



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue SE
Washington, DC 20590

JUN 25 2015

Mr. Tom Mueller
Manager, Safety and Compliance
Oak Harbor Freight Lines, Inc.
8960 Terabyte Drive
Reno, NV 89521-5932

Reference No. 15-0048

Dear Mr. Mueller:

This is in response to your January 22, 2015 e-mail requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to hazardous substances. In your letter, you state your company recently shipped a cylinder containing 25 milliliters of "UN 1605 Ethylene Dibromide, 6.1 (poisonous), Packaging Group (PG) I" inside a fiberboard box. You also state the completed package complies with Special Permit DOT-SP 9168 and weighs 2 pounds. We have paraphrased your questions and answered them in the order you provided.

Q1. Is the weight of the packaging combined with the weight of the hazardous material within that packaging used to determine whether or not the hazardous material meets a reportable quantity?

A1. The answer is no. A hazardous substance is a material listed in Appendix A of § 172.101 that is in a quantity in one completed package that equals or exceeds the reportable quantity (RQ) for that material listed in Appendix A to § 172.101 and, when in a mixture or solution, satisfies the applicable criteria for "hazardous substances" as this term is defined in § 171.8.

Q2. Where on the shipping paper and in what format should the shipper describe the actual quantity of hazardous material within a package and that package's total weight?

A2. Section 172.202(a)(5) requires that--except for bulk packages, cylinders, and packages containing only hazardous material residue--the total quantity, including the unit of measurement of the hazardous materials covered by the description be included in the shipping papers. Total quantity may be entered as net weight, gross weight, capacity, or as otherwise appropriate. The number and type of packages (for example, "10 cylinders per box" and "5 fiberboard boxes") must also be

indicated on a shipping paper either before or after the required basic description (see §§ 172.202(a)(7) and 172.202(c)). Certain information may be placed before the basic description, such as quantity shipped, the type of packaging and destination marks as prescribed in §§ 172.201(a)(4) and 172.202(c)). Otherwise, additional information must be entered on the shipping paper after the basic description prescribed in § 172.202(a).

I hope this satisfies your request.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Glenn Foster". The signature is written in a cursive style with a long horizontal flourish extending to the right.

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

Edmensen
§173 227 materials poison
by inhalation, Division 6.1
15-0048

Dodd, Alice (PHMSA)

From: Ciccarone, Michael CTR (PHMSA)
Sent: Thursday, March 12, 2015 4:37 PM
To: Hazmat Interps
Subject: FW: Request for written interpretation

Sorry to keep bugging you guys, I'm just forwarding on whatever I don't see in the interps database

From: Ciccarone, Michael CTR (PHMSA)
Sent: Monday, January 26, 2015 9:08 AM
To: Hazmat Interps
Subject: FW: Request for written interpretation

Shante/Alice,

Please submit this for a formal letter of interpretation. Mr. Mueller spoke with Adam Lucas.

Thanks,

Mike

From: Tom Mueller [<mailto:Tom.Mueller@oakh.com>]
Sent: Thursday, January 22, 2015 11:40 AM
To: PHMSA HM InfoCenter
Cc: David Martin
Subject: Request for written interpretation

Request for written interpretation

My company was recently tendered a shipment for transport of:

UN1605 Ethylene dibromide 6.1 PGI 2 lbs

The shipment was a cylinder packaged within a small box utilizing SP 9168 permit

The RQ is one pound and the paperwork did not have RQ on it. The shipper indicated the 2 lbs included the packaging. The actual amount of the hazardous substance was 25 milliliters.

1) does packaging figure into the weight when determining when RQ thresholds are met or exceeded?

2) where and in what format should the shipper in the description put actual quantity of HM vs. including packaging weight?

Thank you

Tom Mueller
Manager, Safety and Compliance

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Oak Harbor Freight Lines Inc.

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