



U.S. Department
of Transportation

1200 New Jersey Avenue SE
Washington, DC 20590

**Pipeline and Hazardous
Materials Safety
Administration**

JUL 24 2012

Mr. Kevin Skerrett
Senior Regulatory Specialist
Werco Professional Services
23 British American Boulevard
Latham, NY, 12110

Reference No.: 12-0108

Dear Mr. Skerrett:

This is in response to your May 7, 2012 e-mail requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). You ask several questions pertaining to the transportation by water of UN3175, Solids containing flammable liquids, n.o.s. Your questions are answered as follows:

Q1. Are UN3175 materials required to have the flash point appended to the shipping description?

A1. No, provided there is no free liquid visible at the time the material is loaded or at the time the packaging or transport unit is closed (see § 172.012 Special Provision 47). The definition of flash point as provided in § 173.120(c)(1) is the minimum temperature at which a liquid gives off vapor within a test vessel in sufficient concentration to form an ignitable mixture with the air near the surface of the liquid. Therefore, the HMR § 172.203(i)(2) requirement that for transportation by water, the minimum flash point must be entered on the shipping paper, applies only to liquids. If the material is appropriately classed as UN3175, Solids containing flammable liquids, n.o.s. it is assigned to Division 4.1, and the flash point does not apply.

Q2. Is there a concern whether a ship's captain could require the flash point to be entered on the shipping paper even if it is not required by regulation, and if the flash point is appended to a UN3175 shipping description would that be a violation?

A2. Section 172.201(a)(4) provides that a shipping paper may contain additional information concerning the material provided it is not inconsistent with the required description. Any such additional information appended to the shipping description, while not required, would not be considered a violation.

I trust this satisfies your inquiry. Please contact us if we can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Delmer Billings". The signature is fluid and cursive, with a large initial "D" and "B".

Delmer Billings
Senior Regulatory Advisor
Standards and Rulemaking Division

Drakeford, Carolyn (PHMSA)

Babich
§ 172.101
§ 172.203

From: INFOCNTR (PHMSA)
Sent: Monday, May 07, 2012 11:46 AM
To: Drakeford, Carolyn (PHMSA)
Subject: FW: UN3175 - Is FP needed in S.D.? Letter of interpretation needed

Applicability
12-0108

Hi Carolyn,

We received the following request for a letter of interpretation.

Thanks,
Victoria

From: Kevin Skerrett [<mailto:kevins@thewerics.com>]
Sent: Monday, May 07, 2012 11:40 AM
To: INFOCNTR (PHMSA)
Subject: UN3175 - Is FP needed in S.D.? Letter of interpretation needed

PHMSA Interpretation needed:

49CFR 172.203(i)(2) specifies that, for shipment by water, the shipping description on the shipping paper must have the following additional entity:

“Minimum flashpoint if 60 °C (140 °F) or below (in °C closed cup (c.c.)) in association with the basic description...”
A similar requirement is made in IMDG (35-10) at 5.4.1.4.3.6.

UN3175 is unique in allowing, as a “solid containing flammable liquids”, a Class 3 material (inherently having a flashpoint) to be classified as Division 4.1.

The wording in 172.203(i)(2) does not appear to exclude UN3175 from this requirement, since a flashpoint should exist for the contained liquid.

QUESTION: When shipped by vessel:

- 1) Are UN3175 materials required to have the flashpoint appended to the Shipping Description?
- 2) There is a concern about whether a ship’s captain could require the flashpoint be provided, even if not required by regulation. If the flashpoint was appended to a UN3175 shipping description, would that be a violation in any way? I can see the potential for causing confusion as to the classification of the material. We would not want to routinely provide this appendage (in an automated system) if it would be a violation.

Thank you for your consideration of this matter.

And thank you to Shane Kelley and Adam for their assistance with this question by phone today.



Kevin Skerrett, Senior Regulatory Specialist
WPS

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