



U.S. Department
of Transportation

Pipeline and Hazardous Materials
Safety Administration

1200 New Jersey Ave., SE
Washington, DC 20590

AUG 26 2009

Ms. Rhonda Heltzel
Layne Christensen Company
Safety and Environmental Health Sciences
610 S. 38th Street
Kansas City, KS 66106

Ref. No.: 09-0153

Dear Mr. Heltzel:

This responds to your April 16, 2009 letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) pertaining to the placement of number and type of packages on shipping papers.

You provide three examples of shipping descriptions in your letter and ask if the number and type of packages are in compliance with the shipping paper requirements of the HMR.

Except as otherwise provided by the HMR, the basic description on a shipping paper must be entered in sequence with no additional information interspersed (see § 172.202(b)). The number and type of packages must appear either before or after the basic description and any additional information must be entered after the basic description.

The examples you provided in your letter are depicted below along with our answers for each.

Example 1:

| No. Pkgs. | HM | Description of Articles | Hazard Class | I.D. Number | Packing Group | Weight | Labels Required |
|-----------|----|------------------------------------|--------------|-------------|---------------|--------|-----------------|
| 1 | X | Hydrochloric Acid Portable Tank | 8 | UN1789 | II | | Corrosive |

Answer 1: The number of packages is appropriately entered in column 1 before the basic description. However, the type of package is incorrectly entered in column 3 of the table after the proper shipping name and before the hazard class.

Example 2:

| No. Pkgs. | HM | Description of Articles | Hazard Class | I.D. Number | Packing Group | Weight NEM | Labels Required |
|----------------|----|--|--------------|-------------|---------------|------------|-----------------|
| 1 IME 22 | X | Cord, Detonating Flexible (EX-9312171) | 1.4D | UN0289 | II | 176 Grams | 1.4D |
| 1 IME 22 | X | Detonators, Electric for blasting (EX-9608062) | 1.4D | UN0289 | II | 176 grams | 1.4D |

Answer 2: The number and type of packages are appropriately entered in column 1 before the basic description. However, the EX-number is incorrectly placed after the proper shipping name in column 3. The EX-number is additional information and must appear after the basic description required by § 172.202(a) (see § 172.201(a)(4)).

Example 3:

| No. Pkgs. | HM | Description of Articles | Hazard Class | I.D. Number | Packing Group | Weight | Labels Required |
|-----------|----|--|--------------|-------------|---------------|-----------|-----------------|
| 1 | X | Cord, Detonating Flexible (EX-9312171) IME 22 (box) | 1.4D | UN0289 | II | 176 Grams | 1.4D |
| 1 | X | Detonators, Electric for blasting (EX-9608062) IME 22 (box) | 1.4D | UN0289 | II | 176 grams | 1.4D |

Answer 3: The number of packages is appropriately entered in column 1 before the basic description. However, the EX-number and type of package are incorrectly entered in column 3 after the proper shipping name.

The common problem with the three examples is the additional information and the type of package appear in association with the proper shipping name in column 3 without any visible marks or lines to separate that information from the proper shipping name. Therefore, the additional information is interspersed in the basic description.

Also note that until January 1, 2013 the basic description may be entered with the proper shipping name first followed by the hazard class, UN identification number, and packing group (e.g., Cyclobutyl chloroformate, 6.1, (8, 3), UN2744, PG II) or it may be entered with the UN identification number first, followed by the proper shipping name, hazard class, and

packing group (e.g. UN2744, Cyclobutyl chloroformate, 6.1, (8, 3), PG II). Effective January 1, 2013, the basic description must be entered with the UN identification number first.

I hope this information is helpful. If we can be of further assistance, please contact us.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles Betts". The signature is written in a cursive style with a large initial "C" and "B".

Charles Betts
Chief, Standards Development
Office of Hazardous Materials Standards

April 16, 2009

Office of Hazardous Materials Standards, PHMSA
 Attn: PHH-10
 U.S. Department of Transportation, East Bldg.
 1200 New Jersey Ave., SE
 Washington, DC 20590

Eichenlaub
§172.202
Shipping Papers
09-0153

Attn: Edward Mazzullo,

I am requesting a letter of interpretation and clarification in reference to 49 CFR part 172.202 (7), (b), (c).

49 CFR part 172.202 (7) states the number and type of packages must be indicated on the Bill of Lading.

49 CFR part 172.202 (b) states the basic description specified in paragraphs (a)(1), (2), (3) and (4) of this section must be shown in sequence with no additional information interspersed.

49CFR part 172.202 (c) states the total quantity of the material covered by one description must appear before of after, or both before and after, the description required.

Question1: Can the total quantity and description of package appear on the bill of lading as described in the following example?

| No. Pkgs. | HM | Description of Articles | Hazard Class | I.D. Number | Packing Group | Weight | Labels Required |
|-----------|----|---|--------------|-------------|---------------|--------|-----------------|
| 1 | X | Hydrochloric Acid Portable Tank | 8 | UN1789 | II | | Corrosive |

Question 2: Is the following example completed correctly for explosive materials? This is the example that was given as a result of an onsite inspection conducted by the Office of Hazardous Materials Enforcement.

| No. Pkgs. | HM | Description of Articles | Hazard Class | I.D. Number | Packing Group | Weight NEM | Labels Required |
|----------------|----|--|--------------|-------------|---------------|--------------|-----------------|
| 1 IME 22 | X | Cord, Detonating Flexible (EX-9312171) | 1.4D | UN0289 | II | 176 Grams | 1.4D |
| 1 IME 22 | X | Detonators, Electric for blasting (EX-9608062) | 1.4D | UN0289 | II | 176 grams | 1.4D |

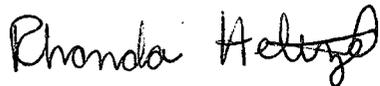


Question 3: The above example given by the Office of Hazardous Materials Enforcement. The Inspector stated that this is in accordance with 49 CFR part 172.202 (7), (b), (c), however the regulation is not very specific and left open to interpretation. Can the above example be completed as follows?

| No. Pkgs. | HM | Description of Articles | Hazard Class | I.D. Number | Packing Group | Weight | Labels Required |
|-----------|----|---|--------------|-------------|---------------|-----------|-----------------|
| 1 | X | Cord, Detonating Flexible (EX-9312171) IME 22 (box) | 1.4D | UN0289 | II | 176 Grams | 1.4D |
| 1 | X | Detonators, Electric for blasting (EX-9608062) IME 22 (box) | 1.4D | UN0289 | II | 176 grams | 1.4D |

Your clarification in this matter is greatly appreciated.

Sincerely,



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§ 172.202 Description of hazardous material on shipping papers.[top](#)

(a) The shipping description of a hazardous material on the shipping paper must include:

(1) The identification number prescribed for the material as shown in Column (4) of the §172.101 table;

(2) The proper shipping name prescribed for the material in Column (2) of the §172.101 table;

(3) The hazard class or division number prescribed for the material, as shown in Column (3) of the §172.101 table. The subsidiary hazard class or division number is not required to be entered when a corresponding subsidiary hazard label is not required. Except for combustible liquids, the subsidiary hazard class(es) or subsidiary division number(s) must be entered in parentheses immediately following the primary hazard class or division number. In addition—

(i) The words “Class” or “Division” may be included preceding the primary and subsidiary hazard class or division numbers.

(ii) The hazard class need not be included for the entry “Combustible liquid, n.o.s.”

(iii) For domestic shipments, primary and subsidiary hazard class or division names may be entered following the numerical hazard class or division, or following the basic description.

(4) The packing group in Roman numerals, as designated for the hazardous material in Column (5) of the §172.101 table. Class 1 (explosives) materials; self-reactive substances; batteries other than those containing lithium, lithium ions, or sodium; Division 5.2 materials; and entries that are not assigned a packing group (e.g. , Class 7) are excepted from this requirement. The packing group may be preceded by the letters “PG” for example “PG II;” and

(5) Except for transportation by aircraft, the total quantity of hazardous materials covered by the description must be indicated (by mass or volume, or by activity for Class 7 materials) and must include an indication of the applicable unit of measurement, for example, “200 kg” (440 pounds) or “50 L” (13 gallons). The following provisions also apply:

(i) For Class 1 materials, the quantity must be the net explosive mass. For an explosive that is an article, such as Cartridges, small arms, the net explosive mass may be expressed in terms of the net mass of either the article or the explosive materials contained in the article.

(ii) For hazardous materials in salvage packaging, an estimate of the total quantity is acceptable.

(iii) The following are excepted from the requirements of paragraph (a)(5) of this section:

(A) Bulk packages, provided some indication of the total quantity is shown, for example, “1 cargo tank” or “2 IBCs.”

(B) Cylinders, provided some indication of the total quantity is shown, for example, “10 cylinders.”

(C) Packages containing only residue.

(6) For transportation by aircraft, the total net mass per package, must be shown unless a gross mass is indicated in Columns (9A) or (9B) of the §172.101 table in which case the total gross mass per package must be shown; or, for Class 7 materials, the quantity of radioactive material must be shown by activity. The following provisions also apply:

(i) For empty uncleaned packaging, only the number and type of packaging must be shown;

(ii) For chemical kits and first aid kits, the total net mass of hazardous materials must be shown. Where the kits contain only liquids, or solids and liquids, the net mass of liquids within the kits is to be calculated on a 1 to 1 basis, i.e., 1 L (0.3 gallons) equals 1 kg (2.2 pounds);

(iii) For dangerous goods in machinery or apparatus, the individual total quantities or an estimate of the