



U.S. Department
of Transportation

1200 New Jersey Avenue SE
Washington, DC 20590

**Pipeline and Hazardous
Materials Safety
Administration**

MAY 26 2015

Mr. Mark Smith
Hazardous Materials Instructor
Northern Air Cargo
3900 Old International Airport Rd.
Anchorage, AK 99502

Ref. No.: 15-0045.

Dear Mr. Smith:

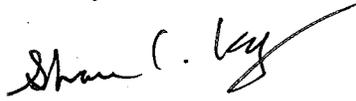
This is in response to your letter dated March 5, 2015 requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) regarding differences in packaging requirements between the HMR and the International Civil Aviation Organization Technical Instructions (ICAO TI). In your letter you note that under the HMR, the entries for “UN1789, Hydrochloric Acid, 8, II” and “UN1500, Sodium Nitrite, 5.1, III” are assigned special provision(s) in Column (7) of the Hazardous Materials Table (HMT) prescribing specific packaging provisions not found for these same entries in the International Civil Aviation Organization Technical Instructions (ICAO TI). You ask if the HMT, Column (7) special provisions apply to shipments offered in accordance with the ICAO TI.

Subpart C of Part 171, authorizes shipments made in conformance with various international standards, including the ICAO TI. Section 171.22(b) provides that a material offered in accordance with an international standard must be offered for transportation or transported in conformance with the applicable standard or regulation and must conform to all applicable requirements of this subpart. However, as required by § 171.22(g)(5), export shipments prepared in accordance with the ICAO TI must comply with the general packaging requirements in §§173.24 and 173.24a. In accordance with § 173.24(c)(1), a packaging is authorized for a hazardous material only if the packaging conforms to applicable requirements in the special provisions of Column (7) of the §172.101 table.

For other than export shipments, Subpart C does not require that HMT column (7) special provisions be applied to shipments made in accordance with the ICAO TI unless otherwise specified. In addition, the materials described in your letter are not specifically indicated in Subpart C with the requirement to apply the particular special provision, therefore unless offered for export, the special provisions of Column (7) would not apply.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Shane C. Kelley". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

Shane C. Kelley
Acting International Standards Coordinator
Standards and Rulemaking Division



Wiener
§ 172.102
Special Provisions
15-0045
05 March 2015

U.S. Department of Transportation
PHMSA Office of Hazardous Materials Standards
Attn: PHH-10
East Building
1200 New Jersey Avenue, SE
Washington, D.C. 20590-0001

RE: Seeking clarification to column 7 in 49CFR HMR and applicability to ICAO Technical Instructions (ICAO TI) shipments.

Example: Using 49CFR, looking at UN1789, Hydrochloric acid, 8, II, listed in column 7 of the HMT are special provisions A3 & A6 for air transport. These state:

A3 For combination packagings, if glass inner packagings (including ampoules) are used, they must be packed with absorbent material in tightly closed metal receptacles before packing in outer packagings.

A6 For combination packagings, if plastic inner packagings are used, they must be packed in tightly closed metal receptacles before packing in outer packagings.

Clear if you are shipping under 49CFR.

However, in the ICAO TI, column 7, these provisions do not appear for the same commodity for inner packagings (*it does for PG I material 851 & 855 but not PG II materials*) and there are no US variations listed. The requirements to apply column 7 of the HMT are not found in 171.22-24.

Example: Again, using 49CFR, look at UN1500, Sodium nitrite, 5.1, III. It has a column 7 special provision A29 which forbids 4H1 plastic boxes using inner plastic bags to be transported by aircraft. However, ICAO TI permits the 4H1 plastic box with an inner plastic bag to be transported even on passenger aircraft.

My question is, do the HMT column 7 variations still apply for a shipment under ICAO?

Sincerely,

Mark Smith
Hazardous Materials Instructor
Northern Air Cargo
907-249-5186