



U.S. Department of Transportation
**Pipeline and Hazardous Materials
Safety Administration**

1200 New Jersey Ave, S.E.
Washington, D.C. 20590

JUN 15 2009

Mr. Vitaly Volfson
Rohm and Haas Chemicals
100 Independence Mall West
Philadelphia, PA 19106

Ref. No. 09-0035

Dear Mr. Volfson:

This responds to your February 17, 2009 email requesting clarification of the use of the International Maritime Dangerous Goods (IMDG) Code for transportation of hazardous materials under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you request clarification of the use of IMDG Code marks and labels for intermediate bulk containers (IBCs) imported to or exported from the United States.

In a follow-up telephone conversation with a member of my staff, you stated that the IBCs contain liquid hazardous materials and are consolidated in freight containers for vessel shipment. You also stated that the transport documents for shipment of these IBCs indicate that they are either shipped directly to a customer facility or shipped to a warehouse to be separated and sent to various facilities. Your questions are paraphrased and answered as follows:

Q1. For import into the United States by vessel, upon arrival at a port, may an IBC prepared for shipment and transported in accordance with the IMDG Code continue to be transported to its destination with IMDG Code marks and labels?

A1. Yes, subject to conformance with the IMDG Code and the conditions and limitations of Part 171, Subpart C. Note that, for example, § 171.23 lists requirements for specific materials and packages transported in accordance with international standards, including the IMDG Code. If this section indicates that a package must be marked or labeled in a manner that differs from requirements in the IMDG Code, the marks or labels must be applied before the IBC is transported within the United States.

Q2. For IBCs delivered to a customer facility and emptied, how should shipments of the empty IBC containing only the residue of a hazardous material be handled? Must the customer facility transport the IBC in accordance with the HMR?

A2. As authorized by § 171.22, a hazardous material may be offered for transport and transported to, from, and within the United States by vessel, and by motor carrier and rail prior to or subsequent to transport by vessel, in accordance with the IMDG Code provided all or part of the movement is by vessel. Thus, an IBC imported by vessel and delivered to a customer facility under the IMDG Code as authorized by § 171.22, emptied, and then

prepared for shipment, may continue to be offered for transportation in accordance with the IMDG Code (including marking and labeling) provided all or part of the movement is by vessel. This applies to both domestic only shipments and international shipments.

Q3. If the imported IBC is first delivered to a warehouse prior to being shipped to a customer facility, may the IBC continue to be transported with IMDG Code marks and labels?

A3. If an IBC is delivered to a warehouse used for temporary storage (i.e., storage incidental to movement as defined by § 171.8) as part of the original shipment and then transported to its final destination, it may continue to be transported with the IMDG Code marks and labels subject to the conditions and limitations of Part 171, Subpart C. If the warehouse is the final destination of the original import shipment, as indicated by the transport document, then any subsequent shipment of the IBC from the warehouse must be transported in accordance with the HMR, including applicable marking and labeling requirements. However, as authorized by § 171.22, the subsequent shipment of the IBC to a customer facility may be transported under the IMDG Code provided all or part of the movement is by vessel and subject to the conditions and limitations of Part 171, Subpart C.

Q4. For export from the United States, may an IBC prepared for shipment and transported in accordance with the IMDG Code be transported with IMDG Code marks and labels for the segment of transportation prior to the port of departure?

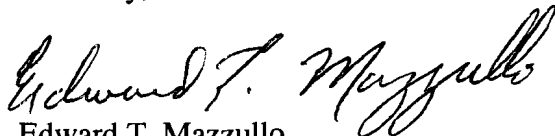
A4. Yes, the same requirements apply for export shipment of the IBC as indicated for import shipment in A1.

Q5. For shipments made under the IMDG Code, must the transport vehicle containing an IBC display the UN identification number that is displayed on the IBC?

A5. Unless required by the IMDG Code under 5.3.2.1.1, the transport vehicle is not required to display the UN identification number. When display is not required by the IMDG Code and if the identification number marking on the IBC is not visible from the transport vehicle, we recommend that you display the identification number as required by § 173.331(c) of the HMR in order to facilitate the highway or rail transport segment of the shipment.

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

Sincerely,



Edward T. Mazzullo

Director

Office of Hazardous Materials Standards

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Drakeford, Carolyn <PHMSA>

From: INFOCNTR <PHMSA>
Sent: Tuesday, February 17, 2009 9:56 AM
To: Drakeford, Carolyn <PHMSA>
Subject: FW: Hazmat Information Center Feedback: Hazardous Materials Table, Special Provisions, Hazardous Materials Communications

IMDG
09-0035

Carolyn,
A Request for written letter of interpretation.
Thanks,
Rob

-----Original Message-----

From: PHMSA-Feedback [mailto:PHMSA-Feedback]
Sent: Monday, February 16, 2009 10:55 AM
To: PHMSA HM InfoCenter; PHMSA Webmaster
Subject: Hazmat Information Center Feedback: Hazardous Materials Table, Special Provisions, Hazardous Materials Communications

To Whom It May Concern,

I am requesting clarification on the use of International Regulations for shipments of hazardous materials that are either imported into or exported out of the United States. My understanding of 49CFR 171.22 is that as long as all or part of the shipment is transported by vessel under the IMDG regulations or by air under the ICAO regulations, the shipment may be transported within USA under the terms of the IMDG and ICAO, with certain restrictions.

My specific questions relates to the global transportation of hazmat in Intermediate Bulk Containers (IBC). Under Chapter 5.2 of IMDG regulations, an IBC containing hazmat must be properly: 1) Marked with the proper shipping name including the proper UN number on two opposing sides of a container, and 2) Labeled with primary and subsidiary (when required) hazard labels near the proper shipping name on two opposing sides for IBC. Under 49 CFR 172.302, and IBC must be marked with proper Identification number displayed on an Orange Panel, a placard, or a white square on point configuration as described in 172.332 and 172.336. In addition the IBC must be either placarded as provided in 172.514 or alternatively labeled with the proper primary and subsidiary hazard labels in accordance with Subpart E of 172.

As evident by the description above there is inconsistency in requirements for IBC marking, placarding, and labeling between IMDG and DOT regulations. Most notably, IMDG requires proper shipping name on a package, DOT does not. DOT requires the package to display UN number on an orange panel or a placard, IMDG does not. Both IMDG and DOT permit labels on IBC's, however DOT requires the proper display of the UN number in addition. This inconsistency impedes global flow of hazmat and creates confusion.

Q1. An IBC is prepared for transportation under terms of IMDG regulations and imported into US. Upon arrival at the port of entry, may the IBC be transported within US to it's destination without first bringing the marking/labeling to compliance with 49CFR requirements? If yes, how would shipments of empty containers containing only the residue of hazmat be handled? If the full containers are received by a facility under IMDG provisions, would the shipping location be required to bring the IBC's to compliance with 49CFR for shipments of residue?

Q2. If the imported shipment is first delivered to a warehouse prior to being shipped to the customers, may the warehouse continue to offer IBC shipments marked and labeled under IMDG requirements or would the IBC's have to be brought to compliance with 49 CFR marking/labeling requirements?

Q3. An IBC is prepared for transportation under IMDG regulations for export from US. May an IBC be transported over highways to the port of departure under the terms of IMDG marking/labeling provisions instead of 49CFR requirements? Would the outside of the transport vehicle be required to display the proper UN number if the IBC's are marked under the IMDG provisions?

Your assistance in resolving this inconsistency is greatly appreciated.

Thank You

Name: Vitaly Volfson
Organization: Rohm and Haas Chemicals
Email: Vvolfson@rohmmaas.com
Phone: 215-592-6947