



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

1200 New Jersey Avenue, SE  
Washington, DC 20590

DEC 21 2017

Brad Gibson  
Texas Highway Patrol  
6200 Guadalupe Street  
Building P  
Austin, TX 78752

Reference No. 17-0077

Dear Mr. Gibson:

This letter is in response to your July 26 and 27, 2017, emails requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to combustible liquids. Specifically, you ask about reclassification and enforcement of Class 3 Flammable Liquids.

We have paraphrased and answered your questions as follows:

- Q1. You ask if it is permitted to reclassify a material listed in the Hazardous Materials Table (HMT; § 172.101) as a flammable liquid to a combustible liquid, while still listing the material as a Class 3 in the proper shipping description.
- A1. The answer is no. As specified in § 172.202(a)(3), the hazard class listed in the proper shipping name must match the hazard class or division prescribed for the material as shown in Column (3) of the HMT in § 172.101. According to § 172.101(d)(4), each reference to a Class 3 material is modified to read “Combustible liquid” when that material is reclassified in accordance with § 173.150(e) or (f) or has a flash point above 60 °C (140 °F) but below 93 °C (200 °F).
- Q2. You ask how a shipper should communicate to a roadside enforcement official that a material has been reclassified as a combustible liquid.
- A2. In accordance with § 173.22, it is the shipper’s responsibility to properly classify a hazardous material. If the reclassified material is shipped in a bulk packaging, then it is still subject to shipping paper requirements and should be described as a combustible liquid. See A1. The requirements in this subchapter do not apply to a material classed as a combustible liquid in a non-bulk packaging unless the material is a hazardous substance, a hazardous waste, or a marine pollutant. A test report can be used to confirm

a material's reclassification and confirm the flash point is within the prescribed range for reclassification. It should also be noted that under the HMR, test reports are not required to be included with a shipment of hazardous materials.

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

Sincerely,

A handwritten signature in cursive script that reads "T. Glenn Foster". The signature is written in black ink and is positioned below the word "Sincerely,".

T. Glenn Foster  
Chief, Regulatory Review and Reinvention  
Standards and Rulemaking Division

**Dodd, Alice (PHMSA)**

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Walcott  
\$172.101  
HMT  
17-0077

**From:** INFOCNTR (PHMSA)  
**Sent:** Thursday, July 27, 2017 4:43 PM  
**To:** Hazmat Interps  
**Subject:** FW: Request for Interpretation

Hi Alice,

Please submit this as a letter of interpretation. Please let me know if you have any questions.

Thanks,  
Jodi

**From:** brad.gibson@dps.texas.gov  
**Sent:** Thursday, July 27, 2017 12:07 PM  
**To:** INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>  
**Subject:** PHMSA Written Interpretation Request Clarification

Attention: Jodi

Interpretation request clarification.

Packages:

**Bulk:** The following packages authorized by 173.242

- Cargo tank specifications MC300, MC301, MC302, MC303, MC304, MC305, MC306, MC307, MC310, MC311, MC312, MC330, MC331, DOT 406, DOT 407 and DOT 412.
- IBCs with Code Number 31.
- Portable tanks DOT 51, DOT56, DOT57, DOT60, IM101, IM102 and UN Portable Tanks.

**Non-bulk:** The following packages authorized by 173.203

- Combination packages with the following identification codes for:
  - Outer Packages: 1A1, 1A2, 1B1, 1B2, 1N1, 1N2, 1D, 1G, 1H1, 1H2, 2C2, 3A1, 3A2, 3H1, 3H2, 3B1, 3B2, 4A, 4B, 4C1, 4C2, 4D, 4F, 4G, 4H1, 4H2 and 4N.
  - Inner Packages: glass or earthenware receptacles, plastic receptacles, metal receptacles and glass ampoules.
- Single packages with the following identification codes:
  - 1A1, 1A2, 1B1, 1B2, 1N1, 1H1, 1H2, 1G (with liner), 2C1, 3A1, 3A2, 3H1, 3H2, 3B1, 3B2, 6HA1, 6HB1, 6HG1, 6HH1, 6HA2, 6HB2, 6HC, 6HD2, 6HG2, 6PA1, 6PB1, 6PG1, 6PA2, 6PB3, 6PC, 6PG2, 6PH1, 6PH2, 6HD1, 6PD1, 6PD2.

Mailing Address:

Brad Gibson  
6200 Guadalupe St., Building P  
Austin, TX 78752

Thank you!

**Brad Gibson**

Sergeant, Texas Highway Patrol  
Commercial Vehicle Enforcement Training Unit  
(512) 486-6481 - Office (Austin)  
(512) 424-2539 - CVE Training (Austin)  
[brad.gibson@dps.texas.gov](mailto:brad.gibson@dps.texas.gov)

**From:** brad.gibson@dps.texas.gov  
**Sent:** Wednesday, July 26, 2017 5:05 PM  
**To:** INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>  
**Subject:** Request for Interpretation

To whom it concerns,

Please allow this email to serve as a request for a formal written interpretation from PHMSA concerning the two following questions.

1. How does, or rather how can, a shipper communicate to a roadside enforcement official that a material listed in the 172.101 table as a flammable liquid, such as diesel fuel, has been reclassified as a combustible liquid?
2. Is there any way a shipper can reclassify a material listed in the 172.101 table as a flammable liquid, as a combustible liquid, but still list 3 as the material's hazard class in the proper shipping description on the shipping paper?

Thank you.

**Brad Gibson**  
Sergeant, Texas Highway Patrol  
Commercial Vehicle Enforcement Training Unit  
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