



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

JUN -6 2007

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

Alexander Amort
Director
General Environmental Management, Inc.
11855 White Rock Road
Rancho Cordova, CA 95742

Ref. No.: 07-0105

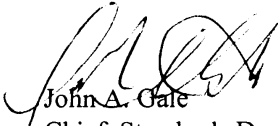
Dear Mr. Amort:

This is in response to your May 21, 2007 letter requesting clarification of the basic description sequence on shipping papers provided in § 172.202 of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask you ask if the recent change under the final rule to Docket HM-215I (71 FR 78595; January 1, 2006), requiring the sequence to be rearranged so the identification number is first, followed by the proper shipping name, hazard class, and packing group and no other information interspersed, will cause a problem with the requirement in § 172.101(c)(9) to add the modifying word "waste" preceding the proper shipping name for hazardous wastes that are not identified by the word "waste." You indicate that adding the word "waste" forces the shipper to violate the requirement in § 172.202(b) indicating that no additional information may be interspersed within the basic description.

We understand and appreciate your concerns. Prior to the publication of Docket HM-215I we considered the same issues you cover in your letter. We concluded that the requirement in § 172.101(c)(9) to add the word "waste" preceding the proper shipping name for hazardous wastes that are not identified by the word "waste" causes the proper shipping name to be modified. The word "waste" becomes part of the proper shipping name. Therefore, when the word "waste" is added to the beginning of a proper shipping name as prescribed in § 172.101(c)(9) and then added to the basic description as part of the proper shipping name, it is not considered a violation of the requirements in § 172.202(b).

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

Sincerely,


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



070105

172.101(c)(9)
172.202(b)

INFOCNTR <PHMSA>

Supko
§ 172.101
Applicability
07-0105

From: aamort@go-gem.com
Sent: Monday, May 21, 2007 12:59 PM
To: INFOCNTR <PHMSA>
Subject: Information Center Comments/Questions

Below is the result of your feedback form. It was submitted by alexander amort (aamort@go-gem.com) on Monday, May 21, 2007 at 12:58:33.

Email: aamort@go-gem.com

Name: alexander amort

Category: Other questions?

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Comments:

U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration Office of Hazardous Materials
Safety 1200 New Jersey Avenue, SE East Building, 2nd Floor Washington, DC 20590

Attn: Mr. Edward Mazzullo, Director of Hazardous Materials Standards

Dear Mr. Mazzullo

I am writing this letter requesting clarification of a potential conflict in the regulations. The newly passed regulations that changed the proper shipping description order, did not change a regulation in 172.101 that now appears to conflict with the new requirements.

172.202 now states the following:

"(b) Except as provided in this subpart, the basic description specified in paragraphs (a) (1), (2), (3) and (4) of this section must be shown in sequence with no additional information interspersed. For example, ``UN2744, Cyclobutyl chloroformate, 6.1, (8, 3), PG II.

* * * * *"

Subpart (d) of the same subpart allows for the technical and chemical group names to be entered in parentheses between the proper shipping name and the hazard class. Thus, the new regulations with the new shipping name order would allow a name such as: UN1993, Flammable liquids, n.o.s. (acetone, toluene), 3, PG II.

However, 172.101 (9) states "Hazardous Wastes. If the word "waste" is not included in the hazardous material description in Column 2 of the table, the proper shipping name for a hazardous waste...shall include the word "Waste" preceding the proper shipping name of the material." This would then require the proper shipping description to be: UN1993, Waste flammable liquids, n.o.s. (acetone, toluene), 3, PG II. The word "waste" inserted after

the UN # conflicts with the requirement in 172.202 that states no additional information can be interspersed in the proper shipping description except as called out in that subpart. This information is not approved in that subpart.

Most of the additional description items discuss placing terms either preceding or in association with the basic shipping description. In this case, it specifies placing the word waste before the proper shipping name, not the proper shipping description.

I feel that the word "waste" should precede the proper shipping description, not the proper shipping name. In that case, it would be more consistent with the other additional description requirements, in addition to removing conflict with the current regulations. It will also help provide consistency in the hazardous waste business as the word "waste" had always preceded the proper shipping description because the proper shipping name was always listed first.

Thank you for your clarification in this issue. I can be contacted at aamort@go-gem.com or 415-302-1231. I look forward to your response.

Sincerely,

Alexander Amort
Director Environmental Health and Safety General Environmental Management, Inc.