



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

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

JAN 5 2011

Mr. Charles Schreier
North American Logistics Manager
Cytec Industries, Inc.
Five Garret Mountain Plaza
Woodland Park, NJ 07424

Ref. No.: 10-0249

Dear Mr. Schreier:

This is in response to your November 10, 2010 letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to international shipments of a hazardous material when the international regulations differ from the HMR. You explain that the material is classed as NA1993, Combustible liquid, n.o.s. in the HMR, but is classed as UN3082, Environmentally Hazardous Substance, liquid, n.o.s. in the International Maritime Dangerous Goods (IMDG) Code, and in both regulations the material is considered a marine pollutant. Specifically, you ask if the material must be shipped as NA1993, Combustible liquid, n.o.s., Marine Pollutant, from the U.S. point of origin to the destination overseas.

The HMR allows import and export shipments of hazardous materials to be transported in accordance with the IMDG Code in the United States (§ 171.25). Under § 171.22(c), a material designated as a hazardous material under the HMR, which is not subject to the requirements of the IMDG Code may not be transported under the IMDG Code within the United States.

A material that is a marine pollutant, that does not meet any other hazard class definition, and has a flashpoint between 141° F and 200° F is classed as Class 9 under the IMDG Code and a Combustible liquid under the HMR. Such material is regulated under the IMDG Code and therefore may be transported under the provision of § 171.22(b) as a Class 9 material.

I hope this answers your inquiry. If you need additional assistance, please contact this Office.

Sincerely,

Ben Supko
Acting Chief, Standards Development Branch
Standards and Rulemaking Division



Winter
§171.22
Applicability
10-0248

CYTEC INDUSTRIES INC.
Five Garret Mountain Plaza
Woodland Park, N.J. 07424
Tel: (973) 357-3100

November 10, 2010

Mr. Edward T. Mazzullo
Director, Office of Hazardous Materials Standards
U.S. DOT/PHMSA (PHH-10)
1200 New Jersey Avenue, SE East Building, 2nd Floor
Washington, DC 20590

Dear Mr. Mazzullo:

We are requesting clarification regarding the application of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171 - 180) pertaining to the export of materials in bulk packagings classified as NA1993 combustible liquids which are also Marine Pollutants aboard vessel from the United States.

Section 171.22 (c) requires us to mark, label, and describe the materials as NA1993 Combustible liquid, n.o.s., Marine Pollutant. THE IMDG Code does not regulate Combustible Liquids and thus the product would be shipped as UN3082 Environmentally Hazardous Substance, liquid, n.o.s., Marine Pollutant according to that code.

When our shipments are marked, labeled and described according to 49 CFR 171.22 (c) they are often stopped at the port by the freight forwarder or ocean shipping line who then state that as the shipment does not comply with the IMDG Code it cannot proceed unless it is relabeled and documented to comply only with the IMDG Code as UN 3082 Environmentally Hazardous Substance, liquid, n.o.s., Marine Pollutant.

We have been in contact with PHMSAs Hazardous Materials Information Center who has stated, as we believe that the shipment must be marked, labeled, and described as NA1993 Combustible liquid, n.o.s., Marine Pollutant.

It appears the US regulations clearly dictate how to proceed if the material we are shipping is regulated by either domestic or international regulations, but we do not find clear guidance what to do when a material is classified by both and the two classifications are not in alignment.

We request clarification of the requirements for shipment of these materials from the point of origin to the port and then from the port to their destination outside the US when transported by vessel. Are we correct in our interpretation that they must be shipped as NA1993 Combustible liquid, n.o.s., Marine Pollutant from the US point of origin to the destination overseas?

Sincerely,

Charlie Schreier

E-mail - Charlie.schreier@cytec.com

North America Logistics Manager

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