for your co-operation in this matter.

In case any additional information is needed, please do not hesitate to contact our Houston office, Mr Allen Dawson,
who is copied in this email as well and knows the case.

Contact details:

HOYER Global Transport US, Houston Office
Mr Allen Dawson
Global Technical Mgr. & SSHEQ
+1 281 853 1007

Kindest Regards,

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