



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

400 Seventh Street, S.W.
Washington, D.C. 20590

FEB 23 1998

Mr. Joseph W. Gentile
Director - Environmental, Health & Safety
CASCHEM, Inc.
40 Avenue A
Bayonne, NJ 07002

Dear Mr. Gentile:

This is in response to your letter dated October 13, 1997, regarding a discrepancy in the classification and quantity limitations for "Sulfur" or "Sulphur" shipped domestically in accordance with the Hazardous Materials Regulations and the International Air Transport Association's (IATA) standards. You asked for confirmation that packages of less than 400 kg are exempt from regulation, and that there are no quantity limitations of 25 kg for passenger-carrying aircraft, or 100 kg for cargo-only aircraft.

The IATA regulations do not have official standing under the U.S. Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). The regulations recognized by the HMR and authorized in 49 CFR 171.11 as an alternative to compliance with 49 CFR requirements are the International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods by Air (ICAO Technical Instructions). In accordance with the ICAO Technical Instructions, a material described as "Sulphur, 4.1, UN 1350, III" is regulated for international transportation by aircraft as a "Division 4.1 (flammable solid)" material; however, there are no quantity limitations per package aboard passenger-carrying or cargo-carrying aircraft. The ICAO Technical Instructions special provision "A105" excepts Sulphur from regulation when it is transported in quantities of less than 400 kg per package, or when it has been formed to a specific shape (e.g., prills, granules, pellets, pastilles or flakes).

In accordance with the HMR, a material described as "Sulfur, 9, NA 1350, III" is regulated as a "Class 9" material when shipped in domestic transportation. Special provision "30" in 49 CFR 172.102 excepts "Sulfur" from regulation if transported domestically in a non-bulk packaging or is formed to a specific shape (e.g., prills, granules, pellets, pastilles, or flakes). In the 49 CFR 172.101 Hazardous Materials Table, in Columns "9A" and "9B", quantity limitations are specified of 25 kg on passenger-carrying aircraft and 100 kg for cargo-only aircraft.

Thank you for bringing this issue to our attention; you are correct that there is a discrepancy in that the HMR specifies quantity limitations on passenger-carrying and cargo-only aircraft, whereas the ICAO Technical Instructions specifies "No Limit" on both passenger and cargo-carrying aircraft. On May 06, 1997, a final rule under Docket HM-215B [62 FR 24690] was published which made changes to the "Sulfur" or "Sulphur" entries, although this issue was not addressed. However, this issue will be addressed in future rulemaking.

I hope this information is helpful. If we can be of further assistance, please contact us.

Sincerely,



Delmer F. Billings
Chief, Regulations Development
Office of Hazardous Materials Standards

CASCHEM, INC.

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Eny...
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SL 174

Certified Mail - Return Receipt # P 088 370 949

October 13, 1997

Edward Mazzullo, DHM-10
DOT/RSPA/OHMS
400 7th Street, SW
Washington, DC 20590

Dear Mr. Mazzullo;

We recently discussed the classification and quantity limitations for sulfur (NA/UN1350) with the DOT Hotline, and we believe there is a discrepancy. For domestic shipments, there is a special provision (see note 30) that bulk packages (less than 400 kg) are exempt from the regulations. However, there are quantity limitations for passenger aircraft and railcar of 25 kg and for cargo aircraft only of 100 kg. By comparison, IATA also exempts packages less than 400 kg and specifies "no limit" under their quantity limitations.

Can you please confirm for us that packages of less than 400 kg are, in fact, exempt from regulation, and there are no 25 kg and 100 kg limitations as described above?

If you have any questions, please call me at 201-858-7862. I look forward to your reply.

Sincerely;
CasChem, Inc.



Joseph W. Gentile, C.I.H.
Director - Environmental, Health & Safety

cc: Mike Lafond - Cambrex
Harry Dixon
Dan Matarazzo