



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

1200 New Jersey Avenue, SE  
Washington, DC 20590

MAR 06 2019

Mr. Craig Jorgenson  
Vice President, Transportation and Regulatory Affairs  
The Sulphur Institute  
1020 19<sup>th</sup> Street NW, Suite 520  
Washington, DC 20036

Reference No. 18-0133

Dear Mr. Jorgenson:

This letter is in response to your October 22, 2018, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the use of alternative spellings for proper shipping names as outlined in § 172.101(c)(1). You seek to clarify that the alternate spellings apply to Subparts A through I, and are inclusive of Appendices A through D in Part 172 and all parts of Subchapter C. Specifically, you ask if “sulfur” and “sulphur” are equally acceptable spellings for use on shipping papers, labels, and markings for hazardous materials packages.

The answer to your question is yes, so long as whichever alternative spelling is used to identify the hazardous material, is used consistently. Section 172.101(c)(1) states that words may be alternatively spelled in the same manner as they appear in the International Civil Aviation Organization (ICAO) Technical Instructions for the Safe Transport of Dangerous Goods by Air or the International Maritime Dangerous Goods (IMDG) Code, and provides the example that “sulfur” may be spelled “sulphur.” These instructions for the purpose and scope of the Hazardous Materials Table (HMT; § 172.101) serve as the basis for all hazardous materials communication in Part 172, to include shipping papers, marking, labeling, and placarding. Even though the specific example of “sulphur” as an alternative spelling to “sulfur” is not continually used throughout the HMR—including in the bulk packaging marking requirements for elevated temperature materials in § 172.325(b)—these alternative spellings are recognized for all hazardous materials communications.

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

Sincerely,

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

THE  
SULPHUR  
INSTITUTE

Larson  
§ 105.20(a)(4)

18-0133

October 22, 2018

Mr. Shane Kelley  
Standards and Rulemaking Division, Attn: PHH-10  
Pipeline and Hazardous Materials Safety Administration  
U.S. Department of Transportation, East Building  
1200 New Jersey Avenue, SE  
Washington, DC 20590-0001

Dear Mr. Kelley,

The Sulphur Institute (TSI) is requesting your office provide an interpretation regarding the use of allowable alternative spellings for proper shipping names as outlined in 49 CFR § 172.101(c)(1). Specifically, we would like to clarify that "sulfur"<sup>(1)</sup> and "sulphur" are equally acceptable spellings for use on shipping papers as well as labeling and markings for hazardous material packages.

The general provisions of Subpart A to Part 172 of the Hazardous Materials Regulation (HMR) outlined in 49 CFR § 172.1, "prescribes the requirements for shipping papers, package marking, labeling, and transport vehicle placarding applicable to the shipment and transportation of those hazardous materials."

Shippers, offerers, carriers, as well as state and federal inspectors, may misinterpret the earlier references to alternative spellings to proper shipping names if solely referencing a single citation for markings that apply to elevated temperature materials. The example in §172.325 shows only one spelling for "sulfur" without the acceptable alternative spelling of "sulphur" referenced earlier in § 172.101(c)(1).

We appreciate your assistance in clarifying that an alternate spelling for proper shipping names applies to Subpart A through Subpart I and inclusive of Appendices A through D in Part 172, as well as all parts of Subchapter C of the HMR.

If you have any questions, I can be reached at [cjorgenson@sulphurinstitute.org](mailto:cjorgenson@sulphurinstitute.org) or 202-296-2794. Thank you.

Sincerely,



Craig Jorgenson  
Vice President, Transportation and Regulatory Affairs  
The Sulphur Institute

<sup>(1)</sup> Listed in 49 § CFR 172.101, Hazardous Materials Table under UN2448 and UN1350

## **Dodd, Alice (PHMSA)**

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**From:** Kelley, Shane (PHMSA)  
**Sent:** Monday, October 22, 2018 4:15 PM  
**To:** January, Ikeya CTR (PHMSA); Dodd, Alice (PHMSA)  
**Cc:** Nickels, Matthew (PHMSA)  
**Subject:** Fwd: Request for Interpretation  
**Attachments:** TSI Request for Interpretation.pdf

[REDACTED]

Thanks

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**From:** Craig Jorgenson <cjorgenson@sulphurinstitute.org>  
**Sent:** Monday, October 22, 2018 4:01 PM  
**To:** Kelley, Shane (PHMSA)  
**Cc:** INFOCNTR (PHMSA)  
**Subject:** Request for Interpretation

Good afternoon Shane,

Please find the attached request for interpretation for allowable alternative spellings for proper shipping names on shipping papers as well as for the labeling and marking of packages per the HMR.

In accordance with 49 CFR 105.20(a)(4), we have also mailed your office a copy of this letter.

Thank you for your assistance in this matter.

Regards,

Craig

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