



U.S. Department
of Transportation

Pipeline and Hazardous
Materials Safety
Administration

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

APR 02 2014

David A. Pollard
Product Safety Specialist
Pilot Chemical Company
2744 E. Kemper Road
Cincinnati, OH 45241

Ref. No. 13-0239

Dear Mr. Pollard:

This responds to your e-mail requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR 171-180) applicable to exceptions from labeling a package with a subsidiary label as prescribed in § 172.402(a)(2). In your letter, you request regulatory guidance for a substance that meets the defining criteria for a Packing Group II corrosive liquid and has a flash point that ranges from 107 °F - 125 °F (Packing Group III, flammable liquid). You ask whether you may continue to use the description "UN2920, Corrosive liquid, flammable, n.o.s., 8 (3), PG II" for the substance while taking advantage of the labeling exception provided in § 172.402(a)(2) for transportation by highway or rail.

The answer is yes. A subsidiary label is not required for domestic transportation by highway or rail. However, permissive labeling is allowed, provided the label represents a hazard presented by the material. A "FLAMMABLE LIQUID" label conforming to § 172.419 is required on such a package when it is offered for transportation by air or vessel, and the substance would be appropriately described as "UN2920, Corrosive liquid, flammable, n.o.s. (Technical Name), 8 (3), PG II."

I trust this information is helpful. Please contact us if you require further assistance.

Sincerely,

T. Glenn Foster
Chief, Regulatory Review and Reinvention Branch
Standards and Rulemaking Division

Stevens
§ 172.402(a)
Labeling
13-0239

Drakeford, Carolyn (PHMSA)

From: INFOCNTR (PHMSA)
Sent: Tuesday, December 17, 2013 2:39 PM
To: Drakeford, Carolyn (PHMSA)
Subject: FW: 49 CFR 172.402(a) Clarification

Hi Carolyn,

This caller requested we submit this e-mail as a formal letter of interpretation. This caller spoke with Adam Lucas in the HMIC who referenced letter 94-0174.

Thanks,
Victoria

From: Aron Pollard [<mailto:dapollard@pilotchemical.com>]
Sent: Tuesday, December 17, 2013 1:34 PM
To: INFOCNTR (PHMSA)
Subject: 49 CFR 172.402(a) Clarification

To Whom It May Concern:

I would like to request clarification on an issue in regards to the table listed in 49 CFR §172.402(a). The material in question meets the criteria of a Class 8 PGII and a Class 3 PGIII (with flash point >100°F). According to 49 CFR §173.2 the primary hazard will be Class 8 and the subsidiary will be Class 3. For example, the material could be assigned UN 2920 Corrosive liquid, flammable, n.o.s. (PGII) which lists label codes 8 and 3 in column (6). In the table from 49 CFR §172.402(a) there lists a note for Class 3 PGIII that subsidiary hazard labels are required for all modes, except for a material with a flash point at or above 38°C (100°F) transported by rail or highway.

Is this correctly interpreted that as a Class 3 PGIII subsidiary hazard a subsidiary (Class 3) label would not be required for this material when transported by rail or highway even though the 8 and 3 label codes are listed in the table? Could the response to this request please be issued as an interpretation.

Best Regards,
David A. Pollard
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