



U.S. Department of Transportation
Pipeline and Hazardous Materials
Safety Administration

1200 New Jersey Avenue, SE
Washington, DC 20590

MAR 24 2015

Ms. Robin Smith
Principal Environmental Consultant
RMS Interests, LLC
251 Hidden Creek Drive
Dripping Springs, Texas 78620-4668

Reference No. 14-0205

Dear Ms. Smith:

This is in response to your recent letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to transporting pumps and other mechanical equipment contaminated with the residue of process chemicals, gases, and/or byproducts. You state some of these residues meet the definition of a hazardous material under the HMR. Specifically, you ask if hazardous material residue cannot be removed from the equipment (e.g., without the use of special tools or without possibly rendering the equipment unusable) can this residue be considered integral to the equipment when it is offered for transportation in commerce.

The answer is yes. The HMR do not specifically define what is meant by hazardous material residue that is integral to equipment. It is the opinion of this Office that hazardous material residue in components of equipment or machinery may be considered integral if the residue is necessary to the function of the equipment, its removal would cause damage to the equipment, or it performs some other function necessary to the equipment such that it cannot be removed from the equipment while it is in transportation. Please note that the proper shipping names "Dangerous Goods in Machinery" and "Dangerous Goods in Apparatus" are appropriate shipping names for components of machinery or equipment that contain residual hazardous materials. Materials prepared for transportation using these proper shipping names must comply with the requirements specified in § 173.222.

I hope this satisfies your request.

Sincerely,

A handwritten signature in black ink that reads "T. Glenn Foster".

T. Glenn Foster
Chief, Regulatory Review and Reinvention Branch
Standards and Rulemaking Division

Edmonson
\$173.222
Dangerous Goods in a
Machine or Apparatus
14-0205

Dodd, Alice (PHMSA)

From: Ciccarone, Michael CTR (PHMSA)
Sent: Friday, October 24, 2014 4:27 PM
To: Hazmat Interps
Subject: FW: Request for Interpretation of "Integral Element" of Machinery or Apparatus
Attachments: Request for Interpretation - UN3363.pdf

Shante/Alice,

Please submit this for a formal letter of interpretation.

Thanks,

Mike

From: Robin Smith [<mailto:robin@rmsinterests.com>]
Sent: Friday, October 24, 2014 11:20 AM
To: PHMSA HM InfoCenter
Cc: robin@rmsinterests.com
Subject: Request for Interpretation of "Integral Element" of Machinery or Apparatus

Dear Mr. Foster,

RMS Interests, LLC is submitting a request for interpretation on behalf of a client who is seeking to fully comply with the Department of Transportation's Hazardous Materials Regulations (HMR), 49 CFR § 171-180. This company does not have the in-house expertise to clean or repair pumps and other parts used to support its manufacturing processes, and therefore must offer these items for shipment to facilities which provide such services. This equipment contains residues of process chemicals, gases, and byproducts, some of which are regulated by DOT as hazardous materials. In addition, the pumps can weigh as much as 2,000 pounds each, so UN-approved packaging is not always available. Our client wishes to determine the best method to represent the hazards and offer these items for safe transportation.

A search of the Pipeline and Hazardous Materials Safety Administration (PHMSA) letters of interpretation yielded numerous packages characterized as "Dangerous Goods in Machinery or Apparatus" based on hazardous materials which were required for the operation of the machine and therefore were clearly "integral elements" per special provision 136. Letter #08-0146, dated June 25, 2008, appears to broaden the application of this shipping description through the following statement: "Generally, items classified as Dangerous Goods in Apparatus (e.g., fuel pumps and injectors, engines, parts, etc.) contain the residue of a hazardous material." **May residues which were not present prior to use, but exist now as process-related contaminants, be considered integral if they cannot be removed on-site without using special tools or possibly rendering the machine unusable?**

Our client plans to prepare the aforementioned pumps and parts for shipment as "Dangerous Goods in Machinery or Apparatus", with the stipulation that they include the technical name of the primary hazardous material in the description and meet special provisions 136 and A105, as well as any other requirements associated with the primary hazardous material. If this interpretation is not acceptable, we would appreciate your guidance on how to proceed.

RMS Interests, LLC looks forward to receiving your response as soon as possible so that our client may continue operating in full compliance with the agency's regulations. Please contact me at 512-619-3788 or Robin@RMSInterests.com if you have any questions or need further information about this request. Thank you for your assistance.

Sincerely,
Robin Smith
Principal Environmental Consultant
RMS Interests, LLC

Robin Smith
512-619-3788
Robin@RMSInterests.com



RMS Interests, LLC



October 20, 2014

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

RE: Request for Interpretation of "Integral Element" of Machinery or Apparatus

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Robin Smith
Principal Environmental Consultant
RMS Interests, LLC