



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

NOV 21 2005

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

Mr. Cliff Bartley
Horizon Lines
Blount Island
5800-1 William Mills Street
Jacksonville, Florida 32226

Ref. No. 05-0275

Dear Mr. Bartley:

This is in response to your October 24, 2005 letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask for clarification of § 176.400(c), which requires Division 1.5 and Class 5 (oxidizers and organic peroxides) materials to be stowed in a separate compartment or hold from any readily combustible material during transportation by vessel. You ask if that section applies to materials transported in a closed transport unit (CTU), as break-bulk cargo, or both.

The stowage restriction in § 176.400(c) applies to any Division 1.5 or Class 5 material, regardless of whether it is transported inside a CTU or as break-bulk cargo. Thus, under the HMR, any Division 1.5 or Class 5 material transported by vessel must be stowed in a separate compartment or cargo hold from any readily combustible material. You are correct that paragraph 7.1.11.1 of the International Maritime Dangerous Goods Code (IMDG Code) includes an exception from this stowage restriction for Division 5.1 materials in CTUs. Note, however, that in accordance with paragraph 7.1.11.4, precautions must be taken to avoid the penetration of oxidizing substances into other cargo spaces, bilges, or other areas that may contain combustible material. It is the opinion of this Office and the United States Coast Guard that the exception in paragraph 7.1.11.1 of the IMDG Code would apply to Division 5.1 materials in a CTU stowed in the same compartment or cargo hold as combustible materials in a CTU; however, under the IMDG Code Division 5.1 materials, whether in a CTU or transported as break-bulk cargo, may not be stowed in the same compartment or cargo hold with break-bulk



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176-83 (F)
176-400

combustible material. Further, Division 1.5 materials are generally required to be stowed in a separate compartment or hold from other cargo that is readily combustible in accordance with paragraph 7.1.7.4.1.1.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'John A. Gale', written in a cursive style.

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

October 24, 2005

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

Eichenlaub
§176.83(f)
§176.400
Vessel
05-0275

Re: 49CFR176.400(c) Detailed Requirements for class 4, Class 5 and division 1.5 materials

Dear Mr. Mazzullo,

We, Horizon Lines, LLC, are a domestic containerized ocean transportation company. I am seeking understanding on the applicability to container shipments of the statement in 49CFR176.400(c) which states:

“No division 1.5 or class 5 (oxidizers and organic peroxides) material being transported by vessel may be stowed in the same hold or compartment with any readily combustible material such as a combustible, a textile product, or with a finely divided substance, such as a organic powder.”

My question is does this statement apply to containerized shipments?

Container stowage and segregation is generally done in conjunction with the tables of 175.83(b) and 176.83(f) combined with the considerations of the detailed stowage requirements. In the case of a class 5 and a class 8, the segregation is listed as “Separated from” which allows for a minimum of 20 feet distance between the two incompatible classes but there is no indication that the cargo must be stowed in separate hatches. It seems that the statement in 49CFR176.400(c) was targeted towards break bulk cargo rather than containerized cargo.

The parallel detailed stowage reference in the International Maritime Dangerous Goods Code in section 7.1.11.1 – 4 specifically excludes container shipment from the restriction. Section 7.1.11.1 of the IMDG code states:

“Except for cargo spaces for the stowage of cargo transport units, cargo spaces shall be cleaned before oxidizing substances are loaded into them. Attention shall be paid to the removal of all combustible materials which are not necessary for the stowage of such cargoes.”

In discussing this matter with the U.S. Coast Guard, they seem to agree that this section does not apply to containers.



Please provide guidance on the interpretation of 49CFR176.400(c).

Thank you for your consideration of my question.

Sincerely,

A handwritten signature in black ink that reads 'Cliff Bartley'. The signature is written in a cursive style with a horizontal line through the middle of the letters.

Cliff Bartley,
Manager Hazardous Materials