



U.S. Department
of Transportation

FEB 25 2008

1200 New Jersey Avenue, SE
Washington, D.C. 20590

**Pipeline and Hazardous
Materials Safety
Administration**

Mr. Robin J. Eddy Bolte
Safety and Regulatory Affairs Manager
Allied Universal Corporation
3901 NW 115 Avenue
Miami, FL 33178
Ref. No. 08-0037

Dear Mr. Bolte:

This is in response to your February 7, 2008 letter requesting a clarification of the Hazardous Materials Regulations (HMR; 49 CFR 171-180) applicable to the marking requirements for bulk packagings transporting marine pollutants by highway.

In your letter, you present the following scenario:

An open highway vehicle is transporting multi-unit tank car tanks, each containing 2,000 pounds of chlorine (Chlorine, 2.3, UN1017, Poison –Inhalation Hazard Zone B). Each tank is marked with the proper shipping name, identification number, wording “inhalation hazard,” and the letters “RQ” on two opposing sides. The tanks are also labeled on two opposing ends with the Hazard Division 2.3 and Class 8 labels. The vehicle itself displays the Hazard Division 2.3 placard on all four sides of the vehicle, with the identification number “1017” displayed on each placard. You ask whether a “Marine Pollutant” mark or label is required on two opposing sides of the bulk container when transported by a highway vehicle.

The answer is no. As provided under § 172.322(d)(3), except for transportation by vessel, the “Marine Pollutant” mark is not required on a bulk packaging, freight container or transport vehicle that bears a label or placard specified in Subpart E (Labeling) or Subpart F (Placarding) of Part 172.

You also ask whether the wording “Marine Pollutant” is required on the shipping paper as part of the hazardous material description for the bulk chlorine containers when transported by a highway vehicle.

The answer is yes. As required under § 172.203, the words "Marine Pollutant" must be entered in association with the basic description for a material which is a marine pollutant.

I hope this satisfies your inquiry. If we can be of further assistance, please contact us.

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



Foster
§ 172.322(b)
Marking of Marine Pollutants
08-0037

3901 NW 115 Avenue
Miami, Florida 33178
305-888-2623 office
305-885-4671 fax

February 7, 2008

Mr. Edward Mazullo
Director of Hazardous Materials Standards Development
Office of Hazardous Materials Standards Development
Pipeline and Hazardous Material Safety Administration, PHH-10
US Department of Transportation
1200 New Jersey Avenue SE, East Building Second Floor
Washington, D.C. 20590

VIA FACSIMILE: 202-366-3012

Re: Georgia Citation

Dear Mr. Mazullo:

Upon my return from a leave of absence, I began to review citations we received during my absence. Please find attached a citation I came across issued by the State of Georgia.

Background

Transportation Services Unlimited Inc. is a private transportation company hauling exclusively for Allied Universal Corporation. On the date of September 12, 2007, one of the highway units transporting bulk containers (a multi-unit tank car tank) of Chlorine Gas (Chlorine, 2,3, UN1017, Poison-Inhalation Hazard Zone B) underwent a roadside inspection conducted by the Georgia Department of Motor Vehicles. During the inspection, four violations were found. The citation is enclosed.

We are confused with the violation listed for 49 CFR 172.322(b). Per our reading of the regulations as well as a subsequent phone conversation with your Hazardous Material Information Center, we believe the marine pollutant mark is not required for our chlorine multi-unit tank car tanks under 49 CFR 172.322(d)(3), when transported by highway vehicles.

Question

An open highway vehicle is moving multi-unit tank car tanks containing 2,000 pounds each of chlorine (hazard class 2.3, UN1017). Each tank is marked with the proper shipping name, identification number, wording inhalation hazard and letters RQ on two opposing sides. The tanks are also labeled on two opposing ends with the hazard class 2.3 and 8 label. The vehicle itself displays the hazard class 2.3 placard on all four sides of the vehicle with the identification number 1017 displayed in each placard. Our questions:

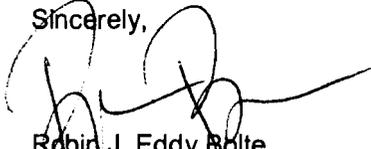
- 1) Is the marine pollutant mark or label required on two opposing sides of the bulk container when transported by a highway vehicle?
- 2) Is the wording marine pollutant required on the shipping paper as part of the hazardous material description for the bulk chlorine containers when transported by a highway vehicle?

Given this matter involves a citation from a State Law Enforcement Officer, your timely written response to our question would be greatly appreciated.

If you should have any questions, please call me at 305-888-2623, extension 183 or RobinE@Allieduniversal.com.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Robin J. Eddy Bolte', with a long horizontal flourish extending to the right.

Robin J. Eddy Bolte
Safety and Regulatory Affairs Manager
Allied Universal Corporation



Georgia Department of Public Safety
 Motor Carrier Safety Assistance Program
 P.O. Box 1456
 Atlanta, GA 30371-1456
 Phone: (404) 624-7211

Inspected 9/13/07

DRIVER/VEHICLE EXAMINATION REPORT
 Report Number: GA0120000516
 Inspection Date: 09/12/2007
 Start Time: 08:39 AM End Time: 10:41 AM
 Insp. Level: 2-Walk-Around, Bulk HM Insp.

TRANSPORTATION SERVICES UNLIMITED INC
 3901 NW 115TH AVE
 MIAMI, FL 33178
 USDOT#: 00781517 Phone#: (305)888-2623
 MC/MX#: 316059 Fax#:
 State#:
 Location: MCBEAN MilePost: 3
 Highway: SR-56 SOUTH Origin: MIAMI, FL
 County: RICHMOND, GA Destination: AUGUSTA, GA

Driver: ALLEN, JACOB
 License#: 481921497 State: GA
 Date of Birth: 06/09/1973
 CoDriver:
 License#: State:
 Date of Birth:
 Shipper: ALLIED UNIVERSAL CORPORATION
 Bill of Lading: 131235
 Cargo: X. HAZ. MATL. (BULK)

VEHICLE IDENTIFICATION

Unit	Type	Make	Year	State	License #	Company #	Vin #	GVWR	CVSA #	OOS#
1	TT	STER	2002	FL	F0203D	2512	2FWJA3BD82AK04605	52,000		
2	ST	TRAN	1999	FL	C9855A	4103	1CD2L2B10XA006488	65,000		

BRAKE ADJUSTMENTS No Brake Measurements Required For Level 2

VIOLATIONS

Section Code	Type	Unit	OOS	Citation #	Verify	Crash	Violations Discovered
396.5(b)	F	1	N		N	N	Oil leak underneath hood compartment.
396.3(a)(1)	F	1	N		N	N	Audible airleak between axle 2 on tractor when service brakes are applied.
179.300-18	F	2	N		N	N	DOT106/110aw stamping of tanks: Specification package marking DOT 106 not displayed on multi-unit tank car tank #3.
172.322(b)	F	2	N		N	N	No marine pollutant marking on shipping paper or bulk packaging.

HazMat: 2.3 Zone B

Placard: Yes **Cargo Tank:** OTH

Special Checks: No Data for Special Checks.

State Information:

Consignee: CORNER CENTRAL HIGHLAND; Commodity Description: UN1017; For Hire?: Yes; Have CDL?: Yes; CDL Required?: Yes; DL Status Ckd? (Required): Yes; Cargo Inspected?: Yes;

NOTE TO DRIVER: This report must be furnished to the motor carrier whose name appears at the top of this report.

Signature Of Repairer X: *[Signature]* Facility: BA Date: 9/13/07

NOTE TO MOTOR CARRIERS: This certification MUST BE SIGNED by a Motor Carrier Official and RETURNED (if violations are shown) WITHIN 15 days to the address on the top of this report. Out-of-service (OOS) defects must be corrected in accordance with the OOS notice, ALL NON-OOS VIOLATIONS MUST BE CORRECTED PRIOR TO THE NEXT DISPATCH.

CERTIFICATION BY CARRIER OFFICIAL: The undersigned certifies knowledge of applicable State and Federal Motor Carrier Safety and Hazardous Material Rules, Regulations, Standards and Orders, and declares all operations will be conducted in compliance with such requirements. The undersigned certifies that all violations noted on this report have been corrected and action taken to assure compliance with the Motor Carrier Safety and Hazardous Material Regulations insofar as they are applicable to motor carriers and drivers. NOTICE: False Statements or Swearings are FELONIES (OCGA 16-10-20).

Signature Of Motor Carrier X: *[Signature]* Title: TSU Date: 9/13/07

Report Prepared By:
 CPL TOMMY GREENE

Badge #:
 319

Copy Received By:
 JACOB ALLEN

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GA0120000516

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