



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

MAR 23 2006

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

Mr. Scott Fenwick
Laboratory Business Development
Intertek Caleb Brett New Orleans
160 E. James Blvd
Suite 200
St. Rose, LA 70087

Ref. No. 06-0021

Dear Mr. Fenwick:

This is in response to your January 27, 2006 letter requesting clarification on the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) to diesel fuel. You plan to provide your customers with packaging material and packaging closure instructions for return shipments. The package you are providing includes 8 – one ounce (30 mL) French square glass bottles to be filled with diesel fuel. Each of those bottles will be wrapped in absorbent. Four bottles will be placed within a one quart metal can. Up to two cans will be placed within a United Nations certified 4G (fiberboard box). Your questions are paraphrased and answered as follows:

- Q1. May customers offer these packages, containing diesel fuel, for highway transportation?
- A1. The answer is yes. Under § 173.150(f) of the HMR, a flammable liquid with a flashpoint at or above 38°C (100°F) that does not meet the definition of any other hazard class may be reclassified as a combustible liquid. This provision does not apply to transportation by vessel or aircraft, except where other means of transportation is impracticable. A material classed as a combustible liquid (e.g., "diesel fuel") in a non-bulk packaging that is not a hazardous substance, hazardous waste, or marine pollutant is not subject to the HMR.
- Q2. May customers offer these packages, containing diesel fuel, for transportation by air?
- A2. The exception in § 173.150(f) does not apply to transportation by aircraft, except where other means of transportation is impracticable. Your customers may offer these shipments for transportation by aircraft; however, they must be trained in accordance with Part 172, Subpart H, and they must prepare and offer the shipment for transportation in accordance with all applicable requirements of the HMR (e.g., packaging, marking, labeling, shipping papers, emergency response information, etc.). Many air carriers require hazardous materials to be shipped in accordance



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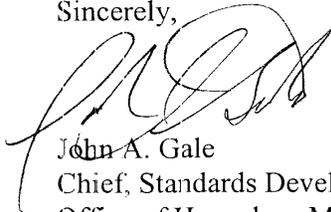
172.101
173.150

with the International Civil Aviation Organization (ICAO) Technical Instructions for the Safe Transport of Dangerous Goods by Air (ICAO Technical Instructions). The HMR authorize the use of the ICAO Technical Instructions for transportation by aircraft. Diesel fuel, with a flash point of 60.5°C (141°F) or less, is regulated as a flammable liquid under the ICAO Technical Instructions.

- Q3. Must the customers be trained in accordance with Part 172, Subpart H to ship diesel fuel?
- A3. Your customers must be trained in accordance with Part 172, Subpart H to ship diesel fuel, unless the shipment satisfies the exception in § 173.150(f) for combustible liquids transported by highway or rail.
- Q4. What are the labeling requirements for transporting diesel fuel?
- A4. A package containing diesel fuel that meets the definition of a flammable liquid must bear the flammable liquid label depicted in § 172.419.
- Q5. What additional requirements may carriers place upon these shipments?
- A5. We provide information and guidance for compliance with the HMR; however, we cannot provide information pertaining to any additional restrictions carriers might place on shipments of hazardous materials. Contact the carrier for further information on its internal policies and procedures for transporting hazardous materials.
- Q6. You also ask if we can provide an example of completed paperwork for transporting a hazardous material.
- A6. A shipping paper must be prepared in accordance with Part 172, Subpart C. The HMR do not specify a format for shipping papers. Provided the shipping paper satisfies the requirements of the HMR, any format may be used. Some of the shipping paper requirements are specific to the type of material and mode of transportation. Therefore, it may be misleading to provide you with an example of a completed shipping paper.

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

Sincerely,



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

Drakeford, Carolyn <PHMSA>

From: Gorsky, Susan <PHMSA>
Sent: Friday, January 27, 2006 3:08 PM
To: Drakeford, Carolyn <PHMSA>
Subject: FW: Shipment of Hazardous Materials in Limited Quantities

Eichenlaub
\$172.101
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Applicability
06-0021

Could you please enter this as an interp please? Thanks.

Susan

From: Scott Fenwick CBW-New Orleans [mailto:scott.fenwick@intertek.com]
Sent: Friday, January 27, 2006 2:15 PM
To: Gorsky, Susan <PHMSA>
Cc: Darryl Jesionowski CBW-Houston Ops; Bruce Carlile CBW-Deer Park
Subject: Shipment of Hazardous Materials in Limited Quantities

Good afternoon, Susan. Thank you for taking the time to help answer our questions.

We are looking to help enable our customers (truck stop operators, convenient store owners, terminal & pipeline managers) to ship limited quantities of diesel fuel back to our network of laboratories. We will be providing them with up to 8 one ounce (30 mL) French square glass bottles to fill with diesel fuel. Each of those bottles will be wrapped in yellow absorbent. Every 4 bottles will be placed within an inner packaging of a round metal 1 quart can. Up to 2 cans will be placed within a Hazmatpac UN4G cardboard box. These boxes will then be returned to our locations.

- According to current 49CFR regulations (173.150 para F-1 & F-2, 171.8), will our clients be able to ship these boxes back to us via "ground" carriers?
- Will they be able to ship the boxes back via "air" (IATA)?
- What, if any, training must they have to do so in either case?
- What labeling, if any, must be on the outer packaging (see attached possible labels)?
- What further restrictions might the carriers place upon these shipments?
- What examples of completed paperwork can you provide?

Thank you again for taking the time to help us with these issues.

Scott Fenwick
Laboratory Business Development
Intertek Caleb Brett
New Orleans

Phone 504-602-2000
Fax 504-471-6111
Cell 504-251-4759

E-mail: Scott.Fenwick@Intertek.com
Web www.intertek.com

www.intertek-cb.com
www.intertek-agri.com

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ULSD (Diesel) Sample Mailer Kits

DANGEROUS GOODS IN EXCEPTED QUANTITIES

This package contains dangerous goods in excepted small quantities and is in all respects in compliance with the applicable international and national government regulations and the IATA Dangerous Goods Regulations.

Signature of Shipper

Title

Date

Name and Address of Shipper

This package contains substance(s) in Class(es)
(check applicable box (es))

Class: 2 3 4 5 6 8 9

and the applicable UN Numbers are:

HAZMATPAC, Inc. • Houston, Texas • 1-800-923-9123 • Made in the U.S.A.
L850-LQ12

NOT RESTRICTED

It is hereby certified that the contents of this consignment, in spite of product name or appearance, are not Dangerous Goods restricted for air transportation according to the applicable International and National Government Regulations.

NOT RESTRICTED

L850-NR HAZMATPAC, Inc. 1.800.923.9123

HOUSTON, TEXAS MADE IN THE U.S.A.