



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

SEP 13 2018

1200 New Jersey Avenue, SE
Washington, DC 20590

James Harnage
Safety and Regulatory Compliance Manager
Outsource Logistics, LLC
P.O. Box 2290
Valdosta, GA 31604

Reference No. 18-0056

Dear Mr. Harnage:

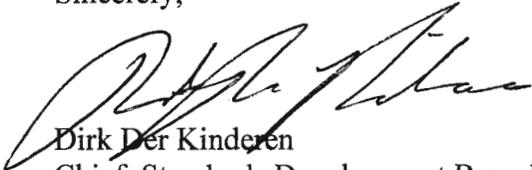
This letter is in response to your April 10, 2018, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to shipping paper requirements. You state that Outsource Logistics, LLC transports containers of a product called Manzate Pro Stick domestically. The product is initially shipped to the United States by vessel as a Class 9 marine pollutant in accordance with the International Maritime Dangerous Goods (IMDG) Code. You further state that Manzate Pro Stick contains two different active components: Mancozeb and Ethylenethiourea. It is your understanding that based on the active components in Manzate Pro Stick and because of the weight (in lbs) of one of the product components, Manzate Pro Stick would meet the requirements of a limited quantity and therefore be exempted from shipping paper requirements found in § 173.155(b). In addition, this Office obtained a Safety Data Sheet and test data from United Phosphorus Inc. (UPI) that describe Manzate Pro Stick as "UN3077, Environmentally hazardous substance, solid, n.o.s. (Mancozeb), 9, PG III," for transportation purposes.

According to § 171.4(c)(1), except when all or part of the transportation is by vessel, the requirements of the HMR specific to marine pollutants do not apply to non-bulk packagings transported by motor vehicle, rail, or aircraft. Furthermore, in accordance with § 171.4(c)(2), single or combination packagings having a net mass per single or inner packaging of 5 kg (11 lbs) or less for solids are not subject to any other requirements of the HMR, provided the packagings meet the general requirements in §§ 173.24 and 173.24a and the marine pollutant is not a hazardous waste or a hazardous substance.

Since the product arrives in the United States by vessel and assuming the final destination is the port of entry (based on the originating shipping paper), this portion of the transportation has ended. Therefore, any further domestic transportation does not require a shipping paper for transportation by highway to Outsource Logistics, LLC's warehouse or to their customers, nor would it be subject to any other HMR requirements in accordance with § 171.4.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Dirk Der Kinderen". The signature is fluid and cursive, with a large initial "D" and "K".

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

Baker
Shipping Papers
172.200
18-0056

January, Ikeya CTR (PHMSA)

From: Kelley, Shane (PHMSA)
Sent: Tuesday, April 10, 2018 4:13 PM
To: January, Ikeya CTR (PHMSA)
Cc: Nickels, Matthew (PHMSA); Foster, Glenn (PHMSA); DerKinderen, Dirk (PHMSA)
Subject: FW: Shipping Paper Interpretation Request
Attachments: Shipping Paper Limited Quantity PHMSA Request For Clarification.rtf; Shipping Paper Limited Quantity PHMSA Request For Clarification.pdf

Hi Ikeya

Could you kindly log this in as a request for interpretation?

Glenn/Dirk – not sure how to tag in the system for my review, but I'd like to make sure I see this response before it is finalized as it involves an enforcement action, and I have some background on the EHS provisions and our optional use of the international EHS criteria that may be helpful to the drafter.

Thanks

Shane

From: training (PHMSA)
Sent: Tuesday, April 10, 2018 12:46 PM
To: Kelley, Shane (PHMSA) <shane.kelley@dot.gov>
Subject: FW: Shipping Paper Interpretation Request

Shane,

Please see the email below for an interpretation.

Kenetha L. Hillman / Program Associate
Contractor – UniSpec Enterprises, Inc.
Outreach, Engagement & Grants (PHH-50)
U.S. Department of Transportation
Pipeline & Hazardous Materials Safety Administration
1200 New Jersey Ave., S.E., E21-207
Washington, DC 20590
O: (202) 366-5758
F: (202) 366-3753
HMEP.Grants@dot.gov

From: James Harnage [<mailto:jamesharnage@outsourcelogistics.com>]
Sent: Tuesday, April 10, 2018 9:59 AM
To: PHMSA HM Training <PHMSAHMTraining@dot.gov>; PHMSA Public Affairs <PHMSAPublicAffairs@dot.gov>; PHMSA-Accessibility@dot.gov; PHMSA Webmaster <PHMSAWebmaster@dot.gov>
Subject: Shipping Paper Interpretation Request

Dear PHMSA;

This is the first attempt I have made in my career to reach out to the PHMSA for clarification. The addresses above are those located on the PHMSA website. I apologize for any short fall on presentation method or mode on my part. I read the interpretations of the PHMSA. I find them very useful and a blessing in my training of hazardous materials personnel. May I please ask for clarification on shipping paper as the regulations apply to Class 9 limited quantity. My attached letter is the result of a DOT inspection. If we are in violation we will correct.

Thank you and have a blessed day.

Jim Harnage



Outsource Logistics, LLC

PO BOX 2290 • VALDOSTA • GA • 31604 • 866-726-2715

Jim Harnage

Safety and Regulatory Compliance Manager

Office: 229.249.9026 - Ext 226 | Fax: 229.247.8553

Cell: 229.300.4882



Outsource Logistics, LLC

PO BOX 2290 • VALDOSTA • GA • 31604 • 866-726-2715

April 10, 2018

PHMSA Office of Hazardous Materials Safety

Southern Region Office

233 Peachtree Street NE, Suite 602

Atlanta, GA 30303

To Whom It May Concern;

We are an authorized motor carrier registered to transport hazardous materials. We transport containers from port loaded and placarded with Class 9 marine pollutant products called Manzate Pro Stick, Packaging Group III, from port to inland to a warehouse. The product is cross docked and transported domestically. Containers are shipped to the U.S. over water, arrive placarded Class 9, and marine pollutant marked per IMDG code.

The material's active ingredients are Mancozeb and Ethylenethiourea. Neither are listed on the Hazardous Material Table, or only one is not listed as a Hazardous Substance, or are not a severe marine pollutant, or the RQ does not meet or exceed the limit, or satisfies the exceptions in 172.200 paragraph (b) (1),(2),(3) by not being by any letter such as A or W. The material as such and by weight satisfies the requirements as a limited quantity, including the packaging having the orientation arrows and limited quantity Class 9 triangle square on point. Photographs of the product are included with this letter.

172.200 (b) (1) (2) Subpart C regarding shipping papers says, *"This subpart does not apply to any material, other than a hazardous substance, hazardous waste, or marine pollutant that is identified by the letter A in column 1 of the 172.101 Table, except when the material is offered or intended for transportation by air; or identified by the letter W in column 1 of the 172.101 Table, except when the material is offered or intended for transportation by water."* The product is not offered to Outsource Logistics for transportation by air or water. Neither letters appear in column 1. Mancozeb is not listed as a Hazardous Substance. Ethylenethiourea is listed on the Hazardous Substance Table with an RQ of 10. The ethylenethiourea in Manzate Pro Stick has a trace amount of 0.1 which does not meet or exceed the RQ. It is my understanding that this trace amount satisfies the requirements of 172.200 (b) excepting it from shipping paper requirements.

The packaging shows the orientation arrows characteristic of limited quantity packaging. A single package weighs 6 pounds, 5 pounds less than the limit of 11 pounds for limited quantity.

Due to the unique nature of this aspect of this industry at ports, hundreds of containers of limited quantity products and Class 9 products exit the ports daily transported by hundreds of carriers with only an interchange ticket and no shipping paper. Do I understand the regulations correctly pertaining to Limited Quantities that as such, this material does not require a shipping paper?

Thank you.



Jim Harnage Safety & Regulatory Compliance Manager
Outsource Logistics LLC
P. O. Box 2290
Valdosta, GA 31604
229-249-9026 Ext 226
Cell 229-300-4882

12-371CAN
Manzate Pro-Stick

CERCLA

Component	RQ
Ethylene thiourea 96-45-7 (0-0.1)	10 lb

SARA Product RQ 0

RCRA

Component	RCRA - D Series Wastes	RCRA - P Series Wastes	RCRA - U Series Wastes
Ethylene thiourea 96-45-7 (0-0.1)			U116

Pesticide Information

Component	FIFRA - Restricted Use	FIFRA - Pesticide Product Other Ingredients	FIFRA - Listing of Pesticide Chemicals	California Pesticides - Restricted Materials
Mancozeb 8018-01-7 (75)			X	
Ethylene thiourea 96-45-7 (0-0.1)			X	

State Regulations

California Proposition 65

This product contains the following Proposition 65 chemicals:

Chemical name	CAS-No	CATEGORY	California Prop. 65	Non-additive, corrosive chemical type
Mancozeb	8018-01-7	Carcinogen	Carcinogen	
Ethylene thiourea	96-45-7	Carcinogen	Carcinogen Developmental	

State Right-to-Know

Chemical name	Massachusetts	New Jersey	Pennsylvania	Illinois	Rhode Island
Mancozeb				X	
Ethylene thiourea	X	X	X	X	

International regulations

Mexico - Grade Moderate risk, Grade 2

Component	CATEGORY	Carcinogen Status	Exposure limits
Mancozeb 8018-01-7 (75)	Carcinogen		
Ethylene thiourea 96-45-7 (0-0.1)	Carcinogen		

CANADA

This product has been classified in accordance with the hazard criteria of the Controlled Products Regulations (CPR) and the MSDS contains all the information required by the CPR

WHMIS Hazard Class

Not Determined

Chemical name	NPRI
Ethylene thiourea	X

Legend

NPRI - National Pollutant Release Inventory

The preparation is classified as dangerous in accordance with Directive 1999/45/EC

16. Other information

DRIVER/VEHICLE EXAMINATION REPORT

Aspen 3.0.0.17



Georgia Department of Public Safety
 Motor Carrier Safety Assistance Program
 P.O. Box 1456
 Atlanta, GA 30371-1456
 Phone: (404)624-7211 Fax: (404)624-7297

Report Number: GA0285004483
 Inspection Date: 03/29/2018
 Start: 11:45 AM ET End: 1:00:00 PM ET
 Inspection Level: II - Walk-Around
 HM Inspection Type: Non-Bulk

OUTSOURCE LOGISTICS LLC
 PO BOX 2290

VALDOSTA, GA 31604

USDOT#: 00958187

MC/MX#: 392646

State#:

Location: CHATHAM CO I/S SB

Highway: I 95S

County: CHATHAM, GA

Phone#: (229)249-9026

Fax#:

MilePost: 111

Origin: KING OF PRUSSIA, PA

Destination: FRESNO, CA

Driver: JOHNSON, WILLIAM A

License#: 053969444

State: GA

Date of Birth: 11/08/1969

CoDriver:

License#:

State:

Date of Birth:

Shipper:

UNITED PHOSPHORUS INC

Bill of Lading: 257630584

Cargo: L. HAZ. MAT'L. (NON-BULK)

INTERMODAL EQUIPMENT PROVIDER INFORMATION

Did the IEP provide the driver space to perform a pre-trip inspection? Did the driver perform a pre-trip inspection?

VEHICLE IDENTIFICATION

Unit	Type	Make	Year	State	Plate #	Equipment ID	VIN	GVWR	CVSA #	CVSA Issued #	OOS Sticker
1	TT	VOLV	2014	GA	IC48PZ	3406	4V4NC9EH3EN153406	52,500			
2	IC	MONN	2001	ME	2432107	NYKZ 600354	1NNC045271M336934	80,000			013574

BRAKE ADJUSTMENTS: No Brake Measurements Required For Level 2

VIOLATIONS ATTRIBUTABLE TO THE MOTOR CARRIER

Vio Code	Section	Unit	OOS	Citation #	Verify	Crash	Violations Discovered
172.200A	172.200(a)	2	Y		A	N	No shipping paper provided by offeror; No Shipping Papers Presented To Officer At Time Of Inspection.
172.202A1	172.202(a)(1)	2	N		N	N	No or improper Identification Number: No Identification Number On Delivery Order Presented By Carrier.
172.202A2	172.202(a)(2)	2	N		N	N	No or improper Shipping Name: No Proper Shipping Name On Delivery Order Presented By Carrier.
172.202A3	172.202(a)(3)	2	N		N	N	No or improper Hazard Class or Division number.: No Hazard Class On Delivery Order Presented By Carrier.
172.202A4	172.202(a)(4)	2	N		N	N	No or improper Packing Group listed: No Packing Group On Delivery Order Presented By Carrier.
172.604	172.604	2	N		N	N	Offering HM for transportation with no or improper Emergency Response telephone number: No Emergency Phone Number On Delivery Order Presented By Carrier.

VIOLATIONS ATTRIBUTABLE TO THE INTERMODAL EQUIPMENT PROVIDER: No Violations Were Discovered.

HazMat: 9 (Hazardous Subst)

Special Checks: Size & Weight

Placard: Yes Cargo Tank:

State Information:

CONSIGNEE: AMERICAN WAREHOUSE; COMMODITY DESCRIPTION: UN3077 ENVIR HAZ SUB 9 PGIII; FOR HIRE?: YES; CDL? Check for Yes) YES; CDL REQUIRED?: YES; DL STATUS CHECKED? Required!: YES; CARGO INSPECTED?: YES;

Report Prepared By: HUFF

Badge #: 0285

Copy Received By: WILLIAM JOHNSON

Page 1 of 2



00958187 GA GA0285004483

[Handwritten Signature]

[Handwritten Signature: William Johnson]

DRIVER/VEHICLE EXAMINATION REPORT

Aspen 3 0.0.17



Georgia Department of Public Safety
Motor Carrier Safety Assistance Program
P.O. Box 1456
Atlanta, GA 30371-1456
Phone: (404)624-7211 Fax: (404)624-7297

Report Number: GA0285004483
Inspection Date: 03/29/2018
Start: 11:45 AM ET End: 1:00:00 PM ET
Inspection Level: II - Walk-Around
HM Inspection Type: Non-Bulk

OUTSOURCE LOGISTICS LLC

PO BOX 2290
VALDOSTA, GA 31604

USDOT#: 00958187 Phone#: (229)249-9026

MC/MX#: 392646 Fax#:

State#:

Location: CHATHAM CO I/S SB

Highway: I 95S

County: CHATHAM, GA

MilePost: 111

Origin: KING OF PRUSSIA, PA

Destination: FRESNO, CA

Driver: JOHNSON, WILLIAM A

License#: 053969444

Date of Birth: 11/08/1969

CoDriver:

License#:

Date of Birth:

State: GA

State:

Shipper: UNITED PHOSPHORUS INC

Bill of Lading: 257630584

Cargo: L. HAZ. MAT'L. (NON-BULK)

VEHICLE AND/OR HAZARDOUS MATERIAL OUT-OF-SERVICE NOTICE: Pursuant to authority contained in the State and Federal Motor Carrier Safety Regulations, Section 396.9, I hereby declare and mark the above vehicle(s) "OUT-OF-SERVICE". No person shall remove the "Out-of-Service" decal(s) or operate such vehicle(s) until the violations have been repaired and/or corrected and the vehicle(s) and/or load(s) have been restored to safe operating condition. Violators are subject to substantial fines and suspension of their CDL.

OUT-OF-SERVICE (OOS) REPAIR VERIFICATION: The undersigned certifies under penalty of law that the OOS defects/violations were repaired/corrected in accordance with the OOS order.

Signature Of Repairer X: [Signature] Facility: [Signature] Roadside Date: 3/29/18

NOTE TO MOTOR CARRIERS: This certification MUST BE SIGNED by a Motor Carrier Official and RETURNED WITHIN 15 days to the address on the top of this report.

Out-of-service (OOS) defects must be corrected in accordance with the OOS notice. ALL NON-OOS VIOLATIONS MUST BE CORRECTED PRIOR TO THE NEXT DISPATCH.

CERTIFICATION BY CARRIER OFFICIAL: The undersigned certifies knowledge of applicable State and Federal Motor Carrier Safety and Hazardous Material Rules, Regulations, Standards and Orders, and declares all operations will be conducted in compliance with such requirements. The undersigned certifies that all violations noted on this report have been corrected and action taken to assure compliance with the Motor Carrier Safety and Hazardous Material Regulations insofar as they are applicable to motor carriers and drivers. NOTICE: False Statements or Swearing are FELONIES (OCGA 16-10-20).

Signature Of Motor Carrier X: [Signature] Date: 4/5-18

SENT 4/5/18

Report Prepared By: G HUFF

Badge #: 0285

Copy Received By: WILLIAM JOHNSON

Page 2 of 2



00958187 GA GA0285004483

X [Signature]

X [Signature]



