



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

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

August 17, 1999

Walter Sherwood
Morton International
60 Willow Street
North Andover, Massachusetts 01845

Ref. No. 02-0286

Dear Mr. Sherwood:

This is in response to your letter of August 11, 1999 regarding the shipment of Dimethylhydrazine, Unsymmetrical, UN 1163, which is being offered for transportation in accordance with the provisions of the International Maritime Dangerous Goods (IMDG) Code. You should be aware that although we allow shipments of hazardous materials prepared in accordance with the requirements of the IMDG Code to be transported in the United States, there are conditions and limitations in 49 CFR Hazardous Materials Regulations (HMR) § 171.12 which are applicable to shipments prepared in accordance with the requirements of the IMDG Code. According to § 171.12(b)(8) your shipment must comply with the following:

- § 171.12(b)(8) When a hazardous material, which is subject to the requirements of the IMDG Code, is a material poisonous by inhalation (see §171.8 of this subchapter)-
- (i) The shipping description must include the words "Toxic Inhalation Hazard or Poison Inhalation Hazard" or "Inhalation Hazard", as required in §172.203(m) of this subchapter;
 - (ii) The material must be packaged in accordance with the requirements of this subchapter; and
 - (iii) The package must be marked in accordance with §172.313 of this subchapter and **labeled and placarded** with "POISON INHALATION HAZARD" or "POISON GAS", as appropriate, in accordance with subparts E and F, respectively, of part 172 of this subchapter.

On this basis, even though we authorize the use of labels according to the IMDG Code, your package must have a poison inhalation hazard label. Mandatory use of the poison inhalation hazard label was delayed until October 1, 1999 according to § 171.14(e) which states "Notwithstanding §§ 172.416 and 172.429 of this subchapter specified in the July 22, 1997 final rule, when labels are required by subpart E of part 172 of this subchapter to be affixed to a material poisonous by inhalation, labels that conform to the requirements of this subchapter in effect on September 30, 1997, may be used on packagings offered for transportation or transported until October 1, 1999." One way to comply with the requirements of the HMR and the IMDG Code is to dual label your package with both the poison inhalation hazard and the poison labels.



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The HMR also provides for a delayed implementation of the poison inhalation hazard placard requirement. In § 171.14(b) a transitional provision states that "For materials poisonous by inhalation, by all modes of transportation, until October 1, 2001, placards may be used that conform to specifications for placards in effect on September 30, 1991, (2) specified in the December 21, 1990 final rule, or (3) specified in the July 22, 1997 final rule." Therefore, until October 1, 2001 an inhalation toxicity placard is not necessary. Please note, however, that voluntary compliance with the requirements for the inhalation toxicity label and placarding requirements is authorized immediately and that the packaging, package marking, transport vehicle or freight container marking in § 172.313(c) and shipping paper requirements in § 171.12(b)(8) must be met.

Sincerely,


for Frits Wybenga
International Standards Coordinator
for Hazardous Materials Safety



August 11, 1999

Mr. Frits Wybenga
Office of Hazardous Material Safety
Research and Special Programs Administration
Mail Code DHM-5
400 7th Street SW
Washington DC 20590-0001

Dear Mr. Wybenga:

Would you be able to provide me the proper labeling, marking, and documentation requirements for export shipments of Dimethylhydrazine Unsymmetrical, UN 1163?

I have been notified by Mr. Matthew Krynski, the Hazardous Materials Compliance Manager of Hapag Lloyd America, that units of Dimethylhydrazine Unsymmetrical, 6.1, UN 1163, PG I, could not be carried by Hapag Lloyd to Europe due to improper labeling and marking. Because of the transit time involved, this refusal had a severe negative impact on our ability to meet our customer's delivery requirements.

Currently, our export shipments of Dimethylhydrazine are packaged, labeled and marked in compliance with IMDG Code, volume IV, page 6132. This IMO regulation requires "Toxic" to be the primary hazard label and does not mention or imply a inhalation zone classification. As I understand the "Prohibited labeling" section of the 49 CFR, 172.401 (c)(1)(2), the "Toxic" label is allowed for international shipments and the IMDG labels and descriptions would not hinder transportation to the port. The Straight Bill of Lading generated for these shipments complies with the "Additional description requirements" 172.203(m)(3) which requires poison inhalation hazard wording to be used. If we were to comply with Hapag Lloyd's request to use domestic based marks and labels, I am concerned that these units would not be in compliance both on board the vessel and in European transport.

Dimethylhydrazine is a growing part of our export profile and will be included in future shipments. Since this is impacting our business financially and jeopardizing our customer relationships, we need to resolve this conflict by you providing us direction as quickly as possible.

Please contact me by telephone (978) 557-1727 or fax (978) 557-1729 should you have any questions.

Thank you.

Walter Sherwood
Materials Coordinator

Morton Performance Chemicals

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(8) When a hazardous material, which is subject to the requirements of the IMDG Code, is a material poisonous by inhalation (see §171.8 of this subchapter)-

(i) The shipping description must include the words "Toxic Inhalation Hazard or Poison Inhalation Hazard" or "Inhalation Hazard", as required in §172.203(m) of this subchapter;

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(iii) The package must be marked in accordance with §172.313 of this subchapter and labeled and placarded with "POISON INHALATION HAZARD" or "POISON GAS", as appropriate, in accordance with subparts E and F, respectively, of part 172 of this subchapter.