



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

JAN 12 2016

Mr. Richard J. Lloyd
31 Bastian Lane
Allentown, PA 18104

Reference No. 16-0092

Dear Mr. Lloyd:

This letter is in response to your May 23, 2016, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the shipping paper requirements for marine pollutants. Specifically, you ask whether a limited quantity shipment containing a marine pollutant that is packaged in accordance with §§ 173.150 through 173.155 requires a shipping paper when transported by highway.

The answer is no. The shipping paper requirements prescribed in §§ 173.150 through 173.155 are only applicable to a limited quantity shipment subject to the HMR as a marine pollutant. Section 171.4 excepts non-bulk packages from the marine pollutant requirements of the HMR when transported by motor vehicle, rail car, or aircraft. Further, as prescribed in § 172.200(b)(3), a limited quantity shipment is not subject to the shipping paper requirements of the HMR when transported by highway or rail. Consequently, a limited quantity shipment not subject to the HMR as a marine pollutant is not required to be accompanied by a shipping paper when transported by highway.

Thank you for bringing this matter to our attention. We agree the shipping paper applicability requirements for marine pollutants in the limited quantity provisions prescribed in §§ 173.150 through 173.155 can be misleading. To that end, we intend to clarify these requirements in a future rulemaking.

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

Stevens
§171.4, 172, 200
Marine Pollutant
16-0092

Dodd, Alice (PHMSA)

From: Rivera, Jordan CTR (PHMSA)
Sent: Tuesday, May 24, 2016 11:13 AM
To: Hazmat Interps
Subject: FW: Interpretation

Hi Shante/Alice,

Please submit this for a letter of interpretation. Mr. Lloyd spoke with Michelle and Chris in the Info Center.

Please let me know if you have any questions.

Thanks,
Jordan

From: Richard Lloyd [<mailto:dickchar@rcn.com>]
Sent: Monday, May 23, 2016 8:00 PM
To: INFOCNTR (PHMSA)
Subject: Interpretation

Dear Sir:

Please advise whether a domestic limited quantity highway shipment of a marine pollutant in a non-bulk packaging requires a shipping paper. For purpose of this interpretation request, the marine pollutant is not a hazardous substance, hazardous waste, and does not meet the definition of any other hazard class.

49 CFR 171.4 (c) (1) states that the DOT regulations do not apply to marine pollutants shipments in non-bulk packagings transported by motor vehicle. However the limited quantity provisions in 49 CFR 173.150 thru 173.155 confirm, in each of those limited quantity regulations, that a shipping papers are not required unless the material meets the definition of a marine pollutant. (There are other materials and modes requiring a shipping paper but this interpretation request does not involve those instances.) 171.4 excepts marine pollutants from DOT requirements but the limited quantity exceptions in Part 173 requiré a DOT shipping paper.

Also, 49 CFR 172.200 (b) (3) states the shipping paper regulations do not apply to any material, other than a marine pollutant (other materials are also mentioned) that is in a limited quantity package (unless the material is offered for transportation by aircraft or vessel).

I will appreciate if you will let me know that a shipping paper is not required for a domestic limited quantity highway shipment of a marine pollutant in a non-bulk packaging based on the scenario mentioned in the first paragraph.

Thank you,

Richard J. Lloyd
31 Bastian Lane
Allentown, PA 18104

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