



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

1200 New Jersey Avenue, SE  
Washington, DC 20590

SEP 20 2019

Ben Inman  
Import/Export Analyst  
Freeman Manufacturing & Supply Company  
1101 Moore Rd  
Avon, OH 44011

Reference No. 19-0065

Dear Mr. Inman:

This letter is in response to your May 28, 2019, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the transportation of marine pollutants. Specifically, you ask for clarification of the exceptions provided for marine pollutants in § 171.4(c).

We have paraphrased and answered your questions as follows:

- Q1. You state that your company ships hazardous materials described as “UN3082, Environmentally hazardous substance, liquid, n.o.s., 9, III,” with varied technical names in non-bulk quantities. You also mention that your company ships these materials domestically via motor vehicle, rail car, or aircraft, and ask whether these materials may be shipped under the exceptions in § 171.4(c)(1).
- A1. The answer is yes. As prescribed in § 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 car, or aircraft.
- Q2. You ask whether a marine pollutant that meets the exceptions provided in § 171.4(c)(1) must also meet the requirements in § 171.4(c)(2).
- A2. The answer is no. Paragraphs (c)(1) and (c)(2) are standalone provisions for exceptions from the marine pollutant requirements of the HMR. Section 171.4(c)(2) specifically provides an alternative exception for marine pollutants shipped by all modes, including vessel, provided the single or combination packagings have a net quantity per single or inner packaging of 5 L (1.3 gallons) or less for liquids and 5 kg (11 lbs) or less net mass for solids and are packaged in accordance with the general requirements of §§ 173.24 and

173.24a. Please note that this response is based on the understanding the hazardous material in the example provided is a hazardous material based solely on marine pollutant criteria. If the hazardous material meets Class 1 through 8 criteria or other Class 9 criteria (i.e., hazardous substance), it is still subject to the HMR.

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', written in a cursive style.

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

Condez

19-0065

**Dodd, Alice (PHMSA)**

---

**From:** INFOCNTR (PHMSA)  
**Sent:** Friday, May 24, 2019 4:17 PM  
**To:** Hazmat Interps  
**Subject:** FW: Letter of Interpretation Request  
**Attachments:** Document2.pdf

Hello Alice and Ikeya,

Please see the attached letter of interpretation request. We talked with Ben and provided regulatory guidance but he would still like a written letter.

Thanks,

Lysie Patschke  
HMIC

**From:** Ben Inman [mailto:binman@freemansupply.com]  
**Sent:** Monday, May 13, 2019 1:07 PM  
**To:** PHMSA HM InfoCenter <PHMSAHMInfoCenter@dot.gov>  
**Subject:** Interpretation 171.4

Good Afternoon

Please see the attached PDF, requesting a formal interpretation. Please feel free to contact me if you need additional information or have any questions.

Thank you,

***Ben Inman***  
Import/Export Analyst  
**Freeman Manufacturing & Supply Company**  
1101 Moore Rd., Avon OH 44011  
(440) 934-1902 x143 | (800) 321-8511  
[www.freemansupply.com](http://www.freemansupply.com)



# Freeman Manufacturing & Supply Company

---

1101 Moore Rd. Avon, OH 44011  
P (440) 934-1902, (800) 321-8511 | F (440) 934-7200

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 would like to request a formal interpretation regarding the following:

§171.4 — Marine pollutants  
(c) Exceptions.

- (1) Except when all or part of the transportation is by vessel, the requirements of this subchapter specific to marine pollutants do not apply to non-bulk packagings transported by motor vehicle, rail car or aircraft.
- (2) Single or combination packagings containing a net quantity per single or inner packaging of 5 L or less for liquids or having a net mass of 5 kg or less for solids, are not subject to any other requirements of this subchapter provided the packagings meet the general requirements in §§173.24 and 173.24a. This exception does not apply to marine pollutants that are a hazardous waste or a hazardous substance. In the case of marine pollutants also meeting the criteria for inclusion in another hazard class, all provisions of this subchapter relevant to any additional hazards continue to apply.

The material we ship is:

UN 3082, ENVIRONMENTALLY HAZARDOUS SUBSTANCE, LIQUID, N.O.S. (TECHINICAL NAMES VARY), 9, III

The quantities of this material range from a quart to a 55 gallon drum. We only ship domestically via road, rail, or air. No ocean shipments.

Under 171.4C 2 it is not clearly stated which mode of transport it pertains to and counteracts the first exception.

Q1- Since we are shipping quantities under 119 gallons then we could ship this material unregulated?

Q2- Since we meet the 1<sup>st</sup> exception we wouldn't have to apply the 2<sup>nd</sup> exception?

Thank you for your consideration of this request and I look forward to your interpretation.

***Ben Inman***

Import/Export Analyst

**Freeman Manufacturing & Supply Company**

1101 Moore Rd., Avon OH 44011

(440) 934-1902 x143 | (800) 321-8511

[www.freemansupply.com](http://www.freemansupply.com)