



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

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

JAN 08 2015

Mr. Israel Villarelo
Logistic Services Manager
PPG- Comex
Autopista Mexico-Queretaro Km. 33.5 No. 104, Lote 2, Col. Lecheria
Tulitlan, Estado de Mexico, Mexico 54940

Reference No. 14-0231

Dear Mr. Villarelo:

This is in response to your November 24, 2014 letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). All answers provided below assume transportation is by highway only. Transport requirements for other modes may vary. Your questions are paraphrased and answered as follows:

Q1. Does § 173.150(b) mean that any amount of Class 3 limited quantity products can be transported as non-hazardous products? Are there any limits?

A1. Class 3 materials offered under the limited quantity exceptions provided in § 173.150 are not non-hazardous products. If a consignment is under the quantity thresholds provided in § 173.150 and is appropriately offered as a limited quantity such a shipment is eligible for exceptions from various HMR requirements (e.g. specification packaging, labeling, placarding, and shipping papers). Any HMR requirements not specifically excepted are still required to be complied with (e.g. training requirements and general packaging requirements).

Q2. Do drivers who transport hazardous materials offered as limited quantities require any type of hazardous materials transportation license or permit?

A2. In accordance with the Federal Motor Carrier Safety Administration (FMCSA) regulations, drivers of vehicles transporting hazardous materials that are required to be placarded in accordance with Subpart F of Part 172 of the HMR must have a commercial driver's license (CDL) with a hazardous materials endorsement (See 49 CFR Part 383). Thus, a hazardous materials endorsement is not required for a driver of a transport vehicle which contains only limited quantities.

Q3. Do shipments made in accordance with § 173.150(b) need to have the total weight of limited quantity products shown on a bill of lading.

A3. No. As mentioned in A1. above, limited quantity shipments are excepted from the shipping paper requirements of the HMR. This exception includes the requirement to provide the total quantity of hazardous materials covered by a basic description.

Q4. Does the weight of limited quantity packages need to be counted when determining the aggregate gross weight of hazardous materials covered by table 2 of § 172.504?

A4. No. Section 172.500(b)(3) states that the requirements of subpart F do not apply to hazardous materials authorized by this subchapter to be offered for transportation as a limited quantity when identified as such on a shipping paper in accordance with §172.203(b) or when marked as such in accordance with §172.315. Assuming your packages are properly marked with the marking required by § 172.315 these limited quantity packages are not required to be considered when determining if one can qualify for the exception for less than 454 kg (1,001 pounds) found in § 172.504(c).

Q5. If 2,000 pounds of Class 3, UN 1263 PG II or III limited quantity materials are transported on a semi-trailer, does the trailer need to be placarded?

A5. No. See A4. Appropriately marked shipments of limited quantities are excepted from the placarding requirements of the HMR.

Q6. If 39, 000 pounds of Class 3, UN 1263 PG II or III limited quantity materials are transported on a semi-trailer, does the trailer need to be placarded?

A6. No. See A4. Appropriately marked shipments of limited quantities are excepted from the placarding requirements of the HMR.

Q7. Does a shipment containing more than 2,000 pounds of Class 3, UN 1263, PG II or III limited quantity materials require the driver to carry hazardous materials transportation permits or a hazardous materials driver's license?

A7. For the purposes of this answer it is assumed you are asking about a hazardous materials endorsement to a CDL. In which case the answer is no. See A2. If the load does not require placarding, no hazardous materials endorsement to their CDL would be required.

Q8. If a shipment contains 20,000 pounds of Class 3, UN 1263, PG II or III material in 1 gallon and 1 quart containers offered as a limited quantity and 15,000 pounds of the same product in 5 gallon pails, what is the total hazardous weight to be written on the shipping documents hazardous weight field?

A8. The HMR does not require a "total hazardous weight" for a transport vehicle. This appears to be a user generated field on your shipping paper. Section 172.202(a)(5) requires that a total quantity of hazardous materials covered by a basic description. As mentioned throughout this response limited quantity shipments are excepted from shipping paper requirements. There is no requirement for you to indicate the presence of limited quantity packages on shipping papers or to provide a total quantity for these limited quantity packages. As your shipment contains 15,000 pounds of materials not authorized to be

offered as a limited quantity; you would be required to indicate this amount in association with the appropriate basic description(s).

Q9. Using the scenario above; should I write 15,000 pounds on the "Hazardous Weight Subtotal" field and 20,000 pounds in the "Exempt Paint" field?

A9. Again both of these fields are not fields required under the HMR.

Q10. If a shipment contains 38,000 pounds of Class 3, UN 1263, PG II or III materials in 1 gallon and 1 quart containers being offered as limited quantities and 1,000 pounds of the same product in 5 gallon pails, is a hazardous materials bill of lading required?

A10. The HMR references shipping papers, not bills of lading. In the scenario you provide the 1,000 pounds of UN 1263 in 5 gallon pails is not authorized to be offered as a limited quantity and would need to be declared on a shipping paper.

Q11. If a shipment contains 40,000 pounds of Class 3, UN 1263, PG II or III in 1 gallon and 1 quart containers being offered as a limited quantity and 500 pounds of the same product in 5 gallon pails, is a hazardous bill of lading required?

A11. Yes, for the non-limited quantity portion of the load a shipping paper is required. See A10.

Q12. In accordance with § 172.202(a)(6)(vii) do I need to show the total net quantity of hazardous materials in limited quantities on my bill of lading?

A12. Paragraph (a)(6)(vii) is only applicable to shipments made by aircraft. As your shipments appear to be offered for surface transportation, the requirements of this paragraph do not apply.

Q13. Case lots of products in 1 gallon containers are 4 cans per box. Case lots of products in 1 quart containers are 6 cans per box. Stores can order single pieces; in order to do this the box is opened. Is this practice allowed by PHMSA regulations? Or should the whole box be shipped?

A13. As long as a package does not exceed the maximum gross weight allowed by the applicable limited quantity section (30 kg or 66 pounds for § 173.150), and complies with the general packaging provisions found in subpart B of part 173, any combination of an authorized limited quantity may be offered in one package.

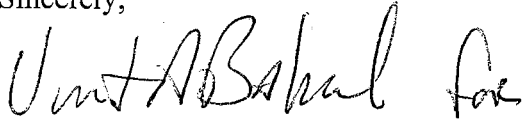
Q14. The Mexican Transportation Department is developing a new regulation that requires all carriers to segregate hazardous materials from non-hazardous materials into two separate shipments. Does this regulation apply in the USA as well? Do hazardous materials need to be shipped in a separate trailer?

A14. There is no general prohibition from placing hazardous and non-hazardous materials in the same transport vehicle. There are segregation requirements found in § 177.848 which outline situations between various classes of hazardous materials. Additionally, there are

various prohibitions and exceptions for Division 2.3 (poisonous gas) and Division 6.1 (poisonous) materials packed in the same motor vehicle with material marked or known to be foodstuffs, feed, or edible material intended for consumption by humans or animals.

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" followed by a flourish.

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



Webb
172.504
Limited Quantity
14-0231

PPG - Comex

Autopista México - Queretaro Km. 33.5, No.
104, Lote 2, Col. Lechería, Tultitlán, Estado de
México, MÉXICO, 54940

U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration
Office of Hazardous Materials Standards
Attn: PHH-10
East Building
1200 New Jersey Avenue, SE.
Washington, DC 20590-0001

To whom it may correspond:

I am the fleet manager of Grupo Comex, a PPG Industries company in Mexico. PPG-Comex is a company that manufactures and distributes waterborne paint, solvent-based coatings and other paint related materials in Mexico and to other countries, such as the USA.

The majority of our products are non-hazardous; however, we do transport a few hazardous products. 95% of these hazardous products are Class 3, UN 1263, PG II and III. 60 – 70% of our hazardous products are filled in small containers, 1-gallon cans and smaller.

The purpose of this letter is to request clarification on some points of Hazardous Materials Transport Regulation 49 CFR sections 172 and 173.

Q1, 2 & 3: Limited Quantity Exceptions

Per §173.150 (b), limited quantities of Class 3 flammable liquids are excepted from labeling requirements, shipping papers and placarding.

49 CFR § 173.150 Exceptions for Class 3 (flammable and combustible liquids)

(b) Limited quantities. Limited quantities of flammable liquids (Class 3) and combustible liquids are excepted from labeling requirements, unless the material is offered for transportation or transported by aircraft, and are excepted from the specification packaging requirements of this subchapter when packaged in combination packagings according to this paragraph. For transportation by aircraft, the package must also conform to applicable requirements of §173.27 of this part (e.g., authorized materials, inner packaging quantity limits and closure securement) and only hazardous material authorized aboard passenger-carrying aircraft may be transported as a limited quantity. A limited quantity package that conforms to the provisions of this section is not subject to the shipping paper requirements of subpart C of part 172 of this subchapter, unless the material meets the definition of a hazardous substance, hazardous waste, marine pollutant, or is offered for transportation and transported by aircraft or vessel, and is eligible for the exceptions provided in §173.156 of this part. In addition, shipments of limited quantities are not subject to subpart F (Placarding) of part 172 of this subchapter. Each package must conform to the packaging requirements of subpart B of this part and may not exceed 30 kg (66 pounds) gross weight.

- 1) Does the paragraph above mean that any amount of Class 3 Limited Quantity products can be transported as non-hazardous products? Is there any limit?
- 2) Does the paragraph above mean that the semi-driver does not require any type of hazardous materials transportation license or permit?
- 3) Does the paragraph above mean that the total weight of Limited Quantity products does not need to be shown on the Haz Mat Bill of Lading?



Q4: Limited Quantity Shipment Gross Weight Calculation

Per 49 CFR §172.504 (c), when a semi-trailer contains less than 454 kg (1,001 pounds) aggregate gross weight of "hazardous materials" no placard is required. Is "Limited Quantity" products weight accounted into that 1,001 pounds limit?

Example:

2,000 pounds of Class 3, UN 1263, PG II in quart and single gallon containers (less than 5 liters) are transported in a semi-trailer. How much is the "Hazardous Materials" gross weight? Is it 2,000 pounds or zero pounds?

49 CFR §172.504

(c) Exception for less than 454 kg (1,001 pounds). Except for bulk packagings and hazardous materials subject to § 172.505, when hazardous materials covered by table 2 of this section are transported by highway or rail, placards are not required on—

- (1) A transport vehicle or freight container which contains less than 454 kg (1001 pounds) aggregate gross weight of hazardous materials covered by table 2 of paragraph (e) of this section; or*
- (2) A rail car loaded with transport vehicles or freight containers, none of which is required to be placarded.*

The exceptions provided in paragraph (c) of this section do not prohibit the display of placards in the manner prescribed in this subpart, if not otherwise prohibited (see § 172.502), on transport vehicles or freight containers which are not required to be placarded.

Q5 & 6: Placarding

If 2,000 pounds (> 1,001 pounds) of Class 3, UN 1263, PG II or III (Limited Quantity) materials are transported on a semi-trailer, **does the trailer need to be placarded?**

If 39,000 pounds (a full trailer box) of Class 3, UN 1263, PG II or III (Limited Quantity) materials are transported on a semi-trailer, **does the trailer need to be placarded?**

Q7: Hazardous Materials Transportation Permits and Driver's License Endorsement

If the shipment contains 2,000+ pounds (> 1,001 pounds) of Class 3, UN 1263, PG II or III (Limited Quantity) materials, **does the driver need to carry hazardous materials transportations permits or a hazardous materials driver's license?**

Q8 & 9: Shipping Papers

If a shipment contains 20,000 pounds (> 1,001 pounds) of Class 3, UN 1263, PG II / III materials in 1-gallon and 1-quart containers (Limited Quantity) and 15,000 pounds of the same product in 5-gallon pails, **what is the total Hazardous weight to be written on the shipping documents (Bill of Lading) Hazardous Weight field? Is it 15,000 lb?**

Should I write 15,000 pounds on the "Hazardous Weight Subtotal" field and 20,000 lb in the "Exempt Paint" field?



PCS.	PKG.	HM	DESCRIPTION, ETC.	QUANTITY PAGE	WEIGHT (lbs)
	CTN		UN 1263, Paint, 3, PG II	128	0
	Pails		UN 1263, Paint, 3, PG II	128	0
	CTN		UN 1263, Paint Related Material, 3, PG II	128	0
	Pails		UN 1263, Paint Related Material, 3, PG II	128	0
	DRUM		UN 1263, Paint Related Material, 3, PG II	128	0
	CTN		UN 1987, Alcohol, n.o.s., 3, PG II	127	0
	Pails		UN 1987, Alcohol, n.o.s., 3, PG II	127	0
	CTN		UN 1090, Acetone, 3, PG II	127	0
	Pails		UN 1090, Acetone, 3, PG II	127	0
	CTN		UN 1193, Methyl Ethyl Ketone, 3, PG II	127	0
	Pails		UN 1193, Methyl Ethyl Ketone, 3, PG II	127	0
	CTN		UN 1268, Petroleum Distillates, n.o.s., 3, PG II	128	0
	Pails		UN 1268, Petroleum Distillates, n.o.s., 3, PG II	128	0
	CTN		UN 1294, Toluene, 3, PG II	130	0
	Pails		UN 1294, Toluene, 3, PG II	130	0
	CTN		UN 1299, Turpentine, 3, PG III	128	0
	Pails		UN 1299, Turpentine, 3, PG III	128	0
	CTN		UN 1307, Xylenes, 3, PG II	130	0
	Pails		UN 1307, Xylenes, 3, PG II	130	0
	CTN		UN 1789, Hydrochloric Acid, 8, PG II	131	0
				HAZARDOUS WEIGHT SUBTOTAL	0
	CTN		Exempt Paint		
	PAILS		Exempt Paint		
	CTN		Exempt Paint and Sundries		
	DRUM		Exempt Paint and Sundries		
	TOTE		Exempt Paint and Sundries		
	PALLETS		Exempt Paint and Sundries		
TOTAL PIECES				TOTAL SHIPMENT WEIGHT	

C. O. D. Shipment	
C.O.D. Amount	
\$ 0.00	
<small>Subject to section 7 of conditions of applicable bill of lading. If this is to be delivered to the consignee without recourse on the consignor. The carrier shall not make delivery of this shipment without payment.</small>	
<small>If charges are to be prepaid, write or stamp here. "To Be Prepaid"</small>	
To Be Prepaid	
SEAL NUMBER	
<small>EMERGENCY CONTACT:</small> CHEMTREC 1-800-424-0300 <small>24 HOURS A DAY</small>	
HAZARDOUS WEIGHT	
0	
<small>Protect from Freezing</small> <input type="checkbox"/> YES	

Q10: Shipping Papers

If a shipment contains 38,000 pounds of Class 3, UN 1263, PG II / III materials in 1-gallon and 1-quart containers (Limited Quantity) and 1,000 (<1,001 lb) pounds of the same product in 5-gallon pails, is a Hazardous Materials Bill of Lading required?

Q11: Shipping Papers

If a shipment contains 40,000 pounds of Class 3, UN 1263, PG II / III materials in 1-gallon and 1-quart containers (Limited Quantity) and 500 pounds of the same product in 5-gallon pails, is a Hazardous Materials Bill of Lading required? Per 49 CFR §172.504 (c) and §173.150 (b) it does not need shipping papers, is that correct?

Q12: Shipping Papers

§172.202 (6) (vii)

(vii) For hazardous materials in limited quantities, the total net quantity per package must be shown unless a gross mass is indicated in Column 4 of §173.27 Table 3, in which case the total gross mass per package must be shown. Where different hazardous materials in limited quantities are packed together in the same outer packaging, when a gross mass is indicated Column 4 of §173.27 Table 3, the net quantity of each hazardous material must be shown in addition to the gross mass of the completed package.

Does the paragraph above mean that the total net quantity of hazardous materials in limited quantities must be shown on the Haz Mat Bill of Lading? In which section of the BOL do I need to write it down?

Do I need to put the hazardous materials in Limited Quantities total net weight and quantities in the "Hazardous Weight Subtotal"? Do I need to put it in the "Exempt Paint" rows?



Pails	UN 1268, Petroleum Distillates, n.c.s., 3, PG II	128	0	no. to be prepaid To Be Prepaid SEAL NUMBER EMERGENCY CONTACT: CHEMTREC 1-800-424-9300 Acct # 070A 00041223 HAZARDOUS WEIGHT: 0 Protect from Freezing yes
CTN	UN 1294, Toluene, 3, PG II	130	0	
Pails	UN 1294, Toluene, 3, PG II	130	0	
CTN	UN 1299, Turpentine, 3, PG III	128	0	
Pails	UN 1299, Turpentine, 3, PG III	128	0	
CTN	UN 1307, Xylenes, 3, PG II	130	0	
Pails	UN 1307, Xylenes, 3, PG II	130	0	
CTN	UN 1789, Hydrochloric Acid, 8, PG II	130	0	
		HAZARDOUS WEIGHT SUBTOTAL	0	
CTN	Exempt Paint			
PAISLS	Exempt Paint			
CTN	Exempt Paint and Sundries			
DRUM	Exempt Paint and Sundries			
TOTE	Exempt Paint and Sundries			
PALLETS	Exempt Paint and Sundries			
TOTAL PIECES		TOTAL SHIPMENT WEIGHT		0

Q13: Single Pieces Shipping

The case lot of products in 1-gallon containers is 4 cans per box. The case lot of products in 1-quart containers is 6 cans per box. Stores can order single pieces; in order to do that, the box is opened. Is this practice allowed by the DOT regulations? Or, should the whole box be shipped?

Q14: Segregation

The Mexican Transportation Department (Secretaria de Comunicaciones y Transportes) is developing a new regulation that requires all carriers to segregate hazardous materials from non-hazardous materials into two separate shipments. Does this regulation apply in the USA as well? Do hazardous materials need to be shipped in a separate trailer?

I am in Mexico city. If possible, would you send the response by e-mail to the following address?
ivillarello@comex.com.mx

Best regards,

Israel Villarello
 Logistic Services Manager
 Grupo Comex