



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

1200 New Jersey Ave., S.E.
Washington, DC 20590

JUL 23 2008

Mr. John Plasencia
Seaboard Marine Ltd.
8001 NW 79 Avenue
Miami, FL 33166

Ref. No. 08-0118

Dear Mr. Plasencia:

This is in response to your request for clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) regarding aerosols that are shipped in accordance with the International Maritime Dangerous Goods Code (IMDG Code). Specifically, you ask whether aerosols with a capacity of more than 1 L may be transported to, from or within the United States in accordance with the IMDG Code if the aerosols meet the conditions in § 171.23(b)(1).

Provided the shipment also conforms to the applicable requirements in §§ 171.22, "Authorization and conditions for the use of international standards and regulations," and 171.25, "Additional requirements for the use of the IMDG Code," aerosols shipped under the proper shipping name "Aerosol," UN1950, meeting the conditions in § 171.23(b)(1) may be transported to, from or within the United States under the IMDG Code.

I hope this information is helpful. Please contact this office if you have additional questions.

Sincerely,

A handwritten signature in black ink, appearing to read "H. Mitchell", written over a horizontal line.

Hattie L. Mitchell
Chief, Regulatory Review and Reinvention
Office of Hazardous Materials Standards

Drakeford, Carolyn <PHMSA>

McIntyre
§171.8
§171.23
Definitions
08-0118

From: INFOCNTR <PHMSA>
Sent: Tuesday, April 29, 2008 2:28 PM
To: Drakeford, Carolyn <PHMSA>
Cc: 'JOHN_PLASENCIA@SEABOARDMARINE.COM'
Subject: REQUEST FOR INTERP: FW: Information Center Comments/Questions

Carolyn,
This gentleman would like a written letter of interpretation on the topics listed below.
Thanks,
Rob

-----Original Message-----

From: JOHN_PLASENCIA@SEABOARDMARINE.COM [mailto:JOHN_PLASENCIA@SEABOARDMARINE.COM]
Sent: Tuesday, April 29, 2008 11:26 AM
To: INFOCNTR <PHMSA>
Subject: Information Center Comments/Questions

Below is the result of your feedback form. It was submitted by JOHN PLASENCIA (JOHN_PLASENCIA@SEABOARDMARINE.COM) on Tuesday, April 29, 2008 at 11:26:11.

Email: JOHN_PLASENCIA@SEABOARDMARINE.COM

Name: JOHN PLASENCIA

Category: General Information, Regulations, and Definitions (Sections 171.1 - 171.26)

Organization: SEABOARD MARINE, LTD

Street: 8001 NW 79 AVE

City: MIAMI

State: Florida

Zip Code: 33166

Phone: 305-370-5110

Comments: SUB-CATEGORY: IMDG Shipments

TOPIC: UN 1950, Aerosols, capacity above 1L

REF CITES: 171.8, 171.23 (b)(1)

SCENARIO: An IMDG shipment (to, from, or within the U.S.) of aerosols with a capacity above 1 L, but otherwise meets the requirements of 171.23 (b)(1), as follows:

1. A non-refillable receptacle;
2. Containing a gas compressed, liquefied, or dissolved under pressure, of which the sole purpose is to expel:
 - a. A non-poisonous (except for a 6.1 PG III) liquid, paste, or powder;
3. Fitted with a self-closing release device

* Note: In addition, if aerosol exceeds 7.22 cubic inches, then it must be in metal packaging

QUESTION: Is transportation of the aforementioned shipment acceptable to, from, or within

the U.S.?

COMMENTS: I respectfully request a written interpretation on this issue. Thank you in advance.