



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

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

DEC 11 2002

Ms. Jennifer Clemenson
Sales Assistant
Bay Zinc Company, Inc.
P.O. Box 167
Moxee, WA 98936

Ref. No. 02-0279

Dear Ms. Clemenson:

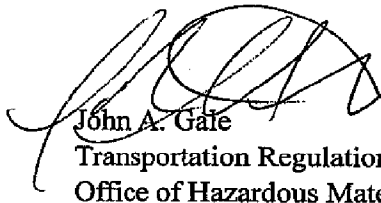
This is in response to your letter dated October 30, 2002, requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you request information on the shipping paper, packaging, hazard communication, and loading requirements for a material described as "Environmentally hazardous substance, solid, n.o.s., 9, UN 3077, III" transported in 50 pound bags, 2,000 pound bags, and 25-35 ton bulk trucks.

As provided by § 172.504(f)(9), when transported domestically a CLASS 9 placard is not required to be displayed on a transport vehicle containing packages of a Class 9 material (e.g., bags, IBCs or dry-bulk trailer). Each non-bulk packaging, unless otherwise excepted, must be marked in accordance with Part 172, Subpart D and labeled in accordance with Part 172, Subpart E. Bulk packagings containing a Class 9 material must be marked with the appropriate identification number displayed on a CLASS 9 placard, an orange panel, or a white square-on-point display configuration.

For a material properly described as "Environmentally hazardous substance, solid, n.o.s., 9, UN 3077, III" the bulk and non-bulk packaging requirements are found in §§ 173.240 and 173.213, respectively. The shipping paper requirements are found in Part 172, Subpart C and, for transportation by highway, the loading and unloading requirements are located in Part 177, Subpart B.

I hope this satisfies your request.

Sincerely,


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



020279

172.504(f)(9)

BAY ZINC COMPANY, INC.

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BAH

§ 172.101 App. A

Hazardous Substances Dry
Zinc Granules

02-0279

Liquid
Zinc Solutions

October 30, 2002

Mr. Edward T. Mazzullo
Director Hazmat St.
US DOT/RSPA
(DHM)-10
400 7th Street SW
Washington, DC 20590-0001

Mr. Mazzullo:

Bay Zinc Company manufactures Zinc Sulfate fertilizer. We currently ship in 50# bags, 2000# bags, and in 25-35 ton bulk form. We have been placarding our 2000# bags and bulk trucks for the last 8 years under the Misc. Placard Class 9 UN 3077. We were under the understanding that anything over the portable quantity of 1000lb of Zinc Sulfate per container needed to be placarded. We have been making sure every load that is shipped out of our facility has a placard on all sides of the truck or railcar, and we make sure that the truck driver has his hazardous endorsement. Jessica in the Hazmat information department (800) 467-4922 informed me that the miscellaneous class-9 does not need to be placarded. However, the container or bags need the correct classification number on the container or bags.

I also talked to a gentlemen in the Motor Carrier department (202) 366-0647 about the truck drivers needing a hazardous endorsement on their license to haul our Zinc Sulfate product. He mentioned that as long as the product is correctly identified on the container or bags and not placarded, the drivers do not need a hazardous endorsement on their license.

I need a letter from your office that states what the regulations are regarding paperwork, packaging, loading, and transporting of our Zinc Sulfate fertilizer in 50# bags, 2000# bags, and in 25-35 ton bulk trucks. If this is not within the scope of your department, please let me know whom I would need to contact. Thanks for your help in this matter.

Sincerely,



Jennifer Clemenson
Sales Assistant

Best "Blu-Min" Brand in the West