



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

1200 New Jersey Avenue, SE
Washington, DC 20590

May 31, 2024

Mr. Paul Errichetti
Sr. Mgr., Fleet and Dangerous Goods
W. R. Grace & Co.
7500 Grace Drive
Columbia, MD 21044

Reference No. 23-0062

Dear Mr. Errichetti:

This letter is in response to your July 5, 2023, letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the shipment of portable tanks. In your letter, you state that you transport “UN1838, Titanium tetrachloride, 6.1, (8), PG I” and “UN3390, Toxic by inhalation liquid, corrosive, n.o.s., 6.1, (8), PG I” in portable tanks subject to Special Provisions (SPs) TP13 and TP38 in § 172.102(c)(8). Lastly, you state that it is your understanding that SP TP13 requires a self-contained breathing apparatus be provided for transportation by sea, while SP TP38 requires the portable tanks to be insulated.

We have paraphrased and answered your questions as follows:

- Q1. You ask whether SP TP13 requires a self-contained breathing apparatus be provided to the carrier when transporting the portable tanks containing the materials described in your letter from an inland location to the seaport.
- A1. As stated in SP TP13, a self-contained breathing apparatus must be provided when these materials are transported in portable tanks and shipped by sea (i.e., vessel). If any leg of the trip is by vessel, the self-contained breathing apparatus must be provided.
- Q2. You ask whether a shipper is responsible for providing the required self-contained breathing apparatus to a steamship line for vessel transportation in order to satisfy the requirements under SP TP13.
- A2. The answer is yes. SP TP13 states that “a self-contained breathing apparatus must be *provided* when this hazardous material is transported by sea.” Therefore, the shipper must meet the obligation to provide the self-contained breathing apparatus unless that

responsibility is contractually obligated to another entity (i.e., a third-party is legally responsible to perform that function under contract).

Q3. You ask whether a portable tank in service under SP TP38 must have the insulation in place when the portable tank is tested and inspected.

A3. It is the opinion of this Office that a portable tank must have insulation in place, as required by § 178.274, when performing the initial inspection and test and/or to meet marking requirements. However, the insulation must be removed in accordance with applicable testing and inspection requirements provided in part 180 of the HMR.

I hope this information is helpful. Please contact us if we can be of further assistance.

Sincerely,



Steven Andrews
Acting Chief, Regulatory Review and Reinvention Branch
Standards and Rulemaking Division

From: [INFOCNTR \(PHMSA\)](#)
To: [Dodd, Alice \(PHMSA\)](#)
Cc: [Hazmat Interps](#)
Subject: FW: LOI for 49 CFR 172.102(c)
Date: Monday, July 10, 2023 4:59:26 PM
Attachments: [DOT-PHMSA LoI 49CFR172.102\(c\)\(8\) - 05Jul2023.pdf](#)

Hi Alice,

Please see the attached interpretation request.

Let us know if you need anything.

Regards,

-Breanna

From: Errichetti, Paul <Paul.Errichetti@grace.com>
Sent: Wednesday, July 5, 2023 4:28 PM
To: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>
Subject: LOI for 49 CFR 172.102(c)

CAUTION: This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hi,

Please find attached a request for a formal letter of interpretation.

If you have questions with regards to this request please contact me via email or my mobile number listed below in my signature.

Thanks,

Paul Errichetti | Senior Manager, Fleet & Dangerous Goods

W. R. Grace & Co – Conn. | 7500 Grace Drive, Columbia, MD 21044, USA | T +1 410.531.8215 | M +1 732.306.0683 | paul.errichetti@grace.com

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July 5, 2023

Mr. Shane Kelley
Director, Standards and Rulemaking Division
U.S. DOT/PHMSA (PHH-10)
1200 New Jersey Avenue
SE East Building, 2nd Floor
Washington, DC 20590

Dear Mr. Kelley:

I am contacting the agency on behalf of WR Grace with this formal request for a letter of interpretation regarding the Hazardous Materials Regulations 49 CFR 172.102(c)(8).

In Column 7 of the HMT for the shipment of UN1838 and UN3390, the following Special Provision TP Codes are referenced.

TP13 states that a self-contained breathing apparatus must be provided when this hazardous material is transported by sea.

Question 1: Does the self-contained breathing apparatus need to be provided to the carrier making the inland move of the hazardous material to the seaport?

Question 2: Are we as the shipper required to provide the self-contained breathing apparatus to the steamship line for the sea transportation of the hazardous material?

TP38 states that a portable tank in service for any material referencing this Special Provision must be insulated.

Question 3: Does that insulation need to be in place when the tank is tested and inspected?

If you have any questions or need clarification to my questions, please feel free to contact me by cell phone at (732) 306-0683 or via email at Paul.Errichetti@grace.com.

Sincerely,

Paul Errichetti

Paul Errichetti
Sr. Mgr., Fleet and Dangerous Goods