



U.S. Department
of Transportation
**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

June 17, 2021

Mr. Craig Jorgenson
The Sulphur Institute
1020 19th Street NW, Suite 895
Washington, DC 20036

Reference No. 21-0017

Dear Mr. Jorgenson:

This letter is in response to your February 23, 2021, letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the transportation of sulfur by rail. Specifically, you ask whether a material classified as “NA1350, Sulfur, 9, PG III” that meets the requirements in Special Provision 30 (e.g., formed to a specific shape) in § 172.102 of the HMR is required to use a bulk packaging listed in § 173.240, as directed in Column 8C of the § 172.101 Hazardous Materials Table (HMT). You interpret that under § 173.240 a sift-proof non-DOT specification closed car (i.e., a closed rail car) must be used. Further, you believe that there is a gap between Special Provision 30 of the HMR and Special Provision (SP) 33 of Transport Canada’s Transportation of Dangerous Goods Regulations (TDG Regulations).

The answer is no. In accordance with Special Provision 30—which is assigned to both “NA1350, Sulfur, 9, PG III” and “UN1350, Sulfur, 4.1, PG III”—sulfur is not subject to the requirements of the HMR if transported in a non-bulk packaging or if formed to a specific shape (e.g., prills, granules, pellets, pastilles, or flakes). Also note that a non-bulk packaging is defined in § 171.8 and means, in part, a packaging which has a maximum net mass of 400 kg (882 pounds) or less and a maximum capacity of 450 L (119 gallons) or less as a receptacle for a solid.

Therefore, Special Provision 30 is consistent with SP 33 of the TDG Regulations, which states the regulations do not apply to sulfur in a quantity less than or equal to 400 kg per means of containment or have been formed to a specific shape such as prills, granules, pellets, pastilles or flakes.

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

Sincerely,

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

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

From: [INFOCNTR \(PHMSA\)](#)
To: [Dodd, Alice \(PHMSA\)](#); [Hazmat Interps](#)
Subject: FW: The Sulphur Institute Request for Interpretation 02.23.21
Date: Tuesday, February 23, 2021 1:53:39 PM
Attachments: [TSI Letter of Interpretation Open Top Rail Cars 02.23.21.pdf](#)
[image002.png](#)

Hi Alice,

Please see the attached request for a letter of interpretation. Please contact our office with any questions.

Thank you,

Sarah (HMIC)

From: Craig Jorgenson [mailto:CJorgenson@sulphurinstitute.org]
Sent: Tuesday, February 23, 2021 11:35 AM
To: Kelley, Shane (PHMSA) <shane.kelley@dot.gov>; INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>
Subject: The Sulphur Institute Request for Interpretation 02.23.21

CAUTION: This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Kelley,

Please find attached letter of interpretation from The Sulphur Institute dated 02.23.21. We respectfully request clarification on the subject of bulk packaging for certain low hazard solid materials under 49 CFR § 173.240. Specifically, we are asking for an interpretation on the use of a sift-proof closed car (49 CFR § 173.240(a)) for transporting [commercially] formed, sulfur (i.e., sulphur), NA1350.

Thank you,
Craig

Craig Jorgenson
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The global association for sulphur and sulphuric acid professionals.