



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

JUL 31 2008

1200 New Jersey Ave., S.E.  
Washington, DC 20590

Linda Wenger  
Distribution Compliance Coordinator  
Hach Company  
100 Dayton Avenue  
Ames, IA 50010

Ref. No. 08-0168

Dear Ms. Wenger:

Our May 28, 1993 letter responded to a request by your company for clarification on the use of the International Civil Aviation Organization Technical Instructions (ICAO TI) under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, we responded that hazardous materials transported in accordance with ICAO TI, as authorized by § 171.11, in motor vehicles prior to or after transport by aircraft may be segregated in accordance with ICAO TI or Part 177 of the HMR. The guidance is incorrect and therefore, we are retracting our letter and issuing this correction.

Hazardous materials prepared in accordance with ICAO TI and transported in motor vehicles prior to or after transport by aircraft must conform to the highway segregation requirements of Part 177, Carriage by Public Highway. PHMSA revised and consolidated requirements authorizing the use of international standards and regulations in a final rule under Docket HM-215F (72 FR 25161; May 3, 2007). Among the revisions of the rulemaking, we added language for the use of the ICAO TI clarifying the applicability of Part 177. Section 171.22 authorizes the offering for transport or transportation of hazardous materials in commerce to, from, or within the United States in accordance with international standards and regulations, including the ICAO TI. Section 171.24 provides additional requirements for the use of ICAO TI including requirements for highway transportation. Specifically, § 171.24(c) requires shipments transported by highway prior to or after transportation by aircraft to conform to the applicable requirements of Part 177.

I hope this information is helpful.

Sincerely,

Susan Gorsky  
Acting Chief, Standards Development  
Office of Hazardous Materials Standards

HACH COMPANY



15 April 1993

Mr. Edward T. Mazzullo  
Standards Division  
Office of Hazardous Materials Transportation  
400 Seventh Street, S.W.  
Washington, DC 20590

P.O. Box 907  
100 Dayton Avenue  
Ames, Iowa 50010 U.S.A.  
Phone 515-232-2533  
FAX 515-232-1276

APR 21 1993

A.L.

Dear Mr. Mazzullo:

I am writing in regards to the current 49 CFR dated 1 October 1992. In 171.11 there are allowances for hazardous materials being transported by aircraft and by motor vehicle either before or after being transported by aircraft as long as the material is within the quantity limits as prescribed by ICAO and as long as the materials are properly packaged, marked, labeled, classified, described and certified on a shipping paper and otherwise in a condition for shipment as required by the ICAO technical instructions.

My request is for a written interpretation regarding segregation requirements for the motor vehicle transporting hazardous materials either before or after being transported by aircraft. Are the segregation requirements of 177 - Carriage by Public Highway, applicable to these shipments?

I would appreciate any information you could offer on this interpretation. I have enclosed my fax number for your convenience.

Sincerely,

HACH COMPANY

A handwritten signature in cursive script, appearing to read "Michelle Jepsen".

Michelle Jepsen  
Distribution Compliance Coordinator  
FAX 1-515-232-0059 or 1-515-232-1276  
PHONE 1-515-232-2533 extension 3103



U.S. Department  
of Transportation  
**Research and  
Special Programs  
Administration**

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

MAY 28 1993

Ms. Michelle Jepsen  
Distribution Compliance Coordinator  
Hach Company  
Post Office Box 907  
Ames, Iowa 50010

Dear Ms. Jepsen:

This is in response to your letter dated April 15, 1993, regarding the segregation requirements for hazardous materials that are transported by highway under the ICAO Technical Instructions in accordance with § 171.11.

Section 171.11 authorizes the motor vehicle transportation of hazardous materials in accordance with the ICAO Technical Instructions, including the segregation requirements, either before or after being transported by aircraft. Therefore, prior to or following transportation by aircraft, hazardous materials transported by motor vehicles may be segregated in accordance with the ICAO Technical Instructions or Part 177 of the Hazardous Materials Regulations.

I hope this satisfies your request.

Sincerely,

A handwritten signature in cursive script, appearing to read "Delmer F. Billings".

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