



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

DEC 22 2016

Mr. Tony Celo
Product Stewardship Specialist
Fuchs Lubricants Co.
17050 Lathrop Avenue
Harvey, IL 60426

Reference No. 16-0140

Dear Mr. Celo:

This letter is in response to your August 24, 2016, email and subsequent phone conversation requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to combustible liquids. Specifically, you ask whether a non-bulk package reclassified as a combustible liquid may display the identification number and proper shipping name marking when transported domestically in accordance with § 173.150(f). You further explain the package is classified as a flammable liquid when transported internationally.

Section 173.150(f) specifies that a flammable liquid with a flash point at or above 100 °F and below 140 °F may be reclassified as a combustible liquid except when transported by vessel or aircraft. Combustible liquids in non-bulk packages are excepted from the requirements of the HMR (including marking and labeling) unless they meet the definition in § 171.8 for a “hazardous waste” or “hazardous substance.”

Although it is not in violation of the HMR to display relevant markings or labels even when not required, please note this may create confusion in the enforcement or emergency response community. Such confusion may result in issuance of a ticket or frustration of your shipment. To avoid this confusion, we suggest one of the following options:

1. Remove, obliterate, or securely cover the identification number and proper shipping name; or
2. Leave the marking in place and provide an indication on the package or bill of lading that the material is not regulated for ground transportation in the United States.

I hope this information is helpful. Please contact us if we can be of further assistance.

Sincerely,

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

Goodall, Shante CTR (PHMSA)

*Helman
173.150(f)
Combustible Liquids
16-0140*

From: Rivera, Jordan CTR (PHMSA)
Sent: Wednesday, August 24, 2016 4:21 PM
To: Hazmat Interps
Subject: FW: 49 CFR 173.150(f) flammable/combustible liquid exception

Hi Shante/Alice,

Please submit this as a letter of interpretation. Mr. Celso spoke with Jodi and Isaac.

Please let me know if you have any questions.

Thanks,
Jordan

From: Tony Celso [<mailto:tclo@fuchsus.com>]
Sent: Wednesday, August 24, 2016 2:32 PM
To: INFOCNTR (PHMSA)
Subject: 49 CFR 173.150(f) flammable/combustible liquid exception

Hello,

We are requesting a letter of interpretation regarding the flammable/combustible liquid exception for liquids with a flashpoint above 100°F. Under 49 CFR 173.150(f), flammable liquids can be treated as not regulated when shipped in non-bulk containers (< 119 gallons) via ground transport. Product that we ship with this exception indicate that they are non-hazardous. As part of our GHS label we have the UN/NA 1993 shipping description if it applies to a flammable liquid. Our transporters have gotten confused when they saw the UN/NA 1993 shipping description on our products even if they fall under the exception. We would like to keep the UN/NA 1993 shipping description on our products because we are not sure what our customer will do with the product. If the customer moves the flammable liquid out of the country it no longer falls under the exception and needs to be identified as a dangerous good. Our system that generates our GHS labels automatically puts the UN/NA 1993 shipping description on our labels and removing the phrase would be a burdensome. Our hazardous material transporters, such as UPS and FedEx, have stopped our shipments because they are confused by the UN/NA 1993 shipping description on products that fall under the exception. We would like some guidance on this topic. Can we have the UN/NA 1993 shipping description on our non-hazardous products under the 49 CFR 173.150(f) combustible liquid exemption? If it is okay, we could provide the letter of interpretation to our transporters to clarify that we are in compliance with DOT under the exception.

Regards,

Tony Celso
Product Stewardship Specialist

Fuchs Lubricants Co.
17050 Lathrop Avenue
Harvey, IL 60426
Office: 708-225-6859
tclo@fuchsus.com
www.fuchsus.com

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the sender, name, identity and to delete this e-mail and any attachment from your system. Any unauthorized copying, disclosure or distribution of the material in this e-mail is strictly forbidden and may cause liability.

Please be advised my email address has changed to:

tcelo@fuchsus.com.

Please make sure you change it in your address books.

Thank You.

Tony Celso

FUCHS Lubricants Co.

