



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

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

MAR 29 2016

Michael Strong
Senior Regulatory Affairs Specialist
Wacker Chemical Corporation
3301 Sutton Road
Adrian, MI 49221

Ref. No.: 15-0217

Dear Mr. Strong:

This is a response to your October 30, 2015 letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the authorization and conditions for the use of international standards and regulations. In your letter, you state that your colleagues in Germany have asked you to request clarification from the Pipeline and Hazardous Materials Safety Administration (PHMSA) regarding the legal definition of the entity considered to be “the person importing” when products are shipped to the U.S. from Germany. Your questions are paraphrased and answered as follows:

- Q1. What does “each person importing” mean in accordance with § 171.22(f)(1)?
- A1. In the context of § 171.22(f)(1), each person importing means an individual, corporation, company, association, firm, partnership, society, or joint stock company that imports a hazardous material into the United States. In accordance with § 171.22(f)(1), except for shipments into the United States from Canada conforming to § 171.12, each person importing a hazardous material into the United States must provide the forwarding agent at the place of entry into the United States timely and complete written information as to the requirements of this subchapter applicable to the particular shipment.
- Q2. Which methods of providing the written information that is required by § 171.22(f)(1) are allowable – e.g. whether a Safety Data Sheet would be sufficient with data about Reportable Quantity and corresponding limits or inhalation hazard zone?
- A2. The HMR does not require specific wording or methods to be used to meet the requirement in § 171.22(f)(1); only that each person importing a hazardous material into the United States must provide the forwarding agent at the place of entry into the United States timely and complete written information as to the requirements of this subchapter applicable to the particular shipment. The format chosen to

accomplish this must include the applicable additional conditions or requirements imposed.

Q3. Are there other special requirements for which additional data are necessary – e.g. special permits for certain containers?

A3. The complete written information should include all information necessary to ensure compliance with the requirements of the HMR including, where appropriate, an indication of any applicable special permits.

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

Sincerely,

A handwritten signature in cursive script that reads "T. Glenn Foster". The signature is written in black ink and is positioned above the typed name.

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

Goodall, Shante CTR (PHMSA)

Nickels
171.22
Authorization & Requirement
15-0217

From: Geller, Shelby CTR (PHMSA)
Sent: Monday, November 02, 2015 2:54 PM
To: Hazmat Interps
Subject: FW: Request for Interpretation -- from Wacker Chemie AG (Our Parent Company) FW: We need legal certainty regarding who is considered the person importing

Importance: High
Sensitivity: Confidential

Dear Shante and Alice,

Forwarded is a request for a formal letter of interpretation.

Thanks,
Shelby

From: Strong, Mike [<mailto:Mike.Strong@wacker.com>]
Sent: Friday, October 30, 2015 5:12 PM
To: PHMSA HM InfoCenter
Subject: Request for Interpretation -- from Wacker Chemie AG (Our Parent Company) FW: We need legal certainty regarding who is considered the person importing
Importance: High
Sensitivity: Confidential

Dear PHMSA,

Our colleagues in Germany have asked us to request some clarification regarding the legal definition of the entity considered to be the "**person importing**", when products are shipped to the US from Germany.

Please request an agency interpretation from US-DOT PHMSA clarifying

- the "**each person importing**" acc. §171.22 (f) (1)
- which methods of providing the written information are allowable -- e.g. whether a SDS would be sufficient with data about RQ and corresponding limit or inhalation hazard zone
- whether there are other special requirements for which additional data are necessary -- e.g. special permits for certain containers

Thanks & Best regards,
Mike Strong

WACKER CHEMICAL CORPORATION PROPRIETARY INFORMATION

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Senior Regulatory Affairs Specialist

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