



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

OCT 26 2004

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

Ms. Fumie Sloan
Senior Supervisor
MOL America, Inc.
One Concord Center
2300 Clayton Road, Suite #1500
Concord, CA 94520

Ref. No.: 04-0219

Dear Ms. Sloan:

This is in response to your September 17, 2004 letter and discussion with Mr. Emmanuel Pfersich of the US Coast Guard requesting clarification of container/vehicle packing certificate requirements as specified under the International Maritime Dangerous Goods (IMDG) Code. Section 5.4.2.1 of the IMDG Code specifies that a "container/vehicle packing certificate is not required for tanks." Specifically, you ask if a signed container/vehicle packing certificate may accompany a tank shipment of hazardous material.

In the opinion of this office, the presence of a signed container/vehicle packing certificate with a tank shipment of hazardous material does not appear to be in violation of 5.4.2.1 of the IMDG Code. In addition, we agree with Mr. Pfersich that failure to take advantage of this special condition for tanks may cause confusion among parties involved with the shipment, including competent authorities, and, as a result, could complicate or delay the shipment.

I hope this information is helpful. Please contact us if you require additional assistance.

Sincerely,

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



040219

171.12
176.27

Satterthwaite
\$171.12
\$176.27
IMDG

MOL

One Concord Center
2300 Clayton Road, Suite #1500
Concord, CA 94520

04-0219

September 17, 2004

Mr. Edward T. Mazzullo
Director, Office of Hazardous Materials Standards
U.S. DOT/RSPA (DHM-10)
400 7th Street S.W.
Washington, D.C. 20590-0001 Fax: 202-366-3012

Dear Mr. Mazzulo,

I would like to have your formal opinion whether signed container packing certification statement on hazardous substances loaded in a Tank transport unit

As you may know, there is a sample form of Multimodal Dangerous Goods in the IMDG Code, which is a combined form of DG declaration and Container packing Certificate. When someone uses this type of DG form, is it valid if Container packing certification part is being signed even though a transport unit is Tank container; there are no packagings involved.

According to the section 5.4.2.1 of IMDG Code, there is a notation that "The container/vehicle packing certificate is not required for tanks".

Based on the notation, it is my belief that signed container packing certification statement seems to be not appropriate if hazardous substances are in tank container.

I am also enclosing the email exchange with Mr. Manny Pfersich of US Coast Guard Hazmat in Washington, D.C. Mr. Pfersich recommended for me to attach the email.

I look forward to receiving your formal response in the case.

Respectfully,



Fumie Sloan
Senior Supervisor - Hazmat
MOL America, Inc.
Phone: (925) 688-2633
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Enclosure: email subject 'Signed CPC for Tank container' - 1 page

Fumie - CCRHZ
09/17/2004 04:52:03 PM

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attached page to Mr. Mazzul



"Pfersich, Emmanuel"
<EPfersich@comdt.uscg.mil
>

To: "Fumie.Sloan@MOLAmerica.com"
<Fumie.Sloan@MOLAmerica.com>
cc: "Duane Pfund (E-mail)" <duane.pfund@rspa.dot.gov>
Subject: RE: Signed CPC for Tank container

09/15/2004 04:22 PM

Fumie,

My informal opinion is that signing the CPC for a tank container is not a good idea. As you mention, the IMDG Code specifically states that the CPC is not required for a tank container, and frankly there is very little in sub-sections 5.4.2.1.1 - 5.4.2.1.9 that actually could pertain to a tank container. While it also may not "cause harm", it certainly might raise the question as to whether the signer really knew what was being certified. Also, it is hard to say how other, foreign competent authorities might view the presence of a CPC for a tank container.

If you would like to get something more formal in terms of a signed opinion letter, please send in a request to DOT RSPA and I'm sure they can provide a written reply. If you do, I recommend you attach a copy of this email.

regards,
Manny

-----Original Message-----

From: Fumie.Sloan@MOLAmerica.com [mailto:Fumie.Sloan@MOLAmerica.com]
Sent: Monday, September 13, 2004 7:22 PM
To: Pfersich, Emmanuel
Subject: Signed CPC for Tank container

Hello Manny,

I recently had an argument over whether it is valid to be signed container packing certification statement if a hazardous Tank container load.

This is my thought... in this case.

IMDG Code indicates CPC is not required for tank containers. The section 5.4.2.1 is for container / vehicle packing certificate, which certification statement covers for each packaging that is loaded in a specific container. But there are any packagings in a Tank container. So, when someone signs this certification statement (when there are no packagings involved because Tank container (bulk)), it seems to be false statement. If DG declaration is a combined form with CPC, the column covered container packing certification should be crossed out (or, type "not applicable", etc., but not signed).

Do you think it is no harm if someone signs on CPC portion for a Tank container ?

Thank you in advance for your thought on this.

Best regards,
Fumie - CCRHZ