



U.S. Department  
of Transportation

**Research and  
Special Programs  
Administration**

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

APR 27 2001

Mr. Donald Hodder  
Crompton Corporation  
Benson Road  
Middlebury, CT 06749

Ref. No. 01-0084

Dear Mr. Hodder:

This is in response to your letter dated March 29, 2001, requesting clarification on the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) to the transport of a combustible liquid. Specifically, you ask if a combustible liquid that also meets the definition of a marine pollutant is excepted from the HMR under § 173.150(f)(2) when transported by highway, rail, or aircraft in a non-bulk packaging.

The answer is yes. Section 173.150(f)(2) specifies that the HMR do not apply to a combustible liquid in a non-bulk packaging unless the combustible liquid is a hazardous substance, a hazardous waste or a marine pollutant. The requirements specific to marine pollutants do not apply to a non-bulk packaging transported by motor vehicle, rail car or aircraft (§ 171.4(c)). Therefore, a combustible liquid that is not a hazardous substance or a hazardous waste but is a marine pollutant as defined in § 171.8, is not subject to the HMR when transported in a non-bulk packaging by motor vehicle, rail car, or aircraft.

I hope this satisfies your request.

Sincerely,

John A. Gale  
Transportation Regulations Specialist  
Office of Hazardous Materials Standards



Crompton Corporation  
Benson Road  
Middlebury, CT 06749  
(203) 573-3702

March 29, 2001

Mr. Edward Mazullo, Director  
U.S. Department of Transportation  
Hazardous Materials Standards  
400 Seventh Street, S.W.  
Washington, DC 20590

BAH  
§171.4  
Clarification / Marine  
Pollutant  
01-0084

Subject: Clarification of the 49CFR DOT Regulations

Dear Mr. Mazullo:

I am confused about sections of the regulations regarding Combustible Liquids and Marine Pollutants.

**§171.4 (c) Marine Pollutants** reads as follows:

**Exceptions.** Except when transported aboard vessel, the requirements of this subchapter specific to marine pollutants do not apply to non-bulk packagings transported by motor vehicles, rail cars or aircraft.

**§173.150 (f)(2) Combustible liquid** reads as follows:

The requirements in this subchapter do not apply to a material classed as a combustible liquid in a non-bulk packaging unless the combustible liquid is a hazardous substance, hazardous waste, or a marine pollutant.

My concern regarding the interpretation of the regulations brings up the following question.

Why would a combustible liquid in a non-bulk packaging be regulated if it is a marine pollutant **IF** a marine pollutant is **NOT** regulated if it is in a non-bulk packaging?

Please review this question and advise your response to the above "letter head" address. If you need to contact me I can be reached at 203-573-3702. Your assistance in this matter is greatly appreciated.

Sincerely;

Donald Hodder  
Hazmat Compliance Manager