



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

APR 27 2001

Mr. Donald Hodder
Crompton Corporation
Benson Road
Middlebury, CT 06749

Ref. No. 01-0084

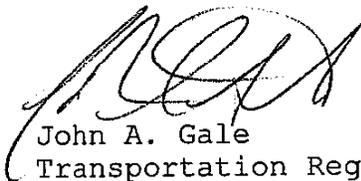
Dear Mr. Hodder:

This is in response to your letter dated March 29, 2001, requesting clarification on the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) to the transport of a combustible liquid. Specifically, you ask if a combustible liquid that also meets the definition of a marine pollutant is excepted from the HMR under § 173.150(f)(2) when transported by highway, rail, or aircraft in a non-bulk packaging.

The answer is yes. Section 173.150(f)(2) specifies that the HMR do not apply to a combustible liquid in a non-bulk packaging unless the combustible liquid is a hazardous substance, a hazardous waste or a marine pollutant. The requirements specific to marine pollutants do not apply to a non-bulk packaging transported by motor vehicle, rail car or aircraft (§ 171.4(c)). Therefore, a combustible liquid that is not a hazardous substance or a hazardous waste but is a marine pollutant as defined in § 171.8, is not subject to the HMR when transported in a non-bulk packaging by motor vehicle, rail car, or aircraft.

I hope this satisfies your request.

Sincerely,



John A. Gale
Transportation Regulations Specialist
Office of Hazardous Materials Standards



01-0084

171.4



March 29, 2001

Crompton Corporation
Benson Road
Middlebury, CT 06749
(203) 573-3702

Mr. Edward Mazullo, Director
U.S. Department of Transportation
Hazardous Materials Standards
400 Seventh Street, S.W.
Washington, DC 20590

BAH
§171.4
Clarification / Marine
Pollutant
01-0084

Subject: Clarification of the 49CFR DOT Regulations

Dear Mr. Mazullo:

I am confused about sections of the regulations regarding Combustible Liquids and Marine Pollutants.

§171.4 (c) Marine Pollutants reads as follows:

Exceptions. Except when transported aboard vessel, the requirements of this subchapter specific to marine pollutants do not apply to non-bulk packagings transported by motor vehicles, rail cars or aircraft.

§173.150 (f)(2) Combustible liquid reads as follows:

The requirements in this subchapter do not apply to a material classed as a combustible liquid in a non-bulk packaging unless the combustible liquid is a hazardous substance, hazardous waste, or a marine pollutant.

My concern regarding the interpretation of the regulations brings up the following question.

Why would a combustible liquid in a non-bulk packaging be regulated if it is a marine pollutant **IF** a marine pollutant is **NOT** regulated if it is in a non-bulk packaging?

Please review this question and advise your response to the above "letter head" address. If you need to contact me I can be reached at 203-573-3702. Your assistance in this matter is greatly appreciated.

Sincerely;

Donald Hodder
Hazmat Compliance Manager