



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

1200 New Jersey Ave. SE
Washington, D.C. 20590

FEB 2 2010

Mr. Frits Wybenga
Technical Director
1100 H Street, N.W., Suite 740
Washington, DC 20005

Ref. No. 10-0005

Dear Mr. Wybenga:

This responds to your January 12, 2010 email regarding marking of portable tanks under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask, when shipping in accordance with the International Maritime Dangerous Goods (IMDG) Code as authorized by the HMR, whether the technical name of a hazardous material must be marked as part of the proper shipping name on a portable tank.

In your email, you state that our interpretation of the marking requirements for cargo transport units (bulk type packagings) under the IMDG Code (Ref. No. 04-0039; April 6, 2004) differs from an interpretation provided by the United States Coast Guard (USCG) (16703/IMDG/2007-027; February 27, 2007). Your understanding is that the interpretation provided by the USCG is correct in that the technical name marking requirement in Special Provision 274 is not applicable to a cargo transport unit (e.g., a portable tank) under Chapter 3.3 of the IMDG Code. You request that we clarify which letter provides the correct interpretation of the IMDG Code marking requirements.

Your understanding is correct. After consultation with the USCG, we concluded that the interpretation provided in the USCG letter is the correct interpretation. For those proper shipping names assigned Special Provision 274 in the Dangerous Goods List of the IMDG Code, the requirement to supplement the proper shipping name marking with a technical name applies only to packages. For purposes of the IMDG Code, a portable tank is a cargo transport unit, not a package, and thus, it is not subject to the supplemental marking requirement in Special Provision 274. We will retract our April 6, 2004 letter to avoid any additional confusion.

I hope this information is helpful. If you have further questions, please contact this office.

Sincerely,

Charles E. Betts
Chief, Standards Development
Office of Hazardous Materials Standards

Der kinderen
 §172.326
 §171.12.6)
 Marking
 10-0005

Drakeford, Carolyn (PHMSA)

From: Mitchell, Hattie (PHMSA)
Sent: Tuesday, January 12, 2010 5:44 PM
To: Drakeford, Carolyn (PHMSA)
Subject: FW: Reminder: Marking of technical names on portable tanks
Attachments: 040039.pdf; 2007 HPS - USCG -Marking of portable tanks.pdf; DSC 13-3-10[1].pdf

Please log in for handling.

From: Frits Wybenga [mailto:fwybenga@dgac.org]
Sent: Tuesday, January 12, 2010 5:36 PM
To: Kelley, Shane (PHMSA); Mitchell, Hattie (PHMSA)
Subject: FW: Reminder: Marking of technical names on portable tanks

Shane, Hattie – the two interp letters are at odds. One says you need the technical name as part of the PSN on portable tanks under IMDG while the other says you do not. Based on the DSC discussion at DSC 13 on the Netherlands paper above, DSC concluded that the technical name was not required. Below is an excerpt from DSC 13:

Marking of the proper shipping name on tank transport units containing dangerous goods

3.15 The Sub-Committee, having considered the outcome of the group's discussion regarding the marking of the proper shipping name on tank transport units containing dangerous goods and the related document DSC 13/3/10 (Netherlands), agreed that for marine pollutants the correct technical name need not be shown on tanks.

3.16 The Sub-Committee further agreed that, in view of the above decision, an amendment to MARPOL Annex III would be necessary and, as such, prepared a justification for a new work programme item, set out in annex 3.

So the USCG is correct and the PHMSA interp is wrong. This is causing confusion among DGAC members. Would be good if you all straightened out the confusion created by Mr. Gale's erroneous response. Note also that contrary to John's letter PSN's are not required on cargo tanks.

Frits



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

APR - 6 2004

400 Seventh St., S.W.
Washington, D.C. 20590

Mr. Ronald J. Stokes
ExxonMobil Chemical Company
Intermediates, Synthetics Product Stewardship
P.O. Box 3140
Edison, New Jersey 08818

Ref. No. 04-0039

Dear Mr. Stokes:

This responds to your March 1, 2004 letter, requesting clarification on marking requirements for bulk packagings under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if the technical name is required as part of the marking on bulk packagings, such as portable tanks in intermodal movement from highway or rail to vessel.

Sections 172.326, 172.328, and 172.330 generally require bulk packagings, such as portable tanks, cargo tanks and tank cars, to be marked with the shipping name or appropriate common name, and UN identification number. The HMR do not require the technical name to be marked on bulk packagings. However, if you choose to do so, it is permissible.

The International Maritime Dangerous Goods (IMDG) Code Special Provision 274 states that, "for the purposes of documentation and package marking, the proper shipping name shall be supplemented with the technical name" (see 3.1.2.8.1). Therefore, for those materials that are required to comply with Special Provision 274 in Column 6 of the IMDG Dangerous Goods List, you must include the technical name when marking the proper shipping name on bulk packagings. Use of the IMDG Code for transportation through the United States when part of the movement of the hazardous material is by vessel is authorized under § 171.12(b).

I hope this answers your inquiry.

Sincerely,

John A. Gale
Chief, Standards Development
Office of Hazardous Materials Standards



040039

§ 171.12 (b)
§ 172.302

ExxonMobil Chemical Company
Intermediates, Synthetics Product Stewardship
P.O. Box 3140
Edison, New Jersey 08818
732 321 6033 Telephone
732 321 6057 Facsimile

Boothe
§ 171.12
§ 172.302
Marking

ExxonMobil
Chemical *07-0039*

March 1, 2004

U.S. Department of Transportation
Research and Special Programs Administration
Attn: Office of Hazardous Materials Standards
DHM-10
400 7th Street, SW
Washington, DC 20590-0001

Dear Sir or Madam:

Question.

Is the technical name required as part of the marking on bulk packagings?

Comments

After review of the marking requirements at §172.302, §172.326(a) for Portable tanks, §172.328 & special provision B85 for cargo tanks, and §172.330 for rail tank cars, I find no requirement for marking the technical name on bulk packaging.

Is that an accurate understanding of the marking requirements?

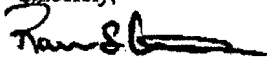
I also take note in a letter of interpretation dated April 16, 1996 where the technical name was shown in conjunction with a question concerning marking of a portable tank, but the application of the technical name was not specifically addressed in that response.

Please note this question has come up most often regarding portable tanks in intermodal movement (highway to water or rail to water). In these movements the technical name has been applied, as part of the marking, pursuant to the allowance and requirement in §171.12(b) and special provision 274 of the IMDG Code respectfully.

I may be reached at the address shown above or by telephone at (732) 321-6046 or by email at ron.j.stokes@exxonmobil.com

Thanking you in advance for your help in this matter.

Sincerely,



Ronald J. Stokes