



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

DEC 15 2016

Ms. Caron Anderson
Tower Products, Inc.
2703 Freemansburg Ave
Easton, PA 18045

Reference No. 16-0149

Dear Ms. Anderson:

This letter is in response to your September 1, 2016, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the shipment of non-bulk combustible materials. You include in your letter a product label that shows the United Nations (UN) Number on the package and a shipping paper that references the product being a combustible liquid. Specifically, you ask if the label and shipping paper presented in your letter are permissible while still taking the exception in § 173.150(f).

The answer is yes. A person shipping a product excepted under the HMR's combustible liquid provisions may still mark the package so long as it is representative of the material or product being shipped. In your case, a material classified as a combustible liquid in a non-bulk packaging that is not a hazardous substance, hazardous waste, or a marine pollutant is excepted from the HMR (§ 173.150(f)(2)). Notwithstanding this exception, the shipper may still mark the package in accordance with Part 172, Subpart D and reference on the shipping paper that the material is a combustible liquid.

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

Andrews
§ 172.202
Shipping Papers
16-0149

Dodd, Alice (PHMSA)

From: Rivera, Jordan CTR (PHMSA)
Sent: Thursday, September 01, 2016 1:32 PM
To: Hazmat Interps
Subject: FW: Request For Letter of Interpretation on Shipping Information (Designation) Shown on Product Labels Affixed to Containers
Attachments: 09-01-2016.pdf

Hi Shante/Alice,

Please submit this as a letter of interpretation. Ms. Anderson spoke with Jodi.

Please let me know if you have any questions.

Thanks,
Jordan

From: Caron Anderson [<mailto:caron@towerproducts.com>]
Sent: Thursday, September 01, 2016 11:37 AM
To: INFOCNTR (PHMSA)
Cc: 'Mike Barilone'
Subject: Request For Letter of Interpretation on Shipping Information (Designation) Shown on Product Labels Affixed to Containers

We have products which have flashpoints between 100 and 141 F which do not meet the definition of any other hazard classification and which we classify as Non-Regulated Combustible Liquids when shipped by ground domestically in non-bulk containers (less than 119 gallons).

Attached is an example of our bill of lading for a 55 gallon drum of our Tech Wash IF and how we have it on the BOL for a ground shipment in the USA.

A sample of our product label is also attached which has the Non Regulated information for ground domestic shipments and also the export information in case the drum should also get exported outside the 48 contiguous states.

When I called your 800 HMR line, I was given a verbal opinion on this label and the corresponding shipping paper, but it was suggested that I request a written interpretation as to whether or not the label is acceptable.

Thank you for addressing our question.

Caron Anderson
Tower Products, Inc.
2703 Freemansburg Ave
Easton, PA 18045
610-991-5014

TOWER PRODUCTS, INC.
2703 Freemansburg Ave, Easton, PA 18045

STRAIGHT BILL OF LADING
ORIGINAL - NOT NEGOTIABLE

Page 1 of 1

31908
08/04/16
PREPAID

ER
7
DATE

PU TIME

SHIPPER

TOWER PRODUCTS, INC.
P.O. BOX 3070
2703 FREEMANSBURG AVE.
EASTON, PA. 18045

CONSIGNEE

IMPERIAL PACKAGING
1 CAMPBELL STREET

PAWTUCKET RI 02860

BILL TO OR REMIT TO

TOWER PRODUCTS, INC.
P.O. BOX 3070
2703 FREEMANSBURG AVE.
EASTON, PA. 18045

ISSUING OFFICE OR AGENT

GENERAL COMMENTS

PO#: PAT83

NMFC 48580 Sub 3
For Chemical Spill Emergency Call Chemtrec 1-800-424-9300
Tower Products, Inc.

PIECES	IN	HM	DESCRIPTION	WEIGHT/LBS.	RATE	CHARGES	CLASS
1	PLT		Said to contain: 1 Drum CLEANING LIQUID. (NON-REGULATED COMBUSTIBLE) TECH WASH IMPROVED FORMUL	417		* SAMPLE BILL OF LADING	55
			2 Cases CLEANING LIQUID. NOT REGULATED. !!!FREEZABLE!!! PREMIUM OTF PLATE CLEANER	58			55
			Total Weight	475			

REMIT COD
TO

COD AMT: \$

COD FEE

PREPAID ☐ \$

COLLECT ☐

TOTAL
CHARGES \$

FREIGHT CHARGES ARE PRI
UNLESS MARKED COLLECT

CHECK BOX IF COLLECT

ADDRESS

NOTE - Where the rate is dependent on value, shippers are required to state specifically in writing the agreed or declared value of the property.
The agreed or declared value of the property is hereby specifically stated by the shipper to be not exceeding.

\$ per

Subject to Section 7 of conditions, if this shipment is to be delivered to the consignee without recourse on the consignor, the consignor shall sign the following statement:
The carrier shall not make delivery of this shipment without payment of freight and all other lawful charges.

(Signature of Consignor)

RECEIVED, subject to the National Motor Freight Classification, the ATA Hazardous Material Rules Tariff (ATA 111 Series) the Household Goods Mileage Guide (HHGB 105 Series), the carrier's tariffs, pricing schedules, terms, conditions and rules in effect on the date of issuance of this bill of lading, which will be provided to the shipper upon request, the property described above in apparent good order, except as noted (contents and conditions of contents of packages unknown), marked, consigned, and destined as indicated above which said carrier (the word carrier being understood throughout this contract as meaning any person or corporation in possession of the property under the contract) agrees to carry to its usual place of delivery at said destination, if on its route, otherwise to deliver to another carrier on the route to said destination. It is mutually agreed as to each carrier of all or any of said property, overall or any portion of said route to destination and as to each party at any time interested in all or any of said property, that every service to be performed hereunder shall be subject to all the bill of lading terms and conditions in the governing classification on the date of shipment. Carrier shall in no event be liable for loss of profit, income, interest, attorney fees, or any special, incidental or consequential damages. Shipper hereby certifies that he is familiar with all the terms and conditions in the bill of lading, governing tariffs, pricing schedules, rules and classifications; and the said terms and conditions are hereby agreed to by the shipper and accepted for himself and his assigns.

This is to certify that the above named materials are properly classified, described, packaged, marked and labeled and are in proper condition for transportation, according to the applicable regulations Department of Transportation.

SHIPPER

TOWER PRODUCTS, INC.

CARRIER

PER

PER

DATE

* Mark with an "X" or "RQ" if appropriate to designate Hazardous Materials or Hazardous Substances as defined in the Department of Transportation Regulations governing the transportation of hazardous materials. The use of this column is an optional method for identifying hazardous materials on the bills of lading per Section 172.201(a)(1)(II) of Title 49, Code of Federal Regulations. Also, when hazardous materials, the shipper's certification statement prescribed in Section 172.204(a) of the Federal Regulations must be indicated on the bill of lading, unless a specific exception from this requirement is provided in the Regulations for a particular material.

TOWER

TECH WASH - IF™

ONE-STEP WATER MISCIBLE ROLLER & BLANKET WASH

DIRECTIONS: (Rollers) Apply full strength or mix with up to 30% water across the top of the roller. Allow to run down the roller train for a few minutes and engage wash-up blade. Reapply if necessary until fluid runs clear into the wash-up tray. (Blankets) Apply full strength or premixed with up to 30% water with a saturated cloth on the blanket. (Automatic Units) Can be used in all units. Test on plates before using. For use only as a roller and blanket wash. **Before using, read the SDS for more detailed regulatory and hazard information. SDS available by phone or internet - see below.**

HANDLING AND SPILL CONTROL PROCEDURES: Open bung slowly to allow air to escape. Avoid breathing vapors. Impervious or chemical resistant gloves, clothing and eye protection recommended. **For Spills:** Absorb material with ground clay or similar absorbent material, then place material into approved containers for removal. **Do not reuse this container.**

D.O.T. DESIGNATION: Cleaning Liquid (Non-Regulated Combustible) ←

UN1993

U.N. DESIGNATION: **UN1993**, Flammable Liquids, N.O.S. (Contains Naphtha, Solvent), 3, PGIII

CONTAINS: Mineral Spirits CAS# 8052-41-3, Aromatic Hydrocarbon CAS# 64742-95-6, and Nonylphenol Polyethylene Glycol Ether CAS# 127087-87-0

PHOTOCHEMICALLY REACTIVE • VOC = 6.78 Lb/Gal (812 Gm/L)

HEALTH-2 FLAMMABILITY -2 REACTIVITY -0 PERSONAL PROTECTION - B

FOR CHEMICAL SPILL EMERGENCY CALL CHEMTREC 800-424-9300

Tower Products, Inc. • PO Box 3070 • Palmer, PA 18043 • Toll Free: 800-527-8626
www.towerproducts.com

WARRANTY

This product contains high quality raw materials, and is manufactured under strict standards to insure the highest quality. However, the user must determine the suitability of this product for its intended use. Neither the seller nor the manufacturer shall be liable for any loss, injury, or damage whatsoever arising out of the use or the inability to use this product. The only obligation of the seller and manufacturer if this product shall prove to be defective shall be to replace it with like quantity. No warranty, express or implied is made regarding the suitability of this product. This can only be waived by an officer of the corporation in writing.

GHS Classification



DANGER!

Hazard Statement(s)

H226: Flammable Liquid & Vapor.

H304: May Be Fatal If Swallowed And Enters Airways.

H335: May Cause Respiratory Irritation.

H336: May Cause Drowsiness Or Dizziness.

H315: Causes Skin Irritation.

H319: Causes Serious Eye Irritation.

Precautionary Statement(s)

P210: Keep Away From Heat/Sparks/Open Flames/Hot Surfaces And Other Ignition Sources. No Smoking.

P261: Avoid Breathing Fume/Mist/Vapors/Dust/Gas/Spray.

P264: Wash Skin Thoroughly After Handling.

P280: Wear Protective Gloves/Protective Clothing/Eye Protection/Face Protection.

P370+P378: In Case Of Fire: Use Dry Chemical Or Carbon Dioxide To Extinguish.

P301+P310+P331: IF SWALLOWED: Immediately Call A POISON CENTER Or Doctor. Do Not Induce Vomiting.

P303+P361+P353: IF ON SKIN (Or Hair): Take Off Immediately All Contaminated Clothing. Rinse Skin With Water (Or Shower).

P304+P340: IF INHALED: Remove Person To Fresh Air And Keep Comfortable For Breathing.

P305+P351+P338: IF IN EYES: Rinse Cautiously With Water For Several Minutes. Remove Contact Lenses, If Present And Easy To Do. Continue Rinsing.

P403+P233+P405: Store In A Well-Ventilated Place. Keep Container Tightly Closed. Store Locked Up.

P501: Dispose Of Contents/Container In Accordance With Local/Regional/National Regulations.

BATCH NO.

Updated 06/16

SAMPLE OF LABEL