



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

January 7, 2025

Chris Boggs
Safety Manager
Shintech Louisiana
PO Box 358
Addis, LA 70710

Reference No. 24-0109

Dear Mr. Boggs:

This letter is in response to your November 11, 2024, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to residue on the exterior of a package. You describe a scenario in which, during the loading or unloading of a product, some of the corrosive hazardous material (sodium hydroxide) spills onto the exterior of a tank car, specifically that the product drips onto its exterior surface. You state that before transportation begins the tank car is cleaned and treated to neutralize the spilled sodium hydroxide. However, this process leaves the paint on the tank car etched and discolored—i.e., it leaves a stain. You add that it is impracticable to repaint the exterior of the tank car after every loading/unloading and ask whether the discoloration (i.e., the stain) resulting from the cleaning and neutralization of the hazardous material is a “residue” that would be in violation of the general requirements for packages, as specified in § 173.24(b).

The answer is no. The term residue specifically refers to a hazardous material. Although defined in § 171.8 as contents inside the package, in the context of § 173.24(b)(1)-(4), residue means a hazardous material adhering to the outside of a package from spillage from either the package itself or in association with loading or unloading the package. Discoloration (i.e., staining) is not considered residue for purposes of § 173.24(b)(1)-(4). Provided that any remnants of the cleanup and neutralization of the spillage on the exterior of the tank car does not meet any HMR criteria for a hazardous material and the tank car otherwise conforms to all other applicable requirements under the HMR, the tank car may continue to be used in transportation.

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

Sincerely,

Dirk Der Kinderen
Chief, Standards Development Branch
Standards and Rulemaking Division

From: [INFOCNTR \(PHMSA\)](#)
To: [Dodd, Alice \(PHMSA\)](#)
Cc: [Hazmat Interps](#)
Subject: FW: Letter of Interpretation Request
Date: Tuesday, November 12, 2024 1:27:19 PM

Hi Alice,

Please see the below interpretation request.

I have reached out and asked him for his physical mailing address which I will send over as soon as it arrives.

Let me know if you need anything,

-Breanna

From: Christopher Boggs <cboggs@shin-tech.com>
Sent: Monday, November 11, 2024 11:44 AM
To: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>
Subject: Letter of Interpretation Request

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.

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

I am the Shintech Louisiana Safety Manager and am requesting some clarification around “stains” on hazardous material tank cars. Our facility loads and ships sodium hydroxide tank cars and most of the tank cars have a black exterior paint. During the loading/off-loading process, product (sodium hydroxide) may drip on the exterior of the car, at which point Shintech or the customer will wash, neutralize, and capture the product into sumps. However, once the product is neutralized and washed, the dripped product will leave a stain on the exterior paint of the car. This is mainly due to the product etching the paint and can look like residue on the car, but it is only a stain. Once the car is stained, it is very difficult to remove the stain.

My questions is, is a stain considered residue? As explained in the above, there is no safety concern from such a stain and it’s not practically possible to repaint the exterior every time. We are trying to be proactive, trying to avoid the cars being stopped in transit, and want to prevent any fines so your assistance and guidance is appreciated.

Thanks in advance,

Chris Boggs
Shintech Louisiana
Safety Manager
225-687-2105 ext. 5091