



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

1200 New Jersey Avenue, SE
Washington, DC 20590

MAR 28 2011

Mr. John V. Currie
Administrator
International Vessel Operators
Dangerous Goods Association
10 Hunter Brook Lane
Queensbury, NY 12804

Ref. No.: 11-0043

Dear Mr. Currie:

This responds to your February 17, 2011 letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to shipping papers. As required by § 173.166(c), for approved air bag inflators, air bag modules, or seat-belt pretensioners, the shipping paper must include the EX number or product code in association with the basic shipping description. Specifically, you ask whether multiple EX numbers or product codes corresponding to various approved airbag modules may be displayed in association with a single proper shipping name and basic description (e.g. UN3268, Air bag modules, 9, III).

Yes, a shipping paper describing multiple air bag modules packaged together in the same package or freight container described by the same UN number, proper shipping name, hazard class, and packing group may display multiple EX numbers or product codes in association with a single basic description. EX numbers or product codes, associated with a different proper shipping name (e.g. seat-belt pretensioners or air bag inflators) must be described separately.

I hope this answers your inquiry. If you need additional assistance, please contact the Standards and Rulemaking Division.

Sincerely,

A handwritten signature in black ink that reads "Ben Supko".

Ben Supko
Acting Chief, Standards Development Branch
Standards and Rulemaking Division



INTERNATIONAL VESSEL OPERATORS
DANGEROUS GOODS ASSOCIATION

10 Hunter Brook Lane, Queensbury, NY 12804 • 518/761-0263 • FAX 518/792-7781 • mail@ivodga.com • www.ivodga.com • www.dgtrainingonline.com

Leary
§ 173.166(c)
§ 172.200(a)
Proper Shipping Name / Shipping
Papers
11-0043

February 17, 2011

Magdy El-Sibaie, PhD
Acting Associate Administrator, Hazardous Materials Safety
Pipeline and Hazardous Materials Safety Administration
US Department of Transportation
1200 New Jersey Ave., SE
East Bldg. Second Floor
(PH) Washington, DC 20590-0001

Dear Dr. El-Sibaie:

The International Vessel Operators Dangerous Goods Association Inc. (IVODGA) hereby submits a request for interpretation regarding the requirement at §173.166(c) to provide the EX number or product code for each approved inflator, module, or seat-belt pretensioner in association with the basic description required by §172.200(a) of the HMR.

IVODGA is an international not-for-profit organization representing 26 of the major container-ship lines registered under the flags of many nations and calling ports in the United States as a major link in the intermodal transportation of dangerous goods by ocean, road and rail within the U.S. and North America. We are dedicated to assisting our members and the public in evaluating the practicality and efficacy of laws, rules and regulations for the safe transportation and distribution of hazardous materials/dangerous goods.

§173.166(c) requires that when offered for transportation, the shipping paper must contain the EX number or product code for each approved inflator, module, or seat-belt pretensioner in association with the basic description required by §172.200(a) of the HMR. Multi-modal transporters have recently experienced a significant obstacle to the safe and efficient movement of these articles due to confusion resulting in what appears to be an erroneous interpretation of the language and intent of this regulatory requirement. It is our position that this regulation requires the EX number or product code in order to trace the approval of the device to the manufacturer and design type as identified within the application as submitted to the Associate Administrator and the written approval with the assigned EX number.

Historically, shippers have described these articles on a shipping paper accompanying a freight container that often may contain hundreds of packages of various devices, some with several different devices packed within each package but all described by the same proper shipping

"Committed to the promotion of the safe handling and transportation of hazardous materials."

Alianca Navegacao E Logistica Ltda ♦ APL, Ltd. ♦ Atlantic Container Line ♦ Bermuda Container Line ♦ China Shipping (NA) Agency Co., Inc. ♦ COSCO Container Lines Americas, Inc. ♦ Crowley Maritime Corporation ♦ Evergreen America Corporation ♦ Hamburg-Sud ♦ Hanjin Shipping ♦ Hapag-Lloyd AG ♦ Horizon Lines, LLC ♦ Hyundai America Shipping Agency ♦ Independent Container Line, Ltd. ♦ K Line America, Inc. ♦ Maersk Inc. ♦ Marine Transport Management, Inc., a Crowley Co ♦ Matson Navigation Company ♦ Minyan Marine ♦ MOL (America) Inc. ♦ NSCSA (America), Inc. ♦ NYK Line (North America) Inc. ♦ OOCL (USA) Inc. ♦ PO Shipping Agency (USA), Inc. ♦ Safmarine Container Lines Inc. ♦ Seaboard Marine, Ltd. ♦ Tropical Shipping USA, LLC. ♦ Yang Ming Marine Transportation Corp

name and basic description. The entry then included the EX numbers for each design type within the shipment of articles within this commonly shared description, i.e. "UN3268, Air bag modules, Class 9, III, EX****, EX****, EX**** ". We have recently experienced refusals to accept cargo by one rail carrier who has interpreted the §173.166(c) requirement to mean that each EX number must have its own entry on the shippers declaration. This practice has a resultant effect that the manifest provided for a single freight container with multiple devices described by the same proper shipping name could be hundreds of pages in volume.

IVODGA feels that these multiple page documents, which often may be used for shipments of several container-loads of the same devices, actually create an unsafe situation if an emergency were to occur during transportation since the emergency responders would need to review hundreds, if not thousands of pages describing the devices by the same basic description with the only difference being that each entry would represent one EX number approval. One of the primary purposes of the shipping paper description is to provide a means for the emergency responder to quickly identify the hazardous materials within the shipment. The EX number has no value to the responder on-scene. The multi-page document for like devices is unnecessarily long and creates additional inefficiency for carriers and shippers whereas a single page document for each freight container may suffice.

We would request clarification regarding the intent of §173.166(c). Are we correct in our position that devices packed within a freight container and described by the same UN number, proper shipping name, hazard class, and packing group could be described by a single entry with the EX numbers or product codes for each design type of those devices therein entered in association with that basic description? IVODGA feels that this method meets the requirements of this section to provide the EX number or product code in association with the basic description required by §172.202(a) of the HMR.

We look forward to and thank you for your prompt response to this issue which has a significant impact on safety and efficiency in the intermodal movement of hazardous materials.

Sincerely yours,



John V. Currie
IVODGA Administrator

Cc: William Schoonover, Staff Dir Office of Safety Enforcement,
Federal Railroad Administration