



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

MAR 20 2007

400 Seventh Street, S.W.
Washington, D.C. 20590

Eric Barcaskey
Corporate Hazmat Transportation Compliance
The Valspar Corporation
1101 South Third Street
Minneapolis, MN 55415

Ref. No.: 07-0017

Dear Mr. Barcaskey:

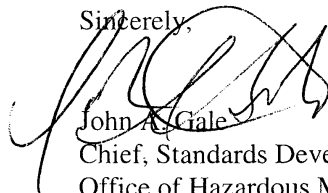
This is in response to your January 16, 2007 letter requesting clarification of the shipping paper requirements under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask for clarification of the shipping description sequence on the shipping paper and if "paint" is an acceptable technical name for a material classed as Combustible liquid, n.o.s., NA1993.

On December 29, 2006, PHMSA issued a final rule to amend the HMR to maintain alignment with international standards and harmonize the HMR with recent changes to the International Maritime Dangerous Goods (IMDG) Code, the International Civil Aviation Organization (ICAO) Technical Instructions, and the United Nations Recommendations on the Transport of Dangerous Goods Model Regulations (HM-215I; 71 FR 78596). The final rule states that, beginning January 1, 2007, the shipping description sequence consisting of identification number first, followed by the proper shipping name, hazard class, and packing group, will be mandatory on shipping documents prepared according to the ICAO Technical Instructions and the IMDG Code. However, the rule adopts this shipping description sequence with a delayed compliance date of January 1, 2013. Therefore, for domestic shipments, the shipping description sequence in effect on December 31, 2006 (proper shipping name, hazard class, ID number, and packing group), may be used until January 1, 2013 (§ 171.14(e)).

As defined in § 171.8 of the HMR, "technical name" means a recognized chemical name or microbiological name currently used in scientific and technical handbooks, journals, and texts. A generic description is authorized for use as a technical name provided it readily identifies the general chemical group or microbiological group. The term "paint" does not specifically identify the hazard by name or group; therefore, "paint" is not an acceptable technical name.

I hope this information is helpful. Please contact us if you require additional assistance.

Sincerely,



John A. Gale
Chief, Standards Development
Office of Hazardous Materials Standards



070017

171.8
172.203
173.120 (b)

Supko
§172.203
§173.120(b)
2,172.101 Shipping
Shipping Name → Papers
07-0017

Valspar
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January 16, 2007

Mr. Edward T. Mazzullo
Director, Office of Hazardous Materials Standards
U.S. DOT/RSPA (DHM-10)
400 7th Street S.W.
Washington, D.C. 20590-0001

✓ Regulation: 49CFR §173.120(b)

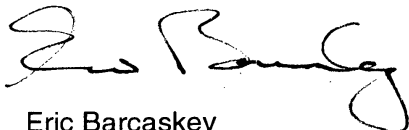
Dear Mr. Mazzullo,

Valspar regularly ships bulk products under the "Combustible liquid" provisions per the above-cited regulation. We are faced with an enforcement situation and request a clarification on correct application on our shipping documents.

Could you please confirm whether the following are correct?

1. **Paint, Combustible liquid, UN1263, III** (currently optional sequence)
2. **UN1263, Paint, Combustible liquid, III** (HM-215I required sequence)
3. **Combustible liquid, n.o.s., (Paint), NA1993, III** (acceptable technical name?)

Thank you in advance for your guidance. Please do not hesitate to contact me with questions.



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