



U.S. Department
of Transportation

Pipeline and Hazardous Materials
Safety Administration

1200 New Jersey Ave., SE
Washington, DC 20590

OCT 16 2008

Ms. Becky Beasley
Traffic Manager
Tetra Micronutrients
71025 569 Avenue
Fairbury, NE 68352

Ref. No. 08-0246

Dear Ms. Beasley:

This responds to your September, 25 2008 letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask for the HMR requirements applicable to paperwork, packaging, loading, driver training, and transporting a material classed as "Environmentally hazardous substance, solid n.o.s., Class 9, UN 3077, PG III (zinc sulfate)," in 50 and 2,000 pound bags and 25-35 ton bulk loads. In addition, you ask if the CLASS 9 placard is required on the vehicle or packages.

A Class 9 material transported by highway is subject to the shipping paper requirements in Part 172, Subpart C and § 177.817; the packaging requirements in Column 8 of the Hazardous Materials Table (HMT; § 172.101); and the requirements in Part 177, including driver training, loading, unloading, and carriage requirements. A CLASS 9 placard is not required for domestic transportation (see § 172.504(f)(9)). However, each non-bulk package (e.g. 50 pound bag) must be marked with the proper shipping name and identification number as provided by § 172.301 and must have a CLASS 9 label as provided by § 172.400. Bulk packages (e.g., 2,000 pound bag and 25-35 ton bulk load) containing a Class 9 material must be marked with the appropriate identification number displayed on a CLASS 9 placard, an orange panel, or a white-square-on-point display configuration.

You should also note that a hazardous substance is defined in § 171.8 as a material, including its mixtures and solutions, that is listed in Appendix A to § 172.101, and is in a quantity, in one package, that equals or exceeds the reportable quantity (RQ) for the material listed in Appendix A. Zinc sulfate is listed in Appendix A with an RQ of 1,000 pounds. The 50 pound bag you describe may not meet the definition of a hazardous substance as defined in § 171.8, because the amount in each bag does not exceed the RQ for zinc sulfate.

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

Sincerely,

Susan Gorsky
Acting Chief, Standards Development
Office of Hazardous Materials Standards

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September 25, 2008

Transportation Regulations Specialist
Office of Hazardous Materials Standards
400 Seventh St. S.W.
Washington, D.C. 20590

Attn: Transportation Regulations Specialist

Tetra Micro Nutrients manufactures Zinc Sulfate Products. The material is described as "Environmentally hazardous substance, solid, n.o.s., class 9, UN 3077, III" transported in 50# bags, 2000# bags and in bulk form. We were under the understanding that anything in bulk form needed to be placarded. We have been making sure every load that is shipped out of facility in bulk has a placard on all sides of the truck/trailer and make sure that the truck driver is hazardous certified. We have been informed by a trucking company that picks up numerous loads on a regular basis from our facility that the miscellaneous class 9 does not need to be placarded but the container or bags need the correct classification number on the container or bags. They also mentioned the drivers don't need to be hazmat certified but do need to have the hazmat training.

I need a letter from your office that states what the regulations are regarding paperwork, packaging, loading and transporting of our Zinc Sulfate products in 50# bags, 2000# bags and in 25-35 ton bulk loads. If this is not within the scope of your department, please let me know whom I would need to contact.

Thank you for your help in this matter.

Sincerely,

Becky Beasley
Traffic Manager