



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

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

AUG 23 2005

Ms. Robin J. Eddy Bolte
Safety and Regulatory Affairs Manager
Allied Universal Corporation
3901 NW 115th Avenue
Miami, FL 33178-1859

Ref. No.: 05-0043

Dear Ms. Eddy Bolte:

This is in response to your February 22, 2005 letter requesting clarification on the transportation of chlorine in multi-unit tank car tanks (ton tanks) and DOT 3A and 3AA cylinders under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Your questions are paraphrased and answered as follows:

- Q1. Is the POISON GAS label required on ton tanks containing chlorine when the words "Inhalation Hazard" are stenciled on two opposing sides of the tank?
- A1. Under Part 172, Subpart F, each bulk packaging must be placarded. When applicable, ton tanks may be labeled instead of placarded in accordance with § 172.514(c). The "INHALATION HAZARD" marking does not provide relief from the requirement to placard or label. However, the "INHALATION HAZARD" marking itself is not required in this case since the words "INHALATION HAZARD" appear on the required POISON GAS label or placard (see § 172.313(a)).
- Q2. For a freight container containing chlorine in ton tanks, do the following markings and placards satisfy the requirements of Part 172, Subparts D and F when transported domestically by vessel (e.g., Florida to Puerto Rico): the MARINE POLLUTANT mark; and the POISON GAS placard marked in accordance with § 172.332 with the identification number "1017"?
- A2. Yes.
- Q3. When transported by highway, are the requirements to mark the transport vehicle with the MARINE POLLUTANT mark satisfied when an "open" transport vehicle is carrying ton tanks that are marked on each end with the MARINE POLLUTANT mark?



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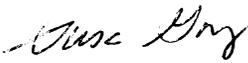
172.313
172.504

- A3. Yes. Under § 172.322(d)(3), for other than transportation by vessel, the MARINE POLLUTANT mark is not required on a bulk packaging or transport vehicle that bears a label or placard specified in Subpart E or F of Part 172, for example the POISON GAS label or placard. For transportation by vessel, the “open” transport vehicle carrying the ton tanks must be marked on each side and each end with the “large” (i.e., at least 250 mm on each side) MARINE POLLUTANT mark and the mark must be visible from the direction it faces (see § 172.322(c)(3)). The HMR provide no exception from this marking requirement. Markings appearing on ton tanks may not be used to satisfy this requirement.
- Q4. Do freight containers loaded with ton tanks containing chlorine require subsidiary placarding (i.e., CORROSIVE placards)?
- A4. Under the HMR, for transportation by vessel the answer is no. Chlorine is a Division 2.3 material, with a subsidiary hazard of Class 8. The provisions in § 172.505(d) do not require subsidiary placarding for such a material. You should also be aware that under the International Maritime Dangerous Goods (IMDG) Code, 5.3.1.1.3 requires placarding for subsidiary risks. Therefore, when transported under the IMDG Code, the freight container must be placarded on all four sides with the POISON GAS placard and the CORROSIVE placard. In addition, the requirements of § 172.505(a) for subsidiary hazard placarding are applicable to a material that is poisonous by inhalation and is assigned by the § 172.101 Table, Column (3) to a hazard class or division other than Division 2.3 or 6.1 (inhalation hazard Zone A or B).
- Q5. For transportation by vessel, what are the placarding and marking requirements for a transport vehicle or freight container transporting chlorine in DOT 3A and 3AA cylinders?
- A5. Under the HMR, the freight container must be placarded on both sides and both ends with the POISON GAS placard as depicted in § 172.540. In addition, a transport vehicle or freight container that is loaded at one facility with chlorine cylinders in quantities of 1,000 kg (2,205 pounds) or more aggregate gross weight must be marked “1017” on each side and each end as specified in § 172.332 or § 172.336 (see § 172.313(c)). The transport vehicle or freight container must also be marked with the “large” MARINE POLLUTANT mark. Each cylinder must also be marked with the proper shipping name, identification number preceded by the letters “UN” or “NA” as appropriate, and the “small” (i.e., at least 100 mm on each side) MARINE POLLUTANT mark.
- Q6. Under the HMR, for transportation by vessel, are all of the following placards and markings required on all four sides of a freight containers loaded with ton tanks containing chlorine: the POISON GAS placard with the text “INHALATION HAZARD”; the POISON GAS placard marked in accordance with § 172.332 with the identification number “1017”; the CORROSIVE placard; and the “large” MARINE POLLUTANT mark?

A6. No. The placards and marking described are authorized; however, a lesser number of placards are also authorized. The freight containers may be marked with the POISON GAS placard marked in accordance with § 172.332 with the identification number "1017" and the "large" MARINE POLLUTANT mark. Alternatively, the freight containers may be marked with the POISON GAS placard with the text "INHALATION HAZARD", an orange panel displaying the identification number "1017" in accordance with § 172.332, and the "large" MARINE POLLUTANT mark. For IMDG Code requirements see A4.

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

Sincerely,



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



Pollack
 \$172,313
 \$172,504
 Marking: / Placarding
 05-0043

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February 22, 2005

Mr. Edward Mazzullo
 Director of Hazardous Materials Standards Development
 Office of Hazardous Materials Standards Development
 Pipeline and Hazardous Material Safety Administration
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VIA FACSIMILE: 202-366-3012

Re: Puerto Rico Shipments

Dear Mr. Mazzullo:

Per our customer in Puerto Rico, freight containers loaded with bulk packages of chlorine (DOT 106 multi-unit tank car tank) have been repeatedly stopped by the United States Coast Guard for incorrect freight container marking and placarding.

Background

For all domestic shipments of chlorine, DOT 106 multi unit tank car tanks loaded with chlorine (hazardous class 2.3, poison inhalation hazard zone B material) are marked on two opposing sides with two inch high letters (172.303, .313 and .330):

- a) INHALATION HAZARD
- b) CHLORINE
- c) UN1017
- d) RQ

On opposing ends of the tank, the tank is labeled with a hazard class 2.3 inhalation hazard tag (label, 172.416) as well as a corrosive (subsidiary hazard label, 172.442) tag and marine pollutant tag (label, 172.322).

If the packages are transported via a vehicle with an "open" trailer, four sides of the trailer are placard with one placard, hazard class 2.3 with the identification number 1017 substituted for the wording inhalation hazard. If the packages are transported via a freight container (tanks are in a closed container) on a truck or vessel, four sides of the freight container are placard with two placards, hazard class 2.3 with the identification number 1017 substituted for the wording inhalation hazard, and the marine pollutant mark or placard.

Questions:

- 1) Are the marking and labeling identified above correct? Specifically, is the hazard class 2.3 label (172.416) required when the word INHALATION HAZARD is stenciled on two opposing sides of the DOT 106 tank, and the freight container and transport vehicle or vessel is placard with the hazard class 2.3 placard with the identification number 1017 substituted for the wording "inhalation hazard"?
- 2) If the DOT 106 multi unit tank car tanks of chlorine (described above) are shipped to Puerto Rico from Florida and to Florida from Puerto Rico via a freight container by vessel, are the following placards on the outside of the freight container (all four sides) correct? Placard One: Hazard Class 2.3 with the identification number 1017 substituted for the wording "inhalation hazard", and Placard Two: Marine Pollutant.

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- 3) Is the marine pollutant mark not required on the trailer when the DOT 106 tanks of chlorine are transported via an "open" trailer by highway since the tanks themselves are marked with the marine pollutant mark on each end?
- 4) Is a corrosive 8 placard required for the outside of a freight container being shipped to Puerto Rico from Florida or from Puerto Rico to Florida via a vessel when loaded with DOT 106 tanks of chlorine or chlorine residue? And does October 1, 2005 change your answer (subsidiary hazard class begins to be noted in the shipping description right after the primary hazard class)?
- 5) Would your answers to two and four hold for one hundred and fifty pound cylinders, DOT 3A and 3AA, of chlorine as well (please note, these are not bulk packages, and we understand the identification number 1017 substituted for the wording "inhalation hazard" is not required until the specified weight is triggered) being shipped to and from Puerto Rico?

Your promptness in responding to our questions is greatly appreciated given the frequent stops placed on the freight containers by the Coast Guard. In the mean time, we are placarding our freight containers with DOT 106 tanks of chlorine as requested by the Coast Guard to expedite them in and out of Puerto Rico. Per their instructions, the freight containers loaded with DOT 106 chlorine tanks have four placards on each side: a hazard class 2.3 placard with the wording inhalation hazard, a hazard class 2.3 placard with the identification number 1017 substituted for the wording "inhalation hazard", a corrosive 8 placard and a marine pollutant placard. It seems excessive, but maybe our understanding of the regulation is incorrect.

If you should have any questions, please call me at 800-981-6700, extension 183 or RobinE@Allieduniversal.com.

Thank you.

Sincerely,



Robin J. Eddy Bolte
Safety and Regulatory Affairs Manager
Allied Universal Corporation