



U.S. Department  
of Transportation

**Research and  
Special Programs  
Administration**

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

APR - 6 2000

Mr. Tom Kennedy  
VP Marine Operations  
Independent Container Line Ltd.  
4801 Audubon Dr.  
Richmond, VA 23231

Ref. No. 00-0064

Dear Mr. Kennedy:

This is in response to your letter of February 22, 2000, concerning segregation requirements for limited quantities of hazardous materials shipped under the Hazardous Materials Regulation (HMR; 49 CFR Parts 171-180) and the International Maritime Dangerous Goods (IMDG) Code. Your request concerned the packaging of limited quantities of Oxidizing solid, NOS and Hydrogen Peroxide, aqueous solution in a freight container.

As you point out in your letter, § 176.80(b) and Paragraph 18.6.2 of the General Introduction of the IMDG Code except hazardous materials in limited quantities from the segregation requirements of each set of regulations. However, § 173.21(e) and Section 20 entitled "Chemical Stability of Dangerous Substances" in the General Introduction of the IMDG Code, prohibit carrying materials together which could dangerously react. While both sets of regulations state that oxidizing solids and hydrogen peroxide must be segregated, the exception from segregation for limited quantities allows these materials to be shipped together if the mixing of the two materials would not cause a dangerous evolution of heat, flammable or poisonous vapors, or to produce corrosive materials. It is the responsibility of the offeror to determine if the quantity and characteristics of the materials would cause a dangerous evolution of heat, flammable or poisonous vapors if mixed.

I hope this satisfies your request.

Sincerely,

Delmer F. Billings  
Chief, Standards Development  
Office of Hazardous Materials Standards



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176.80



**Independent Container Line Ltd**

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Richmond, Virginia 23231

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Johnsen

\$ 176.80

00-0064

February 22, 2000

Mr. Ed Mazzullo  
US Department of Transportation  
Research and Special Programs Administration  
Office of Hazardous Materials Standards  
400 Seventh Street, S.W. Washington, D.C. 20590

Dear Mr. Mazzullo,

We are Independent Container Line, a common carrier in the north Atlantic trade, seeking advice from your office regarding conflicting regulatory information we have received. The conflict which arises is related to the ocean carriage of a mixture of hazardous material in limited quantities within one freight container. The concern focuses on two products in that container, namely:

1. OXIDIZING SOLID, NOS IN LIMITED QUANTITY ( Sodium persulfate, Potassium sulfate), Class 5.1, UN No. 1479, PG III.
2. HYDROGEN PEROXIDE, AQUUEOUS SOLUTION, with not less than 8% but less than 20% hydrogen peroxide in LIMITED QUANTITY, Class 5.1, UN No. 2984, PG III.

Our company conforms to both the IMDG Code and to Title 49 CFR, our ships to the former and the CFR for inland movements in the USA.

Here's the conflict: (and I hope this does not cause internal problems) **Manny Pferisch**, states that all mixtures of allowable hazardous material in limited quantities can be stuffed in a single container. **Frank Zabrocky** (a Chief Surveyor for the NCB), states that segregation of the two products above is required, even though they are limited quantities, and cannot be stuffed in one container.

ISO 9002



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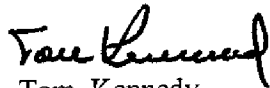
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There is no question that the packaging, individual net weights of the two products and all other factors make the shipments offered to be a viable limited quantity.

We have the highest respect for both of the gentlemen cited, but we seek a final answer. The background of Mr. Zabrocky's claim of "segregate from" relates to the entry in Section 172.101 for OXIDIZING SOLID, NOS and to the schedule page for this product in the IMDG Code. In both cases, on the product schedule page of IMDG and in Section 172.101 column 10B (provision 69) of Title 49, it states that the Oxidizing Solid and the Hydrogen peroxide must be segregated. He further states that the references in Section 173.21 (e) takes precedence over Section 176.80, paragraph "b" in Title 49 which requires no segregation for limited quantities. Mr. Zabrocky has had an article published in "Pacific Shipper" magazine to support his contention.

Because the actual shipment of the container with these two products in it is scheduled shortly, we would greatly appreciate your advice soonest. Thank you for any consideration you give our request

Sincerely,



Tom Kennedy  
VP Marine Operations  
Independent Container Line.

Sec. 18.6.2  
IMDG

no seg. required  
Ref

• if products  
could react,  
they should do  
something to  
prevent them

Sec.