



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

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

JUL 20 2010

Col. D.T. Erickson  
Defense Cooperation Attaché  
Canadian Defense Liaison Staff  
501 Pennsylvania Ave., NW  
Washington, DC 20001

Ref. No.: 10-0110

Dear Colonel Erickson:

This responds to your May 3, 2010 letter requesting clarification of the approval of explosives under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you request information on the process to obtain approval to transport explosives within the United States and whether Canadian Forces may use vendor issued explosive control numbers for subsequent transportation within the U. S.

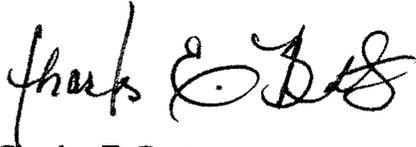
In your letter, you described two processes by which Canadian Forces purchase munitions. The first method involves a foreign military sales process approved by the Department of State and the Department of Defense (DOD). The second process entails commercial sales in which Canadian Forces procure munitions directly from a U.S. or a foreign vendor.

Prior to transport, Class 1 (explosives) materials must be classed and approved by the Pipeline and Hazardous Materials Safety Administration (PHMSA) in accordance with § 173.56. PHMSA will assign an EX number specific to that explosive and prescribe a suitable packing method. An explosive that has been examined and classed by the DOD in accordance with § 173.56(b)(2), may only be transported by the DOD. Explosives examined and classed by the DOD and subsequently sold through the foreign military sale process require approval by PHMSA prior to transport in the U.S.

Previously approved explosives not examined and classed by the DOD with a valid EX approval issued by PHMSA may be subsequently transported in the U.S. provided you have not made any changes to the explosive and you comply with all of the requirements outlined in the approval. If there is no previous vendor approval, the Canadian Defense Ministry may provide its own classification document together with supporting technical information (e.g. drawings, chemical composition) and request an EX approval.

I hope this answers your inquiry. If you have further questions, please do not hesitate to contact this office.

Sincerely,

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

Charles E. Betts  
Chief, Standards Development  
Office of Hazardous Materials Standards



National Défense  
 Defence nationale

Canadian Defence      État-major de liaison des  
 Liaison Staff        Forces canadiennes  
 (Washington)        (Washington)  
 501 Pennsylvania Ave., N. W.  
 Washington, D.C., U.S.A., 20001

Leary  
 3173.56  
 Explosives  
 10-0110

3 May 2010

Mr. Edward T. Mazzullo  
 Director, Office of Hazardous Materials Standards  
 U.S. DOT/PHMSA (PHH-10)  
 1200 New Jersey Avenue, SE East Building, 2nd Floor  
 Washington, DC 20590

Dear Mr Mazzullo,

On 23 April 2010, I hosted a meeting that was attended by members of the Department of Defence, Ms Harpreet Singh and Mr Brian Vos of the Department of Transport and representatives from the international defence community at the Embassy of Canada in Washington, D.C. It was a great opportunity to discuss issues related to the implementation of Country Specific Explosives Control numbers. One issue that required additional clarity was the policy relating to the customer's use of vendor-issued Explosives Control numbers. We were asked to submit a request for interpretation letter to PHMSA.

The Canadian Forces buy munitions using two processes. The first, through the Foreign Military Sales (FMS) process as approved by the Department of State and the Department of Defence. We are aware that the Director Security Cooperation Agency is in the process of working with you to develop clear instructions as to how to obtain a Country Specific Explosive Control Number when munitions are purchased through an FMS Case.

The second method is Direct Commercial Sales where we procure directly from a vendor in the USA or from another country. Could you confirm that the protocol that the Canadian Forces should use and in particular, can we use the explosive control number as issued by the vendor for subsequent transport back into the USA?

Thanks in advance for your support and if you or your staffs have questions, please contact me at 202-682-7771 or by e-mail at [david.erickson@forces.gc.ca](mailto:david.erickson@forces.gc.ca).

Yours truly,



D.T. Erickson

Colonel

Defence Cooperation Attaché

**Canada**

C.C.

LtCol Brad Tannehill, CJCS J4 DoD

Dr Jerry Ward, DDESB DoD

Mr Todd Hughes, DoD

Mr Ryan Paquet, DoT

Ms Harpreet Singh, DoT

Mr Brian Vos, DoT

Mr Duane Pfund, DoT