

U.S. Department of Transportation

Pipeline and Hazardous Materials Safety Administration

Capt. Bruce Bugg Georgia Department of Public Safety Motor Carrier Compliance Division P.O. Box 1456 Atlanta, GA 30371

Ref. No. 09-0166

Dear Captain Bugg:

This responds to your e-mail of July 16, 2009, that requests we compare our response made to a January 9, 2007 letter (Ref. No. 06-0271) with the response we made in response to a similar inquiry presented to this Office in a September 8, 2000 letter (Ref. No. 00-0256) regarding the shipping paper and placarding requirements for materials poisonous by inhalation under the HMR (49 CFR; Parts 171-180). Specifically, the inquires pertained to whether the shipping paper requirements of § 172.203(m) and the subsequent placarding requirements of § 172.505 apply to the description "Hydrogen fluoride, anhydrous, UN1052."

Because anhydrous hydrogen fluoride meets the definition of a material poisonous by inhalation (PIH) in § 171.8, shipments of "Hydrogen fluoride, anhydrous, UN1052" must conform to specific shipping paper, package marking, and placarding regulations applicable to PIH materials. Thus, the shipping paper must include the words "Poison – Inhalation Hazard, Zone C" immediately following the shipping description prescribed in § 172.203(m). Further, the package must be marked "Inhalation Hazard" in accordance with § 172.313(a). Additionally, the transport vehicle or freight container must be placarded with a POISON INHALATION HAZARD placard in addition to any other required placards prescribed in § 172.505(a).

We apologize for the contradictory response in this matter. The original September 8, 2000 letter (Ref. No. 00-0256) regarding this matter is correct and remains valid. The specific hazard zone to which a material is assigned and its physical state are not relevant to whether the requirements of §§ 172.203(m) and 172.505(a) apply. Our January 9, 2007 letter (Ref. No. 06-0271) on this matter will be amended accordingly as soon as possible.

I trust this addresses your concerns satisfactorily. Please contact us if we can be of further assistance.

Sincerely,

Hattie L. Mitchell Chief, Regulatory Review and Reinvention Office of Hazardous Materials Standards

AUG 1 8 2009

1200 New Jersey Ave., SE Washington, DC 20590

Drakeford, Carolyn (PHMSA)

From: INFOCNTR (PHMSA)

Sent: Thursday, July 16, 2009 1:35 PM

To: Drakeford, Carolyn (PHMSA)

Subject: FW: Request for Written Clarification

From: Capt. Bruce Bugg [mailto:obbugg@gsp.net]
Sent: Thursday, July 16, 2009 1:08 PM
To: INFOCNTR (PHMSA)
Cc: Thomas Fuller'; 'R. C. Powell'; Capt. Bruce Bugg
Subject: Request for Written Clarification

Please compare the responses regarding Hydrogen Fluoride, Anhydrous in letter 00-0256 and Question 4 in letter 06-0271. I believe they conflict with each other.

I request a new written clarification in this matter.

Excerpt from 00-0256 <u>http://www.phmsa.dot.gov/staticfiles/PHMSA/DownloadableFiles/Files/Interpretation</u> <u>Files/2000/000256.pdf</u>:

This responds to your letter, dated September 8, 2000, concerning regulatory requirements for transporting hydrogen fluoride, anhydrous. Specifically, you ask about labeling and placarding requirements under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180).

Your understanding of the HMR requirements for hydrogen fluoride, anhydrous, is correct. Because it meets the definition of a material poisonous by inhalation (PIH) in § 171.8, shipments of hydrogen fluoride, anhydrous, must conform to specific shipping paper, package marking, and placarding regulations applicable to PIH materials. Thus, the shipping paper must include the words "Poison - Inhalation Hazard, Zone C" immediately following the shipping description (§ 172.203(m)(3)). Further, the package must be marked "Inhalation Hazard" (§ 172.313(a)). In addition, the transport vehicle or freight container must be placarded with a POISON INHALATION HAZARD placard in addition to any other required placards (§ 172.505(a)).

Excerpt from 06-0271 <u>http://www.phmsa.dot.gov/staticfiles/PHMSA/DownloadableFiles/Files/Interpretation</u> Files/2006/060271.pdf:

Q4. The HMT specifies that Hydrogen fluoride, anhydrous, UN 1052, PG I, is classified as a corrosive with a toxic subsidiary hazard. The special provisions provide that the material is poisonous by inhalation in Hazard Zone C. Does this material meet the requirements for description under § 172.203(m)? If not, is the material therefore subject to § 172.505?

A4. In spite of the hazard class to which a material is assigned, for materials that are poisonous by inhalation (see § 173.132 and 173.133), the words "Poison-Inhalation Hazard' or "Toxic Inhalation Hazard" and the words "Zone A", "Zone B", "Zone C", or "Zone D" for gases, or "Zone A" or "Zone B" for liquids, as appropriate, shall be entered on the shipping paper immediately following the shipping description. In this case, if the material in question is a liquid and "Zone C", then it is not subject to § 172.203(m); and therefore not subject to § 172.505. However, in this case if the material in question is a gas and "Zone C", then it would be subject to § 172.20(m) and § 172.505.

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