



U.S. Department  
of Transportation

1200 New Jersey Avenue SE  
Washington, DC 20590

**Pipeline and Hazardous  
Materials Safety  
Administration**

MAY 23 2013

Mr. Matthew Forister  
Assistant Director, Tank Car/Hazmat Safety  
Association of American Railroads  
425 Third Street, S.W., Suite 1000  
Washington, DC 20024

Reference No. 13-0018

Dear Mr. Forister:

This is in response to your e-mail requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the description of a hazardous material on a shipping paper. Specifically, you ask whether the words “non-odorized” or “not-odorized,” as required by § 172.203(p), may be placed within the basic description, in association with the basic description, or both, when offering for transportation non-odorized liquefied petroleum gas (LPG). You reference a previous letter of interpretation, Reference Number 12-0207, applicable to this scenario, and ask whether the words “non-odorized” or “not-odorized” may be placed anywhere in the basic description, including immediately before the proper shipping name, and offered for transportation internationally.

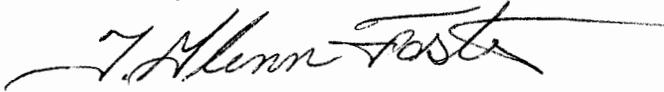
Our response in letter of interpretation, Reference Number 12-0207, remains valid. As prescribed in § 172.203(p), the word “non-odorized” or “not-odorized” must be included in association with the proper shipping description (i.e., basic description) on a shipping paper when non-odorized liquefied petroleum gas is offered for transportation. As you correctly point out in your letter, “In association with refers to the placement of required additional entries on the shipping paper. Usually placed after the complete description for a hazardous material. May be in any format, as long as it is clearly part of the entry.”

Except as provided otherwise in subpart C of part 172, the basic description specified in § 172.202, paragraphs (a)(1), (2), (3), and (4), must be shown in sequence with no additional information interspersed. Further, this requirement is consistent with recognized international standards. Although international standards require that additional required information be placed after the basic description on a transport document, unless specified otherwise, the HMR do not. Therefore, for domestic shipments of non-odorized LPG, it is permissible to place the words “non-odorized” or “not-odorized” in association with the basic description either before or after the basic

description and not within it. For international shipments originating in the U.S., the words "non-odorized" or "not-odorized" should follow the basic description and not be placed within it.

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

Sincerely,

A handwritten signature in cursive script that reads "T. Glenn Foster". The signature is written in black ink and has a long, sweeping horizontal line extending to the right from the end of the name.

T. Glenn Foster  
Chief, Regulatory Review and Reinvention Branch  
Standards and Rulemaking Division

Mr. Charles Betts, Division Director  
Standards and Rulemaking (PHH-10)  
U.S. Department of Transportation  
Pipeline and Hazardous Materials Safety Administration  
East Building, 2nd Floor  
1200 New Jersey Ave., SE  
Washington, DC 20590

McIntyre  
§ 172.203  
§ 172.202  
Shipping Papers  
13-0018

Dear Mr. Betts:

AAR is in need of clarification of “non-odorized” or “not-odorized” (§ 172.203(p)) as discussed in a previous interpretation letter (12-0207). Specifically, the response to Question 1 regarding the location of the word “non-odorized” and “not-odorized” in the basic description.

The first answer states that the word “non-odorized” or “not-odorized” **must** be included in association with the proper shipping description on a shipping paper when non-odorized LPG is offered for transportation. The second response states that in order to maintain harmonization with international standards (e.g., International Maritime Dangerous Goods Code, International Civil Aviation Organization Technical Instructions, etc.), the word “non-odorized” or “not-odorized” **is required to be provided in association with the proper shipping description and not immediately preceding the proper shipping name**, since international regulations do not permit additional information to be interspersed among the four required elements of the basic description.

Presently the 49 CFR 172.202(b) states: Except as provided in this subpart, the basic description specified in paragraphs (a)(1), (2), (3), and (4) of this section must be shown in sequence with no additional information interspersed. For example, “UN2744, Cyclobutyl chloroformate, 6.1, (8, 3), PG II.” The shipping description sequences in effect on December 31, 2006, may be used until January 1, 2013. Shipping descriptions for hazardous materials offered or intended for transportation by rail that contain all the information required in this subpart and that are formatted and ordered in accordance with recognized electronic data interchange standards and, to the extent possible, in the order and manner required by this subpart are deemed to comply with this paragraph.

Presently the 49 CFR 172.203(p) states: **Liquefied petroleum gas (LPG)**. The word “non-odorized” or “not-odorized” **must be included in association with the proper shipping description** on a shipping paper when non-odorized liquefied petroleum gas is offered for transportation.

The key term used in the requirement is “in association with” the proper shipping description. I found the following link in regard to PHMSA’s definition of the term “in-association-with”:

<http://www.phmsa.dot.gov/portal/site/PHMSA/menuitem.ebdc7a8a7e39f2e55cf2031050248a0c/?vgnnextoid=f9ede097181b3110VgnVCM1000009ed07898RCRD>

**In-association-with:** Refers to the placement of required additional entries on the shipping paper. Usually placed after the complete description for a hazardous material. May be any format, as long as it is clearly part of the entry.

**We want to ensure we are following the regulations correctly therefore can you please provide answers to the following questions?**

**Questions:**

1. With all the information on this topic provided in this letter, is it true based on the interpretation letter that in order to be in compliance with 49 CFR the term “non-odorized” or “not-odorized” **cannot** immediately precede the PSN?
2. If the answer to question 1 is true, then can the term “non-odorized” or “not-odorized” be placed anywhere else in the basic description?
3. If the answer to question 1 is false, then can the term “non-odorized” or “not-odorized” precede the PSN?

Thank you.

Matthew Forister  
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Association of American Railroads  
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U.S. Department  
of Transportation

1200 New Jersey Avenue SE  
Washington, DC 20590

**Pipeline and Hazardous  
Materials Safety  
Administration**

DEC 03 2012

Mr. Raymond Kasey  
Railroad Regulatory Safety Services  
7500 Masonville Drive  
Falls Church, VA 22042-3520

Ref. No.: 12-0207

Dear Mr. Kasey:

This responds to your September 14, 2012 letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to additional description requirements for shipping papers. Your questions are paraphrased and answered below.

Q1: You ask where on the shipping paper must the word “non-odorized” or “not-odorized” be located when shipping liquefied petroleum gas (LPG)? You also ask whether the word “non-odorized” or “not-odorized” must follow the basic description, or be immediately before or after the proper shipping name?

A1: In accordance with § 172.203(p), the word “non-odorized” or “not-odorized” must be included in association with the proper shipping description on a shipping paper when non-odorized LPG is offered for transportation.

Furthermore, in order to maintain harmonization with international standards (e.g., International Maritime Dangerous Goods Code, International Civil Aviation Organization Technical Instructions, etc.), the word “non-odorized” or “not-odorized” is required to be provided in association with the proper shipping description and not immediately preceding the proper shipping name, since international regulations do not permit additional information to be interspersed among the four required elements of the basic description.

Q2: You ask whether LPG shipments that originate in the U.S. and terminate in Canada must have the non-odorized notation? You also ask if Transport Canada will accept the U.S. shipping paper reference?

A2: The answer is yes, the word “non-odorized” or “not-odorized” must be included in association with the proper shipping description on a shipping paper when non-odorized LPG is offered for transportation. Further, there are no provisions in the HMR that prevent Transport Canada from accepting the additional description requirements for shipping papers when non-odorized LPG is offered for transportation.

In your letter, you also suggest that the Pipeline and Hazardous Materials Safety Administration (PHMSA) revise the HMR to: (1) revise the generic use of the proper shipping name Liquefied Petroleum Gas to include the other products in the LPG family such as butane, isobutane, and propane, et. al.; and (2) develop one standard of where the extra descriptive information goes on a shipping paper in order to standardize shipping paper information across all modes of transport.

We appreciate your bringing these issues to our attention. PHMSA cannot make regulatory changes through a request for interpretation of the HMR. However, if you believe a rulemaking change is warranted, we invite you to file a petition for rulemaking in accordance with § 106.95 including all information (see § 106.100) needed to support your petition.

I trust this satisfies your inquiry. Please contact us if we can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Glenn Foster". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

T. Glenn Foster  
Chief, Regulatory Review and Reinvention Branch  
Standards and Rulemaking Division

# Railroad Regulatory Safety Services

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Nickels

§172.203

Shipping Papers

12-0207

September 14, 2012

Standards and Rulemaking Division, PHH-10  
Pipeline and Hazardous Materials Safety Administration  
United States Department of Transportation  
1200 New Jersey Avenue, S.E.  
Washington, D.C. 20590-0001

Re: Interpretation request of 49 CFR 172.203(p) (Docket HM-218F)

To Whom It May Concern:

On July 20, 2011 the Pipeline and Hazardous Materials Safety Administration issued the final rule of Docket HM-218F regarding 49 CFR 172.203(p) required the words non-odorized preceding the proper shipping name on a shipping paper when non-odorized liquefied petroleum gas is offered for transportation.

Following this, a correction document was published on December 28, 2011, which required the words non-[or not]-odorized to be placed "in association with" the "proper shipping description".

My question is where does "in association with" mean? Can the words follow the entire basic description or must it be immediately before or after the proper shipping name?

With electronic data interchange (EDI) shipping paper transmission, changes to the system require immense efforts to comply with the regulations. The carriers that utilized EDI for decades have sought to comply with the most sensible solution possible.

Numerous examples in the regulations that require words to be used "in association with" are usually interpreted to mean after the basic shipping description. For example, 49 CFR 172.203:

- § (a) is normally interpreted to mean the DOT-SP can follow the basic shipping description,
- § (d)(10) requires "HRCQ to be "in association with" which would normally follow the basic shipping description,
- § (i)(3) also would place the segregation group after the basic shipping description,

- § (k)(2)(i) also requires the EPA hazardous waste number to follow the basic description,
- § Marine pollutants, paragraph (1)(1)(2)(3) further require the constituent making the material a marine pollutant must appear “in association with” the basic description,
- § Paragraph (m) has been interpreted to require the hazard zone to be entered “immediately following the basic shipping description”,
- § 171.23(b)2 the EX number or product codes must be included in association with the basic shipping description.
- § 171.23(b)10 must be entered on the shipping paper immediately following the basic shipping description.

In addition, does this mean that LPG shipments that originate in US and terminate in Canada must have the non-odorized notation placed in association with the proper shipping name? Will Transport Canada accept the US shipping paper (reference Section 171.12)?

For clarification, an interpretation requiring the correct placement of the words “non-[or not]-odorized” is requested before the EDI systems are permanently changed for compliance at considerable expense.

On a related topic, because I am seeing confusion in the shipper community interpreting 172.203(p), I would suggest that the generic use of the proper shipping name Liquefied Petroleum Gas (LPG) should also include the other products in the LPG family, namely; butane isobutane, and propane, et al. This could be included in parentheses in 172.203(p) or in the definition section 49 CFR 171.8.

In addition, for the sake of clarity and especially uniformity for the emergency responders, PHMSA should develop one standard of where the extra descriptive information goes ---- except for maybe adding “waste” before the PSN and “Residue: last contained” before the basic description, all other information should go after the basic description --- RQ, HOT, PIH, etc. This would also assist PHMSA in standardizing shipping paper information utilizing EDI for all other modes of transportation.

Your prompt attention to this matter is greatly appreciated.

Respectfully yours,

Raymond Kasey