



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, D.C. 20590

MAR 17 2008

Lt. Jeff McLaughlin
Montana Motor Carrier Services Enforcement Division
2550 Prospect Ave
Helena, MT 59620

Ref. No.: 08-0066

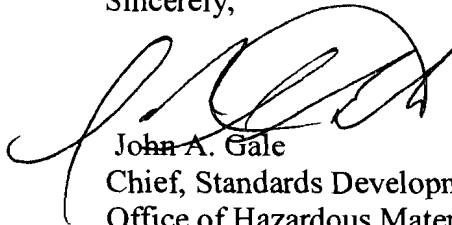
Dear Lt. McLaughlin:

This is in response to your letter dated March 7, 2008, concerning requirements in the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the transportation of combustible liquids in non-bulk packages. Specifically, you ask if there must be documentation in the transport vehicle to serve as proof that a flammable liquid has been reclassified as a combustible liquid and is being shipped in accordance with the combustible liquid exception.

As you are aware, a flammable liquid with a flash point of 38°C (100°F) or higher that does not meet the definition of any other hazard class may be reclassified as a combustible liquid, as provided by §§ 173.120(b)(2) and 173.150(f)(1). In addition, under § 173.150(f)(2), a combustible liquid, that is not a hazardous substance, hazardous waste, or a marine pollutant and is packaged in a non-bulk packaging, i.e., a packaging having a liquid capacity of 450 L (119 gallons) or less, is **not subject to any other requirements in the HMR**. Therefore, a combustible liquid, even if it has been reclassified from a flammable liquid to a combustible liquid, does not require special packagings, markings, or documentation.

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

Drakeford, Carolyn <PHMSA>

Supko
§ 173.150(f)

Exceptions
08-0066

From: INFOCNTR <PHMSA>
Sent: Monday, March 10, 2008 11:38 AM
To: Drakeford, Carolyn <PHMSA>
Cc: 'jmclaughlin@mt.gov'
Subject: FW: Questions or Complaints Concerning Enforcement

Carolyn,
This gentleman would like an official written letter of interpretation on the issue described below.
Thanks,
Rob

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

From: HM-Enforcement <PHMSA>
Sent: Friday, March 07, 2008 3:05 PM
To: INFOCNTR <PHMSA>
Subject: FW: Questions or Complaints Concerning Enforcement

Completed via phone by RB on 3/10 @ 11:24 am

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

From: jmclaughlin@mt.gov [mailto:jmclaughlin@mt.gov]
Sent: Friday, March 07, 2008 12:43 PM
To: HM-Enforcement <PHMSA>
Subject: Questions or Complaints Concerning Enforcement

Below is the result of your feedback form. It was submitted by Lt Jeff McLaughlin (jmclaughlin@mt.gov) on Friday, March 7, 2008 at 12:43:14.

Email: jmclaughlin@mt.gov

Name: Lt Jeff McLaughlin

Organization: Montana Motor Carrier Services Enforcement Division

Street: 2550 Prospect Ave

City: Helena

State: Montana

Zip Code: 59620

Country: USA

Phone: (406) 444 0454

Fax: (406) 444 6136

Comments: As per 173.150(f) A flammable liquid may be reclassified as a combustible liquid in a non bulk package. The question we have is what documentation if any must be carried in the transport vehicle to show proof of the reclassification. The following example is the situation that we recently encountered:

Ex: a vehicle carrying five non bulk packages (appx 3800 lbs) was involved in an accident. The vehicle and packages were not marked/labeled/ or placarded. The driver did not have a haz-mat endorsement or shipping paper at the time of stop. When asked what was in the packages the driver stated that he was hauling " Jet A" fuel. An inspection was performed and violations were noted that there were no placards/ shipping papers/ or haz-

mat endorsement. The company is now disputing the violations by referencing 173.150 saying that they had reclassified the "Jet A" fuel as a combustible and that nowhere does it state that they must carry documentation stating such.

We are requesting an interpretation to define what is or is not required for this type of shipment.

Thank you for your time on this matter.