



U.S. Department  
of Transportation

Pipeline and Hazardous  
Materials Safety  
Administration

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

OCT 26 2015

Mr. Kevin Skerrett  
Senior Regulatory Specialist  
Information and Insights  
23 British American Blvd.  
Latham, NY 12110

Ref. No.: 15-0119

Dear Mr. Skerrett:

This responds to your June 15, 2015 letter regarding the use of a technical name in shipping descriptions under the Hazardous Materials Regulations (49 CFR Parts 171-180). Your questions are paraphrased and answered below.

Q1. Are general chemical group names permitted when the use of a technical name is required?

A1. Yes, when a technical name is required to appear on a shipping paper or on a package, generic descriptions are authorized for use as technical names provided they readily identify the general chemical group or microbiological group.

Q2. Are general chemical group names permitted when the material is a hazardous substance or a marine pollutant?

A2. Hazardous substances and marine pollutants are listed by name in Appendix A and B to § 172.101. When determining if a material is a hazardous substance or a marine pollutant the material must be listed by name in the appropriate list. The use of a general chemical group for a hazardous substance or a marine pollutant would only be appropriate if the material is identified by the general chemical group on the hazardous substance or marine pollutant lists, as applicable.

Q3. Are general chemical group names permitted when a technical name or a chemical name of a marine pollutant is required to appear on a shipping paper or on a package in accordance with the International Maritime Dangerous Goods (IMDG) Code?

A3. Yes, in accordance with 3.1.2.8 of the IMDG code, generic and "not otherwise specified" proper shipping names that are assigned to special provision 274 or 318 must be supplemented with the technical or chemical group name unless national law or international convention prohibits its disclosure if it is a controlled substance. For the purposes of documentation of marine pollutants in accordance with 3.1.2.9 of the IMDG code, the shipping description must be supplemented with the recognized chemical name that most predominantly contributes to the classification as a marine pollutant.

Q4. In your letter you ask whether "d-limonene" is a marine pollutant in accordance with the HMR. You note that "d-limonene" is not listed in appendix B to § 172.101 but "dipentene" is specifically listed in appendix B to § 172.101.

A4. Yes, d-limonene could meet the defining criteria for a marine pollutant if it is in a concentration that equals or exceeds 10%. While d-limonene is not specifically listed in appendix B to § 172.101 as it is in 2.9 of the IMDG Code, it is an isomer of the more generic dipentene and must be transported in accordance with the HMR.

Q5. Is a product that contains greater than 10% of d-limonene required to be considered a marine pollutant based on the listing of dipentene?

A5. Yes, see A4.

Q6. Suppose that d-limonene was a marine pollutant, what technical name would be required? Specifically is "dipentene," "d-limonene" or a different technical name acceptable?

A6. As noted in A4 d-limonene would meet the defining criteria for a marine pollutant if it is in a concentration that equals or exceeds 10%. Provided the substance or mixture met the definition for a marine pollutant, the proper shipping name must be supplemented with the technical name in this case "d-limonene" or "dipentene" would be acceptable. As provided by § 172.203(l) if the proper shipping name for a material which is a marine pollutant does not identify by name the component which makes the material a marine pollutant, the name of that component must appear in parentheses in association with the basic description. Chapter 3.1.2.9 requires that the proper shipping name of generic or not otherwise specified entries which are classified as marine pollutants in accordance with 2.10.3 be supplemented with the recognized chemical name (technical name) of the constituent that most predominately contributes to the classification of a marine pollutant.

Q7. Do the HMR include an exception from disclosing the technical name if the material is a controlled substance similar to 3.1.2.8.1 of the IMDG Code?

A7. No, the HMR do not include an exception from the requirement to supplement the shipping description with a technical name for a controlled substance.

Q8. Would the U.S. recognize the exception from disclosure of a technical name for a controlled substance provided in the IMDG code? Would the exception apply to a marine pollutant if the controlled substance were also a marine pollutant?

A8. Yes, a hazardous material may be offered for transportation and transported to from or within the United States by vessel, and by motor carrier and rail in accordance with the IMDG code provided all or part of the transportation is by vessel. If a shipment was offered for transport in accordance with the IMDG Code, the offeror could use the exception from disclosing the name of a controlled substance. The exception in 3.1.2.8.1 from disclosure of a controlled substance would apply to a marine pollutant if the proper shipping name for the material that meets the criteria of marine pollutant is a "generic or not otherwise specified" proper shipping name that is assigned to special provision 274 or 318 in column 6 of the dangerous goods list.

I hope this answers your inquiry. If you need additional assistance, please contact the Standards and Rulemaking Division at (202) 366-8553.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ben Supko', with a long horizontal flourish extending to the right.

Ben Supko  
Senior Regulations Officer  
Standards and Rulemaking Division

**Dodd, Alice (PHMSA)**

Leary  
§171.8  
Definitions  
15-0119

**From:** Geller, Shelby CTR (PHMSA)  
**Sent:** Tuesday, June 16, 2015 1:52 PM  
**To:** Hazmat Interps  
**Subject:** FW: Request for formal interpretation to PHMSA - Selection of technical names, marine pollutants and hazardous substances

Dear Shante and Alice,

Attached is a request for a formal letter of interpretation. Mr. Skerrett spoke with myself in the HMIC.

Thanks,  
Shelby

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**From:** Skerrett, Kevin [mailto:Kevin.Skerrett@ul.com]  
**Sent:** Monday, June 15, 2015 11:55 PM  
**To:** PHMSA HM InfoCenter  
**Subject:** Request for formal interpretation to PHMSA - Selection of technical names, marine pollutants and hazardous substances

I contacted the PHMSA HMIC on 6/2/2015 – I have been concerned about differences in the requirements for “technical names” (TN), relative to “marine pollutant components” (MP) and “hazardous substances” (HS). The HMIC did not have a lot of interpretations existing on the topic – so they did suggest that I request a formal interpretation to get a definitive answer.

Accordingly, I am requesting a formal interpretation (per 49 CFR 105.20) of the following questions we discussed, as well as a few associated ones:

Selection of “technical names” to augment the PSN, when required by “G” in Column 1 of the HM table at {172.101}, allows chemical group names as described in:

- {171.8} Definition of Technical Name
- {172.202(d)} and {172.203(k)} regarding shipping papers
- {172.301(b)} for non-bulk package marking.

These chemical group names must disclose the identity of the functional group(s) driving the hazard, but can mask the exact identity of the component.

Selection of “Marine Pollutant” names as well as “hazardous substance” names apparently do NOT allow this flexibility. The wording is consistently “the name of that component”, with no reference to chemical groups. This could be consistent with the fact that MP and HS are coming from lists.

All reference to MP and HS below assume that the material will be shipped at least in part by vessel (for MP) or exceeds the RQ reporting threshold (for HS).

QUESTION 1: Do you confirm this interpretation, that “chemical group names” are allowed for TNs, but are NOT allowed for MP or HS names?

QUESTION 2: As Competent Authority for the USA, would you have the same interpretation for IMDG? Technical names, as indicated at {3.1.2.8}, and Marine Pollutant names, as indicated at {3.1.2.9}.

We have a question about the status of “d-limonene” (CAS# 5989-27-5) as a MP under the HMR.

Dipentene (CAS# 138-86-3, aka dl-limonene) is the racemic mixture of its isomers d-limonene and l-limonene (CAS# 5989-54-8).

It is very common that the component in a mixture is the single isomer d-limonene, not Dipentene.

Dipentene is listed on Appendix B to §172.101 as a Marine Pollutant (without the PP of a Severe MP).

The HMR indicates at 172.101(c)(14) that "A proper shipping name that describes all isomers of a material may be used to identify any isomer of that material if the isomer meets criteria for the same hazard class or division, subsidiary risk(s) and packing group, unless the isomer is specifically identified in the Table."

QUESTION 3: Does this same treatment of isomers extend to technical names, and to MP and HS names?

QUESTION 4: This sounds permissive, not proscriptive. Is a product containing >10% of d-limonene required to be considered a MP under the HMR for shipment by vessel, based on the listing of Dipentene? Or not, since it is not listed by its own name, and the Dipentene listing does not mention isomers?

QUESTION 5: If d-limonene IS required to be considered a MP by Appendix B, is the name used in the shipping description required to be "Dipentene", "d-limonene", or can a different chemical name commonly appearing in the chemical literature be used? Is the choice optional?

IMDG includes an exception to the required selection of a technical name is when the chemical is a controlled substance, per 3.1.2.8.1.2.

QUESTION 6: Does the HMR include such an exception, and if so, where?

QUESTION 7: As Competent Authority for the USA, would you expect that using NO TN is acceptable under this exception for IMDG, or must a "chemical group name" still be used to mask the identity of the component? Would this exception (and answer) also apply to a MP name, if it was also a controlled substance?

Thank you very much for your consideration of these issues. I look forward to your reply.

**Kevin Skerrett**

I&I Senior Regulatory Specialist

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