



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

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

NOV 21 2005

Mr. A. B. Eargood
Brenntag Mid-South, Inc.
P.O. Box 20
Henderson, KY 42420

Ref. No. 05-0250

Dear Mr. Eargood:

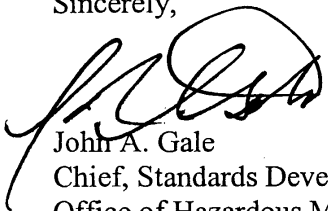
This responds to your October 6, 2005 letter requesting clarification on shipping poisons with foodstuffs under § 177.841(e)(1) of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if Chlorine gas in cylinders, a Division 2.3 material, may be transported in the same motor vehicle/trailer with material that is marked as or known to be foodstuffs, feed, or edible material intended for consumption by humans or animals.

According to your letter, you transport Chlorine gas in cylinders that bear an INHALATION HAZARD label. The word POISON is not present. You ask whether a letter of clarification (dated January 10, 2002) from us stating that you may transport a Division 2.3 material labeled INHALATION HAZARD with foodstuffs, but you may not transport material bearing POISON or POISON INHALATION HAZARD label is still current.

The answer is yes. Section 177.841(e)(1) does not restrict the transportation of a Division 2.3 material with foodstuffs. The restriction in § 177.841(e)(1) applies to a Division 6.1 material bearing a POISON or POISON INHALATION HAZARD label in Division 6.1.

I hope this answers your inquiry.

Sincerely,



John A. Gale
Chief, Standards Development
Office of Hazardous Materials Standards



050250

177.841(e)(1)

Boothe
§177.841(e)(1)
Highway
05-0250



Brenntag Mid-South, Inc.

MR. EDWARD T. MAZZULLO
DIRECTOR OF HAZARDOUS MATERIALS STANDARDS

DEAR SIR:

I AM WRITING TO REQUEST AN UPDATED CLARIFICATION
OF 49 CFR 177.841(C) (1).

A LETTER DATED JAN.10 2002 (ATTACHED) FROM THE DEPT.
OF TRANSPORTATION, STATES THAT WE CAN TRANSPORT DIVISION 2.3
LABELED INHALATION HAZARD WITH FOODSTUFFS, BUT WE CAN NOT
TRANSPORT MATERIAL BEARING POISON OR POISON INHALATION HAZARD
WE TRANSPORT CHLORINE GAS IN CYLINDERS DIVISION 2.3
BEARING INHALATION HAZARD LABEL. THE WORD POISON IS NOT PRESENT.
IS THIS LEGAL TO TRANSPORT DIVISION 2.3 MATERIAL UNDER
49 CFR 177.841 (C) (1) IN THE SAME MOTOR VEHICLE/TRAILER WITH
MATERIAL THAT IS MARKED AS OR KNOWN TO BE FOODSTUFFS, FEED OR
EDIBLE MATERIAL INTENDED FOR COMSUMPTION BY HUMANS OR ANIMALS.
IF YOU HAVE ANY QUESTION REGARDING THIS REQUEST PLEASE
CONTACT ME.

SINCERELY

A B EARGOOD

BRENNTAG MID-SOUTH, INC.
A B EARGOOD
270-830-1318
P O BOX 20
HENDERSON, KY 42420
beargood@brenntag.com
fax 270-826-1486



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

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

JAN 10 2002

Mr. Edward Doheny
Chemist, CHMM
Quadra Chemicals Western, Inc.
Regulatory Affairs Department
5700 NW Front Avenue
Portland, OR 97210

Reference No.: 02-0011

Dear Mr. Doheny:

This is in response to your letter requesting clarification relating to shipments of "foodstuffs" in the same motor vehicle with material that is labeled POISON GAS under the provisions of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if it is permissible to transport Division 2.3 materials in the same transport vehicle with material known to be foodstuffs.

The answer is yes. Section 177.841(e)(1) does not restrict the transportation of Division 2.3 materials from being transported with foodstuffs; the restriction in § 177.841(e)(1) applies only to materials bearing a POISON or POISON INHALATION HAZARD label in Division 6.1.

I trust this satisfies your inquiry.

Sincerely,

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

177.841(e)(1)