

From: INFOCNTR (PHMSA)
To: Baker, Yul (PHMSA)
Cc: Hazmat Interpret
Subject: Letter of Interpretation Request - FW: Request for Interpretation
Date: Monday, November 17, 2025 15:33:07
Attachments: imaoe001.png
imaoe002.png
Basic Copper Carbonate SDS - Rev 4 - 2023 - USA.pdf

Good afternoon,

Please see the following interpretation request. Let us know if you need anything else.

Best,
Janaye

From: Cody Cusey <CCusey@chemet.com>
Sent: Monday, November 17, 2025 11:24 AM
To: PHMSA HM InfoCenter <PHMSAHMInfoCenter@dot.gov>
Subject: Request for Interpretation

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Hello,

My company produces Basic Copper Carbonate powder (Copper (II) Carbonate, Basic) – SDS is attached.

I am formally requesting interpretation and clarification on the classification and regulation of our Basic Copper Carbonate powder, as well as packaging requirements for bulk shipments via domestic ground transport.

Given that Copper (II) Carbonate, Basic, is not directly listed in the CFR 172.101 (Hazardous Materials Table), we have classified this material as seen in the table below.

Proper shipping name: ENVIRONMENTALLY HAZARDOUS SUBSTANCE, SOLID, N.O.S (Copper (II) Carbonate, Basic), Class 9, PG III, MARINE POLLUTANT

Symbols	Hazardous materials descriptions and proper shipping names	Hazard class or Division	Identification Numbers	PG	Label Codes	Special provisions (§ 172.102)	(8)			(9)		(10) Vessel stowage	
							Packaging (§ 173.***)			Quantity limitations (see §§ 173.27 and 175.75)		Location	Other
							Exceptions	Non-bulk	Bulk	Passenger aircraft/rail	Cargo aircraft only		
G	Environmentally hazardous substance, solid, n.o.s.	9	UN3077	III	9	8, 146, 335, 384, 441, A112, B54, B120, IB8, IP3, N20, N91, T1, TP33	155	213	240	No limit	No limit	A	

We package this Basic Copper Carbonate powder in Flexible IBC's (FIBC), with a NET weight of 1,000 kg per package.
According to CFR 171.8, section (2),

"Bulk packaging means a packaging, other than a vessel or a barge, including a transport vehicle or freight container, in which hazardous materials are loaded with no intermediate form of containment. A Large Packaging in which hazardous materials are loaded with an intermediate form of containment, such as one or more articles or inner packagings, is also a bulk packaging. Additionally, a bulk packaging has: (2) A maximum net mass greater than 400 kg (882 pounds) and a maximum capacity greater than 450 L (119 gallons) as a receptacle for a solid"

We transport this material, packaged as above, via domestic (USA) ground transport (trucks) – with 20,000 kg per truck (20 packages @ 1,000 kg)

According to Section 14 of our SDS, this material is not regulated by the US DOT as dangerous goods (hazardous materials).

SECTION 14. Transportation information

US DOT: Not Regulated as dangerous goods. Class 9 materials do not require placarding for U.S.A. ground transport (49 CFR 172.504(f)(9)). Exceptions, except when all or part of the transportation is by vessel, the requirements specific to marine pollutants do not apply to non-bulk packaging transported by motor vehicle, rail car, or aircraft (49 CFR 171.4(c)). Permissive labeling is allowed by U.S.A. DOT (49 CFR 172.401(c)).

Proper shipping name: ENVIRONMENTALLY HAZARDOUS SUBSTANCE, SOLID, N.O.S (Copper (II) Carbonate, Basic), Class 9, PG III, MARINE POLLUTANT

Q1: Given the SDS provided, are we classifying this material correctly (UN 3077 - ENVIRONMENTALLY HAZARDOUS SUBSTANCE, SOLID, N.O.S (Copper (II) Carbonate, Basic), Class 9, PG III, MARINE POLLUTANT)?

Q2: If this material is correctly classified (UN 3077 - ENVIRONMENTALLY HAZARDOUS SUBSTANCE, SOLID, N.O.S (Copper (II) Carbonate, Basic), Class 9, PG III, MARINE POLLUTANT), should it be regulated as dangerous goods (hazardous material)?

Q3: If this material is correctly classified (UN 3077 - ENVIRONMENTALLY HAZARDOUS SUBSTANCE, SOLID, N.O.S (Copper (II) Carbonate, Basic), Class 9, PG III, MARINE POLLUTANT), would it meet the definition of Bulk Packaging as defined in CFR 171.8?

Q4: If this material is correctly classified (UN 3077 - ENVIRONMENTALLY HAZARDOUS SUBSTANCE, SOLID, N.O.S (Copper (II) Carbonate, Basic), Class 9, PG III, MARINE POLLUTANT), **AND**, is **NOT** regulated as dangerous goods (hazardous material), would bulk shipments, with a NET weight of 1,000 kg per package, require UN certified packaging for domestic ground transportation (trucks)?

I look forward to your response.

Thank you for your time and knowledge.

Best regards,

Cody Cusey

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