



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

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

MAY 30 2012

Mr. Len Comtois
Director HSSE and Regulatory Compliance
Trimac Management Services
151 Reverchon Ave. Suite 200
Point-Claite, Quebec, Canada
H9P 1K1

Ref. No.: 11-0199

Dear Mr. Comtois:

This responds to your letter dated August 18, 2011, requesting guidance on the shipping description for anhydrous ammonia shipped in a cargo tank from Canada to the United States in accordance with the Transport Dangerous Goods (TDG) Regulations and the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). In your letter, you state that the third paragraph of a July 29, 2008 letter (08-0059) incorrectly infers that the shipping paper used for the transport of anhydrous ammonia from Canada to the United States must adhere to the provisions of § 172.102, Special Provision 13. You believe that since a shipment of anhydrous ammonia from Canada to the United States is an international shipment, the shipping papers must utilize the shipping description "RQ, UN1005, Ammonia, Anhydrous, 2.3, (8), Toxic Inhalation Hazard Zone D" appropriate for describing materials in international transportation. You add that the HMR assign Special Provision 4 to this description.

The appropriate shipping description for a cargo tank of anhydrous ammonia transported from Canada to the United States as described in your letter is "RQ, UN1005, Ammonia, Anhydrous, 2.3, (8), Toxic Inhalation Hazard Zone D." Special Provision 13 found in § 172.102 applies when using the shipping description "UN1005, Ammonia, anhydrous, 2.2" appropriate for domestic transportation. Special Provision 4 is assigned to the § 172.101 entry appropriate for international transportation and requires the material to be described as a Toxic Inhalation Hazard, Zone D. In accordance with § 171.22(b), anhydrous ammonia offered for transportation or transported in conformance with the TDG regulations must also conform to all applicable requirements of Subpart C of Part 171 of the HMR.

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

Sincerely,

Ben Supko
Senior Regulations Officer
Standards and Rulemaking Division



Engrum
§172.101
§171.22
§171.23
Shipping Names
11-0199

August 18, 2011

Charles Betts
Director Standards and Rulemaking Division
US DOT - Pipeline and Hazardous Materials Safety Administration
East Building, 2nd Floor
1200 New Jersey Ave., SE
Washington, DC 20590

Sent by Email: infocntr@dot.gov

Subject: Request for formal letter of interpretation

Mr. Betts;

Pursuant to my discussion with Adam and Neil of your hazardous materials information center on August 17th-18th, I am writing this correspondence to ask for a letter of interpretation and a retraction of a current letter 08-0059 available on your interpretation website.

Specifically I am seeking clear guidance on the proper shipping description for Anhydrous Ammonia shipped in a cargo tank from Canada to the United States under the Hazardous Materials Regulations (HMR; 49CFR§171-180). The assumption is that the goods are being shipped from Canada in compliance with the requirements of the Transportation of Dangerous Goods (TDG) regulations and we are looking for the clarification on the additional descriptions required under part §171.22 and 171.23.

Currently the TDG regulations specify that the shipping document must be prepared according to Part 3.5 sub-section (1) (c) with the allowance of sub-section (7) meaning that the following (2) two possible descriptive applies:

Ammonia, Anhydrous *or* Anhydrous Ammonia, 2.3(8), UN1005 or
UN1005, Ammonia, Anhydrous *or* Anhydrous Ammonia, 2.3(8)

When the shipment is destined for the US, the conditions of 49CFR (PHMSA) Subchapter C – HMR part §171.12 apply. Specifically the code states:

a) *Requirements for the use of the Transport Canada TDG Regulations.* (1) A hazardous material transported from Canada to the United States, from the United States to Canada, or transiting the United States to Canada or a foreign destination may be offered for transportation or transported by motor carrier and rail in accordance with the Transport Canada TDG Regulations (IBR, see §171.7) as authorized in §171.22, provided the requirements in §§171.22 and §171.23, as applicable, and this section are met.....Except as otherwise provided in this subpart and subpart C of this part, the requirements in parts 172, 173, and 178 of this subchapter do not apply for a material transported in accordance with the Transport Canada TDG Regulations.

Parts §171.23(b) sub-sections (5) (iii) and (10) (i) describes additional requirements for specific materials transported under international standards and regulations. Specifically the code states:

All shipments offered for transportation or transported in the United States under the ICAO Technical Instructions, IMDG Code, Transport Canada TDG Regulations, or the IAEA Regulations (IBR, see §171.7) must conform to the requirements of this section, as applicable.....5) **Hazardous substances.** A material meeting the definition of a hazardous substance as defined in §171.8, must conform to the shipping paper requirements in §172.203(c) of this subchapter and the marking requirements in §172.324 of this subchapter.....; and (iii) The

letters "RQ" must be entered on the shipping paper either before or after the basic description, and marked on the package in association with the proper shipping name for each hazardous substance listed.

10) Poisonous by inhalation materials. A material poisonous by inhalation (see §171.8) must conform to the following requirements:(i) The words "Poison-Inhalation Hazard" or "Toxic-Inhalation Hazard" and the words "Zone A," "Zone B," "Zone C," or "Zone D" for gases, or "Zone A" or "Zone B" for liquids, as appropriate, must be entered on the shipping paper immediately following the basic shipping description. The word "Poison" or "Toxic" or the phrase "Poison-Inhalation Hazard" or "Toxic-Inhalation Hazard" need not be repeated if it otherwise appears in the shipping description;

As a result the proper shipping description for a shipment of Anhydrous Ammonia to the US should read:

RQ, UN1005, Ammonia, Anhydrous *or* Anhydrous Ammonia, 2.3(8), Toxic Inhalation Hazard Zone D

The insertion of the descriptive described in §172.203(h) (1) (i) is not technically required as it is not contained in the specific requirements of §171.23. However it can be added provided it is at the end of the required legal description. As a result the addition of "0.2 percent water" at the end of the above noted description is acceptable should your plant want to indicate the sustainability of QT steel tanks.

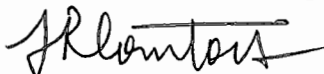
In an interpretation letter 08-0059 signed by Susan Gorsky on July 29, 2008 (copy appended) the third paragraph of the letter infers that the shipping paper used for Canadian shipments to the United States of Anhydrous Ammonia must incorporate the special provision 13 contained in §172.102 and ignore the applicability §172.203(m).

We believe that this interpretation is incorrect as special provision 13 refers to the (D) entry in Row 1 of the hazardous materials table §172.101. Since this move is not a domestic one, special provision 13 does not apply. It is instead considered as an international shipment and as such the (I) entry in the hazardous materials table and special provision 4 applies.

We formally request that the letter of interpretation 08-0059 be amended to remove the reference of the third paragraph and a new one confirming the proper shipping description be produced

We are open to discussing this at your convenience.

Thank you for your cooperation in this matter.



Len Comtois
Director HSSE and Regulatory Compliance
Trimac Management Services
151 Reverchon Ave. Suite 200
Pointe-Claire, Quebec CANADA
H9P 1K1
lcomtois@trimac.com
(514) 636-0545 ext 232 Office
(514) 214-5174 Mobile