



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

1200 New Jersey Avenue, SE  
Washington, DC 20590

July 12, 2023

Mr. Donovan Robin  
Regulatory Affairs Manager  
Vantage Specialties, Inc.  
3938 Porett Drive  
Gurnee, IL 60031

Reference No. 23-0017

Dear Mr. Robin:

This letter is in response to your February 27, 2023, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the transportation of an environmentally hazardous substance. Specifically, you ask how a mixture containing “1-Bromopropane” should be treated under the HMR.

Appendix A to § 172.101 of the HMR—List of Hazardous Substances and Reportable Quantities—provides the materials and their corresponding reportable quantities (RQs) that are listed or designated as “hazardous substances” under section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA; 42 U.S.C. 9601 *et seq.*). As of today, the Environmental Protection Agency has included “1-Bromopropane” on its list of hazardous substances, but the Pipeline and Hazardous Materials Safety Administration (PHMSA) has not yet added this material to Appendix A to § 172.101.

While PHMSA conducts its rulemaking process to potentially add “1-Bromopropane” to the list of hazardous substances in Appendix A to § 172.101, it is the opinion of this Office that “1-Bromopropane” may be shipped as “RQ, NA3082, Other regulated substances, liquid, n.o.s., (1-Bromopropane mixture, non-flammable), 9, III.”

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

**From:** [DerKinderen, Dirk \(PHMSA\)](#)  
**To:** [Hazmat Interps](#)  
**Subject:** FW: 1-Bromopropane, hazardous substance status for transport in the US  
**Date:** Monday, February 27, 2023 4:10:14 PM

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Please enter into the system as a request for a letter of interpretation.

Thanks,  
Dirk Der Kinderen  
Chief, Standards Development Branch  
PHMSA  
202-366-4460 (desk)  
202-365-4684 (cell)

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**From:** Donovan Robin <Donovan.Robin@vantagegrp.com>  
**Sent:** Monday, February 27, 2023 3:44 PM  
**To:** DerKinderen, Dirk (PHMSA) <Dirk.DerKinderen@dot.gov>  
**Cc:** Nicholas Marinelli <Nicholas.Marinelli@vantagegrp.com>  
**Subject:** RE: 1-Bromopropane, hazardous substance status for transport in the US

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Hi Dirk

Vantage is shipping a mixture that contains 1-Bromopropane. As you are aware, 1-Bromopropane has recently been added to the hazardous substance list RQ of 1 lb.

The product is not otherwise classified, so we are shipping it NA3082, Other regulated substances, Liquid, n.o.s. (1-Bromopropane mixture, non-flammable), 9, III RQ

This is no problem for domestic shipments.

But, the product is not regulated outside the US, so when we want to export it, freight handlers hesitate to load the drums onto shipping containers because of the class 9 NA3082 label, and they get really confused when they don't see 1-Bromopropane listed in [49 CFR 172.101 Appendix A](#). So far, we have been able to resolve these situations but it requires a great deal time spent e-mailing explanations and revising shipping documents.

Is it possible to get a letter from PHMSA that explains 1-Bromopropane and the 172.101 appendix A listing? This would help us explain the product shipping status to the freight handlers.

Let us know what you think. Your consideration is greatly appreciated.

Best regards,

Donovan Robin  
Regulatory Affairs Manager  
Vantage Specialties, Inc.  
3938 Porett Drive | Gurnee, IL 60031 USA  
Office: 847-249-6783  
Mobile: 773-497-9902

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**From:** Barre, Jennifer <[Barre.Jennifer@epa.gov](mailto:Barre.Jennifer@epa.gov)>  
**Sent:** Thursday, February 16, 2023 11:25 AM  
**To:** Donovan Robin <[Donovan.Robin@vantagegrp.com](mailto:Donovan.Robin@vantagegrp.com)>  
**Cc:** DerKinderen, Dirk (PHMSA) <[Dirk.DerKinderen@dot.gov](mailto:Dirk.DerKinderen@dot.gov)>  
**Subject:** RE: 1-Bromopropane hazardous substance status for transport

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Hello Robin~

I just got off a call with PHMSA. PHMSA will be working on a rule to update the DOT List of Hazardous Substance [[42 CFR 172.101 Appendix A](#)] to ensure that it is reflective of the CERCLA List of Hazardous Substances [[40 CFR 302.4](#)], this will include adding 1-Bromopropane to the DOT List. The rule making process is expected to take several months for a Notice of Proposed Rule Making (NPRM) to be published and then a few more months for the rule to be published as a Final Rule.

PHMSA has offered to provide a Letter of Interpretation to address your concerns. I have copied Dirk DerKinderen on this email. Please reach out to him for the Letter of Interpretation and to discuss any DOT regulatory concerns that you may have.

Thank you for reaching out.

v/r,

*Jennifer Barre*

Physical Scientist • Regulations Implementation Division – Chemical Branch  
U.S. Environmental Protection Agency • Office of Emergency Management  
E-mail: [barre.jennifer@epa.gov](mailto:barre.jennifer@epa.gov) • (202) 564-9026

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**From:** Donovan Robin <[Donovan.Robin@vantagegrp.com](mailto:Donovan.Robin@vantagegrp.com)>  
**Sent:** Thursday, February 9, 2023 4:24 PM  
**To:** Barre, Jennifer <[Barre.Jennifer@epa.gov](mailto:Barre.Jennifer@epa.gov)>  
**Subject:** RE: 1-Bromopropane hazardous substance status for transport

Thanks for the explanation. DR

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**From:** Barre, Jennifer <[Barre.Jennifer@epa.gov](mailto:Barre.Jennifer@epa.gov)>  
**Sent:** Thursday, February 9, 2023 3:21 PM  
**To:** Donovan Robin <[Donovan.Robin@vantagegrp.com](mailto:Donovan.Robin@vantagegrp.com)>  
**Subject:** RE: 1-Bromopropane hazardous substance status for transport

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Hello, I just wanted to let you know that I'm working this.

In the interim, you can consider referring people to the statute that feeds the DOT List or even to the Code of Federal Regulations where the list is published [[42 CFR 172.101 Appendix A](#)]. It states in that it's a statutory requirement for the DOT list to include the CERCLA list.

Appendix A to §172.101 - List of Hazardous Substances and Reportable Quantities  
1. This Appendix lists materials and their corresponding reportable quantities (RQ's) that are listed or designated as "hazardous substances" under section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9601(14) (CERCLA; 42 U.S.C. 9601 et seq). This listing fulfills the requirement of CERCLA, 42 U.S.C. 9656(a), that all "hazardous substances," as defined in 42 U.S.C. 9601(14), be listed and regulated as hazardous materials under 49 U.S.C. 5101-5127. That definition includes substances listed under sections 311(b)(2)(A) and 307(a) of the Federal Water Pollution Control Act, 33 U.S.C. 1321(b)(2)(A) and 1317(a), section 3001 of the Solid Waste Disposal Act, 42 U.S.C. 6921, and section 112 of the Clean Air Act, 42 U.S.C. 7412. In addition, this list contains materials that the Administrator of the Environmental Protection Agency has determined to be hazardous substances in accordance with section 102 of CERCLA, 42 U.S.C. 9602. It should be noted that 42 U.S.C. 9656(b) provides that common and contract carriers may be held liable under laws other than CERCLA for the release of a hazardous substance as defined in that Act, during transportation that commenced before the effective date of the listing and regulating of that substance as a hazardous material under 49 U.S.C. 5101-5127.

v/r,

*Jennifer Barre*

Physical Scientist • Regulations Implementation Division – Chemical Branch  
U.S. Environmental Protection Agency • Office of Emergency Management  
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**From:** Donovan Robin <[Donovan.Robin@vantagegrp.com](mailto:Donovan.Robin@vantagegrp.com)>

**Sent:** Thursday, February 9, 2023 2:32 PM

**To:** Barre, Jennifer <[Barre.Jennifer@epa.gov](mailto:Barre.Jennifer@epa.gov)>

**Subject:** 1-Bromopropane hazardous substance status for transport

Hi Jennifer-

This is my contact info in regards to the 40 CFR 302.4 hazardous substance listing of 1-Bromopropane vs. the 49 CFR 172.101 Appendix A list. For transportation.

Donovan Robin

Regulatory Affairs Manager

Vantage Specialties, Inc.

3938 Porett Drive | Gurnee, IL 60031 USA

847-249-6783