



U.S. Department
of Transportation

1200 New Jersey Avenue SE
Washington, DC 20590

**Pipeline and Hazardous
Materials Safety
Administration**

AUG 05 2015

Mr. Michael Lesser
CMC
9487 Regency Square Blvd
Jacksonville, Florida 32225

Ref. No. 14-0193

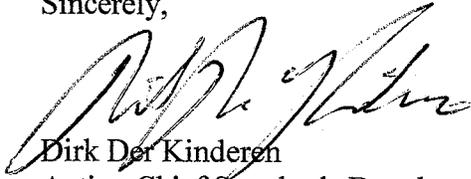
Dear Mr. Lesser:

This is in response to your October 8, 2014 e-mail and a subsequent telephone conversation with a member of my staff requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) relating to the transportation of fumigated cargo transport units by vessel. Specifically, you ask if the HMR or the International Maritime Dangerous Goods (IMDG) Code require a fumigated load not to be loaded on a vessel for 24 hours after fumigation has been started or 24 hours after the fumigant has been removed and the load is not ventilated. In a telephone conversation with a member of my staff, you described a scenario whereby your customer fumigates a load for 72 hours. You requested confirmation that they are required to wait for an additional 24 hours following the completion of the fumigation process until the load may be placed on the vessel.

The 24-hour period applies after the onset (i.e., the start) of the application of a fumigant. Section 176.76(h)(1) of the HMR provides that a fumigated cargo transport unit may not be placed on board a vessel unless at least 24 hours have elapsed since the unit was last fumigated. The meaning of "last fumigated" is when the fumigant was last applied and not when fumigation was completed. This is consistent with 5.5.2.5.4 of the IMDG Code which provides, "a fumigated cargo transport unit shall not be allowed on board until a sufficient period of time has elapsed to attain a reasonable uniform gas concentration throughout the cargo in it. Because of variations due to types and amounts of fumigants and commodities and temperature levels, the period between fumigant application and loading of the fumigated cargo transport unit on board the ship shall be determined by the competent authority. Twenty-four hours is normally sufficient for this purpose."

I trust this information is helpful. If you have further questions, please do not hesitate to contact this office.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dirk Der Kinderen', written in a cursive style.

Dirk Der Kinderen
Acting Chief Standards Development Branch
Standards and Rulemaking Division

Babich
\$176.76(h)(1)
Transport
14-0193

Dodd, Alice (PHMSA)

From: Ciccarone, Michael CTR (PHMSA)
Sent: Thursday, October 09, 2014 9:44 AM
To: Hazmat Interps
Subject: FW: 49CFR 176.76(h)(1) / IMDG Code 5.5.2.5.4
Attachments: Michael Lesser PCM.vcf

Shante and Alice,

Please submit this for a formal letter of interpretation. Mr. Lesser spoke to Shelby Geller in the HMIC.

Thanks,

Mike

From: Lesser, Michael [<mailto:Michael.Lesser@crowley.com>]
Sent: Wednesday, October 08, 2014 4:07 PM
To: PHMSA HM InfoCenter
Subject: 49CFR 176.76(h)(1) / IMDG Code 5.5.2.5.4

IS it the intent of these rules to require a fumigated load to not be loaded (on a vessel) 24 hours after the fumigated catalyst has been started or 24 hours after catalyst has been removed if the load is still in commerce and the load is not ventilated

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Spoke on JAN 8, 2015
72 HRS then 27 HRS.