



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue SE
Washington, DC 20590

JUL 20 2011

Mr. Jeremy K. Nantz
Vice President
Operations and Training
Midstate Air Freight and Logistics, Inc., DBA Callahan Air Expeditors

Reference No. 11-0112

Dear Mr. Nantz:

This responds to your May 6, 2011 email requesting clarification of the marking requirements of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you inquire as to the appropriate marking requirements for shipments of material used for diagnostic or treatment purposes that are refrigerated with dry ice. Your questions are paraphrased and answered as follows:

Q1. Must the packages be marked to indicate the specific material contained therein or does the UN3373 marking alone satisfy the requirements pertaining to materials transported for diagnostic or treatment purposes?

A1. Section 173.199(d)(2) requires that the package is marked with the wording "Carbon dioxide, solid" or "Dry ice" and an indication that the material being refrigerated is used for diagnostic treatment purposes. It provides the example "frozen medical specimens" as an acceptable marking. For this reason, the UN3373 marking would not satisfy the marking requirements for diagnostic or treatment purposes that are refrigerated with dry ice; rather, as you suggest, a marking to indicate the specific material contained therein is required.

Q2. Does the fact that the box is being shipped to or from a clinic or laboratory adequately indicate that the material being refrigerated is being transported for diagnostic or treatment purposes?

A2. No. See A1 above.

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

Sincerely,

Ben Supko
Chief, Standards Development Branch
Standards and Rulemaking Division

Winter
3172.101
3173.217

Drakeford, Carolyn (PHMSA)

From: INFOCNTR (PHMSA)
Sent: Friday, May 06, 2011 12:49 PM
To: Drakeford, Carolyn (PHMSA)
Subject: FW: compliance question

Applicability
11-0112

Hi Carolyn,

The caller below requested a formal letter of interpretation.

Thanks,
Victoria

Victoria Lehman
Hazmat Information Center (HMIC)
<http://phmsa.dot.gov/hazmat/info-center>
(202) 366-1035

From: Jeremy Nantz [<mailto:jeremy.nantz@gmail.com>]
Sent: Friday, May 06, 2011 12:19 PM
To: PHMSA HM InfoCenter
Subject: compliance question

Mr. Charles E. Betts
Director, Office of Hazardous Materials Standards

Mr. Betts,

In order to resolve a long-standing area of confusion within my company, I need a clear, concise and definitive answer to a regulatory question. I am hoping that you can provide that answer.

HMR section 173.217 paragraph (d) states that dry ice is excepted from the shipping paper and certification requirements if two conditions are met:

First, that it is marked "dry ice."

Second, that it is marked with an indication that the material being refrigerated is being transported for diagnostic or treatment purposes.

This leads me to my question, which I will pose in three parts --

(1) what is an acceptable indication that the material being refrigerated is being transported for diagnostic or treatment purposes? Does it require a marking that uses that exact language?

(2) [Yes/No] Does the presence of a UN3373 label alone adequately indicate that the material being refrigerated is being transported for diagnostic or treatment purposes? (One of my managers in Arkansas maintains that it does not, since he points out that it is possible for a UN3373 shipment to contain material that is NOT being transported for diagnostic or treatment purposes.)

(3) [Yes/No] Does the fact that the box is being shipped to or from a clinic or laboratory alone adequately indicate that the material being refrigerated is being transported for diagnostic or treatment purposes? (This same manager maintains that it does not, since he once again points out that it is possible for a shipment to or from a clinic or laboratory to contain material that is NOT being transported for diagnostic or treatment purposes.)

This issue has been vigorously disputed within the shipping and receiving department, especially in Little Rock, ever since 2008. An authoritative resolution in the form of an official government interpretation will restore peace to our little company!

Thank you so much for your assistance on this matter; it is greatly appreciated!

Yours very sincerely,

Jeremy K. Nantz
Vice President
Operations and Training
Midstate Air Freight and Logistics, Inc.
DBA Callahan Air Expeditors