



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

JAN 3 2002

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

Mr. Robert F. Rau
Manager, Transportation Regulatory Affairs
Clariant Corporation
4000 Monroe Road
Charlotte, NC 28205

Reference No.: 01-0288

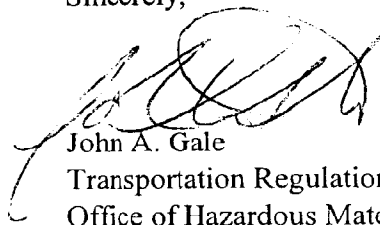
Dear Mr. Rau:

This is in response to your letter requesting clarification of the exceptions for marine pollutants in § 171.4 of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Your company imports marine pollutants in non-bulk packages by vessel, and then reships them to domestic customers via motor vehicle, rail car, and aircraft. The non-bulk packages are permanently marked and labeled in accordance with the International Maritime Dangerous Goods (IMDG) Code. You asked whether you can offer the marine pollutants for transportation in domestic commerce by motor vehicle, rail car, and aircraft as not regulated by adding a package marking indicating the materials are not subject to the HMR.

Section 171.4 excepts marine pollutants in non-bulk packages from the requirements of the HMR when transported by motor vehicle, rail car, or aircraft. That means they are not subject to the requirements for shipping papers, markings, labels or placards when transported by highway, rail or air. The markings that were required to be affixed to the packages for transportation by vessel need not be removed or covered for subsequent transportation by other modes. It is permissible to add a notation on the packages indicating that they are not regulated when transported by highway, rail or air, but such a notation is not required. Alternatively, § 171.12(b)(2) provides that a material subject to the IMDG code, but not subject to the HMR, may be transported in the United States when described on a shipping paper, marked, and labeled in accordance with the IMDG code.

I hope this information is helpful.

Sincerely,



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

171.4

Clariant Corporation

4000 Monroe Road
Charlotte, NC 28205
704.331.7000

Corbin
§ 171.4(c)



Clariant

Marine Pollutants - Import

November 6, 2001

Marine
Pollutants
01-0288

Ms. Diane LaValle
Transportation Regulation Specialist
Office of Standards Development
Research and Special Programs Administration
U. S. Department of Transportation
400 7 th Street, S. W.
Washington, D.C. 20590

Subject: Marine Pollutant Marking and Label Requirements.

Dear Ms. LaValle:

We are requesting clarification on 49CFR Section 171.4 (c) covering the exception for domestic transportation of marine pollutants.

We currently import marine pollutants via vessel in non-bulk packagings and upon arrival at first inland distribution point, we reship the material to domestic customers via motor vehicle, railcar and aircraft. The non-bulk packagings arrive permanently marked and labeled as containing marine pollutants in accordance with applicable provisions of the International Maritime Dangerous Goods Code and 49CFR Part 172 Subparts D and E.

Section 171.4 (c) provides that, "...the requirements of this subchapter specific to marine pollutants do not apply to non-bulk packagings transported by motor vehicles, rail cars or aircraft."

It is our understanding that this provision would also allow us to declare these non-bulk packagings as containing a marine pollutant for domestic motor vehicle, railcar and aircraft shipments or alternatively that we could add an additional marking to the non-bulk packaging indicating that the material inside the packaging is not subject to the hazardous material regulations via motor vehicle, railcar and aircraft thereby facilitating reshipment of the material as a non-hazardous material.

If you need additional information, please do not hesitate to contact me at 704 331 7764 or Fax 704 370 6969.

We look forward to your reply

Sincerely,

Robert F. Rau
Manager, Transportation Regulatory Affairs.