



U.S. Department  
of Transportation

Pipeline and Hazardous  
Materials Safety  
Administration

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

**DEC 23 2013**

Mr. Edward Skelton  
Head of Supply Chain Americas  
Nynas USA, Inc.  
800 Gessner Road, Suite 1150  
Houston, TX 77024

Ref. No.: 13-0192

Dear Mr. Skelton:

This is in response to your letter requesting clarification of the the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) regarding the marking and labeling requirements when reshipping marine pollutants domestically. Your letter states that your company imports marine pollutants, marked and labeled as "UN 3082, Environmentally hazardous substance, liquid, n.o.s., Class 9" in accordance with the International Maritime Dangerous Goods (IMDG) Code. Upon receipt, the materials are reshipped by your company in both bulk (e.g., IBC's, portable tanks) and non-bulk (e.g., boxes, drums) quantities. It is your understanding that under the HMR, this material can be reshipped domestically as "not regulated" without removing the affixed markings and labels, provided the materials are not a marine pollutant as defined by the HMR and are not otherwise hazardous.

Your understanding is correct. A material transported as a marine pollutant in accordance with the IMDG code that does not meet the definition of a marine pollutant, a hazardous substance, a hazardous waste or any other hazard class under the HMR is not subject to the requirements of the HMR. The markings and labels that were required to be affixed to the packages for transportation by vessel in accordance with the IMDG Code need not be removed or covered for subsequent domestic transportation.

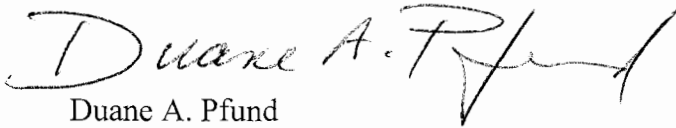
In addition, § 172.401(c) permits labeling in accordance with the IMDG Code and §172.303(b)(3) permits the marking of a shipping name on a package when the name describes a material not regulated under the HMR. Although your material does not meet the definition of a hazardous material under the HMR, the package may remain appropriately marked and labeled in accordance with the IMDG Code and transit the United States without shipping papers. However, if your shipment will not be accompanied by a shipping paper, the marks and labels on your package may cause delays or otherwise frustrate its transportation. To avoid this problem, we suggest the following:

1. Remove, obliterate, or securely cover the markings and labels;

2. Leave the marking and labeling in place and describe the material as "Environmentally hazardous substances, liquid or solid, n.o.s." in accordance with § 172.102, Special Provision 146; or
3. Provide an indication on the package or bill of lading that the material is not regulated by the HMR.

I hope this information is helpful. If you have further questions, please do not hesitate to contact this office.

Sincerely,

A handwritten signature in black ink that reads "Duane A. Pfund". The signature is written in a cursive style with a large, prominent 'D' at the beginning.

Duane A. Pfund  
International Standards Coordinator  
Standards and Rulemaking Division



Sept, 03 2013

Wiener  
§171.4  
§172.101 App. B  
Marine Pollutant  
13-0192

**To:** DOT Information Center  
PHMSA Office of Hazardous Materials Standards  
Attn: PHH-10  
East Building  
1200 New Jersey Avenue, SE.  
Washington, DC 20590-0001

**From:** Edward Skelton  
Head of Supply Chain Americas  
713-333-3178

RE: clarification of marking and label requirements for shipment of IMDG class 9 Marine Pollutants

Dear,

Nynas imports from Europe, and ships domestically in the US and to Canada and Mexico materials which are classified as UN 3082 Class 9 according to the United Nations Globally Harmonized System of Classification and Labelling of Chemicals (GHS rev. 5)

These materials are also classified as Marine Pollutants for IMDG.

When received these materials are reshipped in bulk and packs (drums, IBC's) to customers based in the United States, Canada and Mexico.

It is our understanding that this same material is classified as "Not Regulated" for USDOT domestic movement.

It is our understanding that this material can be reshipped domestically as "Not Regulated" without applying, removing or covering the Class 9 marks and label.

This letter is to request a formal letter of interpretation confirming notes above.

The products in question are:

T4 – CAS Number 64742-46-7

Nytro Polaris GX – CAS Numbers:

64742-53-6 – 50 to 100%

64742-55-8 – 0 to 50%

72623-86-0 – 0 to 5 %

128-37-0 - <0.4%

**Nynas USA, Inc.**

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713-333-3178

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281-596-7284