



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

SEP 24 2002

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

Ms. Pam Guffain
The Fertilizer Institute
820 First Street, NE, Suite 430
Washington, DC 20002

Ref. No.: 02-0239

Dear Ms. Guffain:

This is in reference to your letter submitted on behalf of the Jimmy Sanders Company of Macon, Mississippi. You inquired whether a particular fertilizer mixture would be considered a Class 9 material under the Hazardous Material Regulations (HMR; 49 CFR Parts 171-180). You state the fertilizer is a blend of 31.25% ammonium nitrate; 20.83% phosphate and 47.91% potash by mass. You also enclosed copies of a citation issued by Alabama Department of Public Safety's Motor Carrier Safety Unit (Report No. ALJWQC002895) and the shipping paper for the shipment.

We hope you understand that RSPA cannot substitute our judgment for that of a judge or magistrate that conducts a hearing on the citation. Any opinion we provide is based solely on the information provided by you without an opportunity for the authority issuing the citation to present its views and any additional information.

The answer to your question is yes, the material is listed in the §172.101 Table as "Ammonium nitrate fertilizer; uniform non-segregating mixtures of nitrogen/phosphate or nitrogen/potash types or complete fertilizers of nitrogen/phosphate/potash type, with not more than 70 percent ammonium nitrate and not more than 0.4 percent total added combustible material or with not more than 45 percent ammonium nitrate with unrestricted combustible material." 9, UN2071, III. The letters "A" and "W" in column I of the § 172.101 Table indicate the material is subject to the requirements of HMR only when transported by air or water.

It appears, however, on the shipping paper the material was described as "Ammonium nitrate fertilizer, 5.1, NA2072, PG III (Oxidizer)". Under this description, the material would be subject to the requirements of the HMR when transported by all modes.

I hope this information is helpful. Please contact us if we can be of further assistance.

Sincerely,

Hattie L. Mitchell
Chief, Regulatory Review and Reinvention
Office of Hazardous Materials Standards



020239

172.101

cc: Alabama Department of Public Safety
Motor Carrier Safety Unit
Highway Patrol Div
1708 Cong W L Dickinson Drive
Montgomery, AL 36109-2602



The Fertilizer Institute

Pamela D. Guffain
Director
Government Relations

Mitchell
§172.101 (A)
Applicability
02-0239

MEMO TO: Hattie Mitchell
FROM: Pam Guffain
SUBJECT: Alabama State Patrol, Fertilizer Mixture

Jimmy Sanders Company, a fertilizer dealer in Macon, Mississippi, was delivering a truck load of a blended fertilizer to his farm customer in Orville, Alabama, when he was stopped and cited by an Alabama Highway Patrol officer for violation of the hazardous materials regulations. I am expecting a copy of the citation but have not received it as of this minute.

However, he was cited for registration, placarding, and hazmat endorsement violations.

The material he was transporting, in my opinion, in reading the regulations, is not a hazardous material. The blending fertilizer contained 31.25% ammonium nitrate (7.5 tons); phosphate 20.83% (5 tons), and potash 47.91% (11.5 tons).

I would appreciate your opinion in this regard. I believe this material is considered a Class 9 ammonium nitrate fertilizer per the definition in 172.101.

Thanks Hattie and I look forward to hearing from you in this regard.

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