



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

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

APR 24 2014

Ms. Cyndi Fink  
Distribution Safety Manager  
LANXESS Corporation  
111 RIDC Park West Drive  
Pittsburgh, PA 15275

Ref. No. 14-0022

Dear Ms. Fink:

This responds to your January 16, 2014 request for clarification on transporting marine pollutants under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if placards must be removed from containers containing non-bulk packages of marine pollutants transported using the exception in § 171.4.

In accordance with § 171.4, non-bulk packages of marine pollutants being transported by highway, rail, or aircraft are not subject to the HMR. In your incoming letter, you note that a previous interpretation (Ref. No. 01-0288) states "when utilizing the § 171.4 exception markings that were required to be affixed to the packages for transportation by vessel need not be removed or covered for subsequent transportation by other modes." You ask if one is required to remove placards from a shipping container when such a shipping container is transported under the exception provided in § 171.4.

The exception in § 171.4 does not require you to remove the marine pollutant markings by highway, rail, or aircraft.

I hope this answers your inquiry. If you need additional assistance, please call this office at (202) 366-8553.

Sincerely,

Robert Benedict  
Chief, Standards Development Branch  
Standards and Rulemaking Division

Boothe  
§ 171.4(c)  
Marine Pollutants  
14-0022

U.S. DOT  
PHMSA Office of Hazardous Materials Standards  
Attn: PHH-10  
East Building  
1200 New Jersey Avenue, SE.  
Washington, DC 20590-0001

**Subject:** Letter of Interpretation Clarification Request

January 16, 2014

To Whom It May Concern:

As stated in 49CFR 171.4(c), Class 9 Marine Pollutants (as defined in 49CFR171.8) in non-bulk packages are exempted from being regulated for transport within the US. In the letter of interpretation 10-0288 regarding marking and labeling of Class 9 Marine Pollutants, you state that these materials in non-bulk packages are not subject to the requirements of the HMR, and therefore, "they are not subject to the requirements for shipping papers, markings, labels or placards when transported by highway, rail or air."

In addition, this letter of interpretation states that "the markings that were required to be affixed to the packages for transportation by vessel need not be removed or covered for subsequent transportation by other modes."

While this letter of interpretation states that marks and labels on individual packages do not need to be removed or covered, it does not address placards. Is it necessary to remove placards from containers (i.e., an ocean freight container filled with individual non-bulk packages) when being transported as an exempted marine pollutant within the US? Stating the question differently, if placards remain on this container, must it be transported according to the HMR even if the material within the container is exempted by 49CFR171.4(c), or is it acceptable to transport as non-regulated?

I request a letter of interpretation on this matter. Thank you for your assistance.

Sincerely,



Cyndi Fink  
Distribution Safety Manager

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