



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

March 11, 2020

Michel Chammas
Chammas Cutters Inc,
11320 FM 529 Bldg. 1
Houston, TX 77041

Reference No. 19-0074

Dear Mr. Chammas:

This letter is in response to your June 10, 2019, email and subsequent phone conversations requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the transport of poisonous by inhalation (PIH) material as authorized by special permit DOT-SP 14796. Specifically, you ask how your material can be shipped via air transportation when the poisonous by inhalation label is not recognized under the International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods by Air (ICAO Technical Instructions).

Typically, materials being shipped internationally by air are permitted to adhere to the ICAO Technical Instructions. However, § 171.23(b)(10)(iv) states that "...the package must be labeled or placarded with POISON INHALATION HAZARD or POISON GAS, as appropriate, in accordance with subparts E and F of part 172 of this subchapter." Therefore, the shipment must comply with the requirements of the HMR and be labeled with the POISON INHALATION HAZARD label as specified in § 172.429.

The Special Permit (DOT-SP 14796) authorizes your shipments of the chemical cutter, containing a material forbidden (UN1746, Bromine Trifluoride, Class 5.1), to be offered for transportation by air aboard cargo aircraft only from the State of Origin. In the case of your granted special permit, the State of Origin authorization is the United States.

If the requirements of your granted special permit is preventing packages from being shipped via air transportation to specific foreign destinations, we suggest you apply for an exemption as prescribed in 1.1.3 of the ICAO Technical Instructions, or seek authorization from the specific States of Overflight, and Destination, or both.

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



June 4, 2019

RE: Request for letter of interpretation on labeling requirements for PIH commodity

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

Dear Mr. Shane Kelley,

We would like assistance on how to address the following issue with airlines who have rejected our shipments.

We ship UN1746, Bromine Trifluoride, a poison-inhalation hazard, zone B, per DOT-SP 14796 via cargo aircraft. Airlines have rejected our shipments because of the Poison-Inhalation Hazard Label that we affix to the packages. They claim that the label is not valid and must be replaced with a Toxic substances label as noted in IATA 7.3.14. Unfortunately the PIH label is not found in the IATA book.

Since these shipments must go via ground transport before heading to the airline, how do we go about ensuring we fulfill 49CFR regulations to use the PIH label when airlines want to see the Toxic label instead? Is a marking indicating PIH sufficient in conjunction with a toxic 6.1 label?

Thank you for your assistance,

Michel Chammas
Chammas Cutters Inc.