



U.S. Department
of Transportation
**Research and
Special Programs
Administration**
AUG 7 2003

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

Mr. Cliff Bartley
Manager Hazardous Materials/Maintenance
Horizon Lines
Blount Island
5800-1 William Mills Street
Jacksonville, FL 32226

Ref No.: 03-0147

Dear Mr. Bartley:

This responds to your June 16, 2003 letter and subsequent conversation with Mr. Darral Relerford regarding use of the International Maritime Dangerous Goods (IMDG) Code for domestic transportation under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you asked if the HMR allow hazardous materials to be shipped in accordance with the IMDG Code if all or part of the transportation is by vessel.

The answer is yes. Section 171.12(b) states that a material that is packaged, marked, classed, labeled, placarded, described, stowed and segregated, and certified in accordance with the IMDG Code, may be offered and accepted for transportation and transported within the United States if all or part of the transportation is by vessel. The conditions and limitations listed in paragraphs (b)(1) - (20) apply to such transportation.

Note that when a material is listed in the IMDG Code but is not regulated under the HMR, the material may be transported in the United States when described, marked and labeled in accordance with the IMDG Code. A material subject to the HMR that is not subject to the requirements of the IMDG Code or a material or package that is forbidden according to § 173.21 or Column 3 of § 172.101 Table may not be transported under § 171.12 (b).

I hope this information is helpful. Please contact us if you require additional assistance

Sincerely,

Susan Gorsky
Senior Transportation Regulations Specialist
Office of Hazardous Materials Standards



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Monday, June 16, 2003

Mr. Ed Mazzullo
Director Office of Hazardous Material
Hazardous Materials Standards
USDOT / RSPA / DHM10
400 7th Street S.W.
Washington, DC 20590

Reletford
§176.27(c)
Vessel
03-0147

Re: 49CFR176.27(c) – Container Packing Certificate

Dear Mr. Mazzullo,

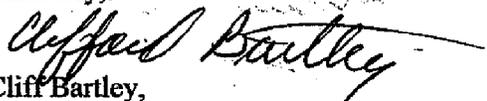
As an ocean containerized cargo carrier, we are required to receive a "Container Packing Certificate" from persons responsible for packing or loading a vehicle containing a hazardous material for transportation by a manned vessel in ocean or coastwise service. The regulations require the certification for a "transport unit or freight container". I have read the definitions of the equipments types in 49CFR171.8 and was not sure that the equipment type included cargo tanks. The requirements for Container Packing Certificates for cargo tanks are also a different standard that that required in the international regulations.

I have noticed also in section 5.4.5 of Amendment 30 and Amendment 31 of the IMDG that there is a note that the Container Packing Certificate is not required for cargo tanks. ✓

Please advise as to the weather the requirements in 49CFR176.27(c) cover ISO intermodal cargo tanks. It is evident that the list of items in the CPC does not all fit the standard handling practices for cargo tank loading and this point may not be in harmony with the IMDG.

Thank you for taking the time to review this matter.

Sincerely,


Cliff Bartley,
Manager Hazardous Materials/ Maintenance