



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

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

OCT 28 2004

Mr. John Mourand  
Environmental Manager  
Briggs & Stratton  
P.O. Box 702  
Milwaukee, WI 53201-0702

Ref. No. 04-0074

Dear Mr. Mourand:

This responds to your letter and our telephone conversation regarding the classification of your product under the Hazardous Materials Regulations (49 CFR Parts 171-180). Specifically, you ask what regulatory requirements apply to your product, a fuel stabilizer that is both a combustible liquid with a flash point of 68 °C (155 °F) and a marine pollutant. Your product is packaged in non-bulk packaging and is offered for transportation by motor vehicle, rail car, and internationally by vessel. I apologize for the delay in responding and any inconvenience it may have caused.

In accordance with § 171.4 of the HMR, the requirements of the HMR applicable to marine pollutants do not apply to a marine pollutant in a non-bulk packaging transported by motor vehicle, rail car, or aircraft. Further, a material classed as a combustible liquid in accordance with § 173.150 of the HMR is excepted from the HMR when transported by motor vehicle or rail car (see § 173.150(f)(2) and (f)(3)). Thus, for transportation by highway or rail, a combustible liquid is not subject to the HMR when offered or transported in a non-bulk packaging, even if the combustible liquid also meets the definition for a marine pollutant.

In accordance with § 173.120(b)(2), for transportation by vessel, a liquid with a flash point above 60.5 °C (141 °F) that contains the marine pollutant di-tert-butylphenol would be described as "Environmentally hazardous substances, liquid, n.o.s. (di-tert-butylphenol), Class 9, UN3082, III, Marine Pollutant" when offered for international transportation by vessel in a non-bulk packaging. Also note that § 171.12 authorizes use of the




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§ 171.4  
171.12

International Maritime Dangerous Goods Code when  
transporting the hazardous materials by vessel.

I trust this satisfies your inquiry. Please contact us if  
we can be of further assistance.

Sincerely,

A handwritten signature in cursive script that reads "Hattie L. Mitchell". The signature is written in dark ink and is positioned above the typed name.

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

**REQUESTING FORMAL INTERPRETATION:**

Requestor:  
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Phone # (414)256-5181

Stevens  
§171.4  
§171.12  
Marine Pollutants  
Import & Export  
Shipments  
04-0074

Question #1. On the applicable requirements of shipping the fuel stabilizer by ground. After a further discussion with Mr. Arthur Pollack this morning, it is our understanding that our material (combustible liquid, non-bulk packaging) which contains a marine pollutant (di-tert-butylphenol), would be excepted from the requirements of 49 CFR 100-185 provided the material is transported by motor vehicles, rail cars or aircraft per 171.4.

Question #2. On the applicable DOT requirements of shipping the fuel stabilizer by vessel. It is our understanding that if the material is to be shipped by vessel, that the material be handled as a Class 9, Environmentally Hazardous Substances Liquid, n.o.s. (di-tert-butylphenol), UN3082. It is our understanding that this product (volume of plastic bottle is 8 milliliters) can be shipped as a limited quantity per 173.155, and if packaged with a lawn mower must have an inner package to contain the bottle of stabilizer and be handled as an overpack. Provided the inner package and overpack are appropriately marked with the words, "Environmentally Hazardous Substances Liquid, n.o.s. (di-tert-butylphenol), UN3082, Limited quantity". It is our understanding that we would be exempt from specification packaging as well as the requirements of labelling. However, it is our understanding that shipping papers would need to be used for vessel shipment.

If you have any questions, please contact me at the phone number above, we look forward to your response.

Regards,

John Mourand