



U.S. Department  
of Transportation

**Research and  
Special Programs  
Administration**

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

JAN 18 2001

Mr. Andrew N. Romach  
Regulatory Manager  
Radian International  
P.O. Box 13000  
Research Triangle Park, NC 27709

Ref. No: 00-0310

Dear Mr. Romach:

This is in response to your November 2, 2000, letter regarding the proper shipping name for a material consisting of polychlorinated biphenyls (PCBs) and soil under the Hazardous Materials Regulations (49 CFR Parts 171-180). Your scenario consists of a bulk packaging being transported by highway containing more than 1 pound of pure PCBs at a concentration of more than 20 ppm but less than 50 ppm. You question whether the proper shipping name "Polychlorinated biphenyls, solid" is appropriate for a material with such a low concentration of PCBs.

As provided by § 172.101(c)(10), a mixture not identified specifically by name, comprised of a hazardous material identified in the Table by technical name (e.g., PCBs) and non-hazardous material (e.g., soil), must be described using the proper shipping name of the hazardous material and the qualifying word "mixture" unless the mixture is significantly different from the pure hazardous material (i.e., meets a different hazard class or packing group or there is a significant change in emergency response measures). Therefore, in the scenario you provided, the proper shipping description is "Polychlorinated biphenyls, solid, mixture, 9, UN2315, III" when transported by highway. Note that the packing group changes from "II" to "III" when this material is transported by highway or rail as stated in Special Provision 140.

I hope this information is helpful.

Sincerely,

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



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172.101



# RADIAN INTERNATIONAL

A DAMES & MOORE GROUP COMPANY

November 2, 2000

Mr. Ed Mazzullo, Director  
Office of Hazardous Material Standards  
Research and Special Programs Administration  
U.S. Department of Transportation  
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Washington, DC 20590-0001  
FAX: (202) 366-3012

Boothe  
HM-218  
§ 172.101  
Proper Shipping  
Name  
00-0310

Dear Mr. Mazzullo:

I am writing to you to request a written regulatory interpretation concerning the appropriate proper shipping name to use when shipping a material contaminated with low levels of polychlorinated biphenyls (PCBs), such as remediation soil contaminated with parts per million (>20 ppm) levels of PCBs. In this particular scenario, a truck load of such material would trigger the reportable quantity (RQ) of 1 pound for PCBs and be required to be shipped as a hazardous material by ground transportation under new Special Provision 140.

In DOT's August 18, 2000, Federal Register (HM-218), paragraph (c)(8) in 49 CFR 172.101 was removed from the DOT regulations and replaced by a new paragraph. This previous paragraph stated that if the technical name for a hazardous substance were listed in the HMT, that technical name would be the proper shipping name for the material. Based on discussions with DOT chemists in the Office of Hazardous Materials Technology, they agree that the proper shipping name of the pure material ("Polychlorinated biphenyls, solid") would not be the most accurate description at such a low concentration. They agreed that a more accurate description would be "Environmentally hazardous substance, solid, n.o.s. (contains polychlorinated biphenyls xx ppm)." Without the clear guidance set out in the deleted paragraph, it would appear that "Environmentally hazardous substance, solid, n.o.s. (contains polychlorinated biphenyls xx ppm)" would be the appropriate proper shipping name for the above-described material.

Elsewhere in the Federal Register notice (column 1 on page 50452), DOT stated that: "The ICAO Technical Instructions regulate PCBs only when they are present in a reportable quantity, as stipulated in Special Provision A97 and State Variation US4." Special Provision A97 is not referenced next to the proper shipping name entry "Polychlorinated biphenyls, solid" (or "Polychlorinated biphenyls, liquid") in the ICAO Technical Instructions. However, Special Provision A97 is referenced next to the proper shipping name entry "Environmentally hazardous substance, solid, n.o.s." (and "Environmentally hazardous substance, liquid, n.o.s."), implying that this would be the appropriate proper shipping name to use for shipping PCBs by air that equal to or exceed the reportable quantity.

It is confusing for the appropriate proper shipping name for a material to differ depending upon whether that material is being shipped by ground or by air. Please clarify the appropriate proper shipping name for shipping the above-described material by ground transportation.

Sincerely, ?

Andrew N. Romach  
Regulatory Manager  
Radian-URS