



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

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

APR 29 2016

Mr. Fred A. Romero  
Instructor  
Dangerous Goods of America  
P.O. Box 520487  
Miami, FL 33152-0487

Reference No. 15-0186

Dear Mr. Romero:

This is in response to your August 25, 2015 letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the definition and selection of a proper shipping name for a hazardous substance. Your questions are paraphrased and answered as follows:

Q1. Are all of the materials listed in Appendix A to § 172.101 considered a hazardous substance that must be declared as a hazardous material or are they only hazardous materials when packaged in quantities which equal or exceed its RQ listed?

A1. The materials listed in Appendix A to § 172.101 are hazardous substances only when packaged in quantities which equal or exceed its RQ listed. Under § 171.8, a hazardous substance (other than radionuclides) is defined as a material, including its mixtures and solutions, that: (1) is listed in the Appendix A to § 172.101 of the HMR; (2) is in a quantity, in one package, which equals or exceeds its RQ listed in the Appendix A to § 172.101 of the HMR; and (3) when in a mixture or solution, is in a concentration by weight which equals or exceeds the concentration corresponding to the RQ of the material, as shown in the table in § 171.8. A material must meet all of these conditions in order to be a hazardous substance.

For materials listed by name or in both the § 172.101 Hazardous Materials Table (HMT) and Appendix A to § 172.101 the materials must be described with the proper shipping name in the HMT even when not meeting the definition of a hazardous substance. If the material also meets the criteria for a hazardous substance (see above paragraph), the letters "RQ" must be entered on the shipping paper in association with the basic description and marked on a package in association with the proper shipping name.

Q2. If a hazardous substance does not meet the definition of any other hazard class or division, should the substance be assigned to Class 9 and identified as "UN3077, Environmentally hazardous substances, solid, n.o.s." or "UN3082, Environmentally hazardous substance, liquid, n.o.s."?

A2. The answer is yes. If a hazardous substance is not more appropriately described by another proper shipping name in the § 172.101 HMT and does not meet the definition of any Class 1 through 8, then it must be offered for transportation under the most appropriate of the two Class 9 entries: "UN3077" or "UN3082." Generic shipping name entries that have the symbol "G" in column 1 of the HMT require the technical name of the hazardous material in parentheses in association with the basic description. Hazardous substances meeting only the Class 9 definition may be described as "RQ, UN3077, Environmentally hazardous substances, solid, n.o.s., 9, PG III (*insert technical name*)" or "RQ, UN3082, Environmentally hazardous substances, liquid, n.o.s., 9, PG III (*insert technical name*)."

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

Sincerely,

A handwritten signature in cursive script that reads "Duane A. Pfund". The signature is written in dark ink and is positioned above the typed name.

Duane A. Pfund  
International Standards Coordinator  
Standards and Rulemaking Division

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Wiener  
§ 172.101  
HMT  
15-0186

August 25, 2015

Standards and Rulemaking Division  
Att: phh-10  
East Bldg, 1200 New Jersey Avenue  
S.E., Washington, DC 2059001

Pipeline and Hazardous Material Safety Administration  
US Department of Transportation

Re: Appendix A to §172.101

Dear Chief;

Please clarify the following:

According to §171.8 the definition of Hazardous Materials, the term includes Hazardous Substances.

And defined:

Hazardous substance- for the purposes of this subchapter, means a material, including its mixtures and solutions that-

- 1) is listed in the appendix A to §172.101 of this subchapter;
- 2) Is in a quantity, in one package, which equals or exceeds the reportable quantity (RQ) listed in the appendix A to §172.101.

Question:

Is all that are listed in appendix A to §172.101 considered hazardous substance and must be declared as a hazardous material or

Only when it is packaged in quantities equal to or exceeds the reportable quantity indicated in the reportable quantity column of appendix A to §172.101?

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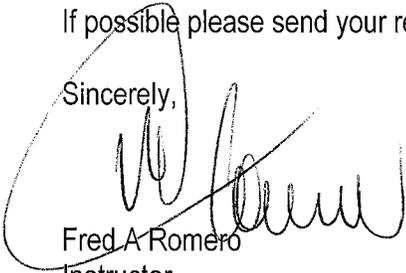
If so and if the substance or material does not meet the definition of any other class or division, should this hazardous substance be assigned to class 9 and identified as UN3082 or UN3077?

Your kind and prompt attention to this matter is greatly appreciated.

Thank you

If possible please send your response via email to [fred@dga4u.com](mailto:fred@dga4u.com)

Sincerely,

  
Fred A Romero  
Instructor  
Dangerous Goods of America