



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

AUG --8 2006

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

Mr. Fred A. Romero
President/Instructor
Dangerous Goods of America
PO Box 520487
Miami, FL 33152

Ref. No.: 06-0144

Dear Mr. Romero:

This is in response to your letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) regarding the transportation by vessel of the following materials:

- Engines, internal combustion, flammable gas powered, "UN3166"
- Engines, internal combustion, flammable liquid powered, "UN3166"
- Vehicle, flammable gas powered, "UN3166"
- Vehicle, flammable liquid powered, "UN3166"

In your letter, you state your clients are experiencing complications and confusion with various steamship lines regarding the shipment of these materials. You further state this confusion stems from the International Maritime Dangerous Goods (IMDG) Code which does not regulate these materials and HMR which do. Specifically, you ask whether a shipper may comply with either the IMDG Code or HMR when shipping the above listed materials by vessel. In addition, you request clarification on the applicable penalties that may be assessed when a shipper fail to abide by the requirements of the HMR.

In accordance with § 171.12(b)(3), a material that is designated as a hazardous material under the HMR, but is not subject to the requirements of the IMDG Code must be transported in accordance with the HMR. Therefore, shipments of materials designated as "UN3166" must be classed and prepared in accordance with the HMR when transported to or from the port area, within the port area, and within the navigable waters of the United States.



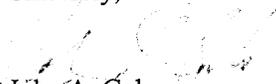
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171.12 (b)(3)
172.101
176.905

In accordance with Part 107, Subpart D of the HMR the maximum civil penalty for a knowing violation of Hazmat Law is \$50,000 or up to \$100,000 for select, severe cases. Criminal penalties may include fines and up to 10 years of imprisonment based on the severity of the crime.

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

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Stupko
§ 171.12(b)(3)
§ 172.101
§ 176.905
Proper Shipping Name
06-0144

June 19, 2006

Director Edward Mazzullo
Office of Hazardous Materials Standards
U.S. DOT/PHMSA
400 Seventh Street, SW
Washington, DC 20590

Dear Chief Mazzullo;

Dangerous Goods of America provides service to approximately 4000 clients annually and they are experiencing complications and confusion with some of the steamship lines regarding their shipments of Engines Internal Combustion and Vehicles Flammable Liquid and Flammable Gas Powered UN 3166.

The confusion comes from the International Maritime Organization's IMDG Code which does not recognize UN 3166. Yet, Title 49 CFR §172.101, 173.202 (a), 3 (ii) and 176.905 (5) requires that UN 3166 not only requires declaring but a warning statement must be placed on the access door(s) of the container.

In order to clarify and end this conflict I kindly request your response in writing so that I may provide copies to those unaware of this rule.

Also, please mention what consequences as indicated in §107.333 may be encountered for a person as defined in §171.8 that fails to abide by the requirements of 49CFR.

Dangerous Goods of America is dedicated to the safe transport of dangerous goods and your prompt response to this requirement is greatly appreciated.

Sincerely,

Fred A Romero -President/Instructor