



U.S. Department  
of Transportation  
**Research and  
Special Programs  
Administration**

400 Seventh St., S.W.  
Washington, D.C. 20590

SEP 21 2000

Mr. H. Dever Mahoney Jr.  
Assistant Manager  
Hazardous Cargo Division  
Mediterranean Shipping Company (USA) Inc.  
420 Fifth Avenue  
New York, NY 10018

Ref. No. 00-0017

Dear Mr. Mahoney:

This is in response to your letter dated January 6, 2000, regarding stowage requirements for foodstuffs and corrosive liquids under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if a foodstuff which is also a Class 3 hazardous material may be stowed with a Class 8 corrosive liquid in the same freight container or transport unit.

The answer is yes. Section 176.800(a) states that each package requiring a Class 8 (Corrosive) label must be stowed clear from living quarters and away from foodstuffs. Section 176.83(c)(2)(ii) defines "away from" to mean a minimum horizontal separation of three meters (10 feet) projected vertically. Your foodstuff is also a Class 3 hazardous material; however, § 176.83(b) does not require segregation between Class 3 and Class 8 materials. Therefore, the only segregation requirements you must meet are those of § 176.800(a).

Corrosive materials must be effectively segregated from foodstuffs so that they cannot react dangerously in the event of an accident but may be stowed in the same freight container provided a minimum horizontal separation of three meters (ten feet) inside the container is obtained.

I hope this satisfies your request.

Sincerely,

Edward T. Mazzullo  
Director, Office of Hazardous  
Materials Standards



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MEDITERRANEAN SHIPPING COMPANY (USA) INC. 00-0017

Nelson  
\$176.83

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January 6, 2000

Mr. Robert A. McGuire  
Deputy Associate Administrator  
Research And Special Programs Administration  
Office of Hazardous Materials Safety

Dear Mr. McGuire,

MSC, USA is being offered for shipment the following cargo in the same container:

Extracts, Flavoring, Liquid, Class 3, UN 1197, Packaging  
Group III  
And  
Corrosive Liquid, Acidic, Inorganic, NOS (Phosphoric  
Acid)  
Class 8, UN 3264, PG III

As the U.S.C.G. finds that Extracts, Flavoring Liquid is considered "foodstuff", it is our position that the above mentioned commodities may not be shipped in the same container for the following reasons:

- 49 CFR 176.800 (a) states that "Each package required to have a Class 8 (corrosive) label thereon being transported on a vessel must be stowed clear of living quarters, *and away from foodstuffs...*"
- Since it is the shipper's intent to ship these commodities in the same transport unit, 49 CFR 176.83 (d), which states "Two hazardous materials for which any segregation is required may not be stowed in the same transport unit", would apply. This is contrary to shippers opinion who believes that section 176.83 (c) (2)(ii) should apply, which is clearly for breakbulk cargo and not containerized cargo.
- Since there is no clear stipulation as to the segregation of Foodstuffs and class 8 cargo in the same container, 49 CFR 176.83 (a) (5) would apply. This section states, "whenever hazardous materials are stowed together, whether or not in a transport unit, the segregation of such hazardous materials from others must always be in accordance *with the most restrictive requirements* for any of the hazardous materials concerned."
- 49CFR 176.83 (d) is the most restrictive and therefore It is our position that these commodities can not be shipped in the same transport unit.

Please advise if this interpretation of the code is correct.

Thank you for your consideration of this matter. If you require further information, please do not hesitate to contact the undersigned at (212) 827-1633 or via e-mail.

Regards,

H. Dever Mahoney Jr.  
Assistant Manager  
Hazardous Cargo Division  
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