



U.S. Department  
of Transportation

Pipeline and Hazardous Materials  
Safety Administration

1200 New Jersey Ave., SE  
Washington, DC 20590

JAN 16 2009

Mr. Richard Moskowitz  
Vice President and  
Regulatory Affairs Counsel  
American Trucking Associations  
950 North Glebe Road Suite 200  
Arlington, VA 22203

Ref. No. 08-0248

Dear Mr. Moskowitz:

This responds to your e-mail requesting clarification of the shipping paper requirements for Toxic-Inhalation Hazard (TIH) materials under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask whether the hazard zone must be indicated on a shipping paper for a Division 2.3 TIH gaseous material (e.g., "Oil gas, UN1071") when no such hazard zone is identified in a special provision code in Column 7 of the § 172.101 Hazardous Materials Table (HMT) for the material.

The answer is yes. As specified in § 172.203(m), the words "Poison-Inhalation Hazard" or "Toxic-Inhalation Hazard" *and the words* "Zone A", "Zone B", "Zone C", or "Zone D" for gases or "Zone A" or "Zone B" for liquids, as appropriate, must be entered on the shipping paper immediately following the shipping description. Emphasis added.

For a gas to be described as "Oil gas, UN1071" it must first meet the definition of a Division 2.3 material. All Division 2.3 gases are TIH materials and, thus, are assigned a hazard zone based on the LC<sub>50</sub> value of that gas or gas mixture. See § 173.116. The words "as appropriate" in § 172.203(m) are there solely to distinguish between the different hazard zones that may be assigned to either a gas or to a liquid.

The HMR assign § 172.102 Special Provision 6 in Column 7 of the HMT to TIH materials for which the hazard zone of the material must be determined by the offeror and indicated on the

shipping paper as specified in § 172.203(m). Oil gas, UN1071 is one such material; Carbon monoxide and hydrogen mixture, compressed, UN2600 is another. The hazard zone for both of these gases must be indicated when described on a shipping paper.

I trust this satisfies your inquiry. Please contact us if we can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Hattie L. Mitchell", with a stylized flourish at the end.

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

Stevens  
 §172.203(m) -  
 Special Provision  
 08-0248

**Drakeford, Carolyn <PHMSA>**

**From:** Mazzullo, Ed <PHMSA>  
**Sent:** Tuesday, October 07, 2008 12:44 PM  
**To:** Drakeford, Carolyn <PHMSA>  
**Cc:** Betts, Charles <PHMSA>; Foster, Glenn <PHMSA>; Gorsky, Susan <PHMSA>; Mazzullo, Ed <PHMSA>; Mitchell, Hattie <PHMSA>; Supko, Ben <PHMSA>  
**Subject:** FW: PIH, Special provision 6, 172.203(m)  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**From:** Richard Moskowitz [mailto:RMoskowitz@trucking.org]  
**Sent:** Friday, October 03, 2008 2:25 PM  
**To:** Mazzullo, Ed <PHMSA>  
**Subject:** FW: PIH, Special provision 6, 172.203(m)

Ed,

I received the following from an ATA member that is trying to do the right thing. Do you know how this should be handled?

We have a little bit of controversy with UN1071. We had/have a shipment, 13 lbs, of this which is a 2.3(2.1) material. Special Provision 6 states that it is a Poison Inhalation Hazard, but there is no reference to a particular Hazard Zone, A, B, C or D. 172.203(m) states that PIH should be stated as a part of the description and it goes on to add that the appropriate Zone also be added, 'as appropriate'.

Well, we have a program that we use provided by RegScan called the HazMat Enforcer. It allows us to make sure that we have proper placarding, separation where necessary, etc., for hazmat shipments. When using the Enforcer with UN1071, it asks for the Hazard Zone. According to the Table, no zone is specified, given the Special Provision given in column 7, which in this case is 6. I inquired about this and have now received different answers from different sources as to the validity as it applies to 172.203(m) where the Zone A, B, C or D must be shown in addition to the wording Poison Inhalation Hazard.

My contact is an agent with the AL Division of the FMSCA who regularly performs formal DOT inspections. Their source is a lady at PHMSA. My contact says that because SP 6 doesn't specify a specific Zone, then the reference of 172.203(m) doesn't apply, as far as the Zone is concerned. He states that 'as appropriate' refers to making sure this is added if one is stated. On the other hand, PHMSA states that all poison gases are PIH and therefore have a Hazard Zone and that one should be shown when described. None is shown on BOL.

If this is the case, why doesn't the special provision in the Table reflect this? Which is correct? there is no question that this is a PIH. The question is: does there have to be a Hazard Zone listed?

I need to be able to tell our employees how to address this issue should it arise again when using this program.

Thanks,

10/7/2008