



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

1200 New Jersey Ave., S.E.
Washington, DC 20590

JUL 19 2007

T.L. Nebrich, Jr., CHMM, QEP, REM
Technical Director
Waste Technology Services, Inc.
435 North 2nd Street
Lewiston, NY 14092

Reference No. 07-0113

Dear Mr. Nebrich:

This is in response to your June 11, 2007 letter concerning the correct sequence for a basic description of a hazardous material under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). The sequence of the description was revised in a final rule issued under Docket No. PHMSA-06-25476 (HM-215I; 71 FR 78596) to begin with the UN identification number. Specifically, you ask if the HMR require the letters "RQ" for reportable quantity and the word "Waste" for a hazardous waste, as these terms are defined in § 171.8 of the HMR, to be placed before the proper shipping description or proper shipping name on shipping papers and markings to indicate the presence of these materials in a package.

Effective January 1, 2007, a hazardous material's basic description under the HMR consists of the UN identification number, proper shipping name, hazard class, and, when applicable, assigned packing group, in that order. See § 172.202(b). However, the transitional provisions under § 171.14(e) permit the shipping description sequence in effect on December 31, 2006, which places the UN identification number after the hazard class, to be used until January 1, 2013. If a material meets the definition of a hazardous waste under § 171.8, and the word "waste" is not included as part of the proper shipping name for the material in Column 2 of the Hazardous Materials Table (§ 172.101 Table), § 172.101(c)(9) requires that the word "Waste" appear before the proper shipping name on a shipping paper. If a hazardous material meets the definition of a hazardous substance under § 171.8, § 172.203(c)(2) requires that the letters "RQ" appear before or after the proper shipping description on a shipping paper to denote the package contains a reportable quantity of this material. Therefore, shipping descriptions containing these notations may appear as follows:

For a waste:

Effective 1/1/2007:	UN 1790, Waste Hydrofluoric acid, 8, PG II
Permitted until 1/1/2013:	Waste Hydrofluoric acid, 8, UN 1790 , PG II

For a hazardous substance:

Effective 1/1/2007:	RQ, UN 1790 , Hydrofluoric acid, 8, PG II
	UN 1790 , Hydrofluoric acid, 8, PG II, RQ



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171.8
172.202(b)
172.203
172.101

Permitted until 1/1/2013: **RQ, Hydrofluoric acid, 8, UN 1790, PG II**
Hydrofluoric acid, 8, UN 1790, PG II, RQ

For both a hazardous waste and hazardous substance:

Effective 1/1/2007: **RQ, UN 1790, Waste Hydrofluoric acid, 8, PG II**
UN 1790, Waste Hydrofluoric acid, 8, PG II, RQ

Permitted until 1/1/2013: **RQ, Waste Hydrofluoric acid, 8, UN 1790, PG II**
Waste Hydrofluoric acid, 8, UN 1790, PG II, RQ

The marking requirements for the RQ and Waste notations remain unchanged. Restated here for your reference, § 172.324(b) requires a non-bulk package containing a hazardous substance to be marked with the letters "RQ." If the proper shipping name does not identify the hazardous substance(s) by name, § 172.324(a) requires that the package be marked with the name of the hazardous substance, or if there are two or more, the names of the two hazardous substances with the lowest reportable quantities in parentheses in association with the proper shipping name. The words "in association with" means that these names may follow the basic description of the hazardous material in any reasonable format, provided it is clearly part of the entry. Under § 172.101(c)(9), the word "Waste" must appear before the proper shipping name as part of the package marking if the word "waste" is not part of the material's proper shipping name in Column 2 of the § 172.101 Table.

I hope this satisfies your request.

Sincerely,



Susan Gorsky
Regulations Officer
Office of Hazardous Materials Standards



WASTE TECHNOLOGY SERVICES INC.

June 11, 2007

Edmonson
§172.202(b)
§172.203(c)(2)
§171.101(c)(4)
§172.201(a)(1)(iii)
§171.14(e)
Shipping Papers
07-0113

Mr. Edward Mazzullo
Director of Office of Hazardous Material Standards
Pipeline and Hazardous Materials Safety Administration, DOT
1200 New Jersey Avenue, SE
East Building, 2nd Floor (PH)
Washington, DC 20590-001

Dear Mr. Mazzullo:

I am writing to request a clarification of the requirements promulgated in the December 29, 2006 Federal Register – Harmonization With the United Nations Recommendations, International Maritime Dangerous Goods Code, and International Civil Aviation Organization’s Technical Instructions; Final Rule, specifically the Shipping Description Sequence (i.e., §172.202).

In this Final Rule, the basic description sequence for hazardous materials has authorized an alternative sequence which lists the identification number (i.e., UN or NA) first, followed by the proper shipping name, hazard class, and packing group. However, there is no mention of any changes affecting the use of a Reportable Quantity (RQ) designation in reference to the new description sequence. Are we to assume that the RQ requirement (i.e., §172.203) is unaffected by this rule change, that is, the RQ shall be entered on the shipping paper either before or after, the basic description required by §172.202?

Therefore, which of the following HM shipping descriptions would be correct (i.e., RQ placement)?

RQ, UN1993, Flammable Liquids, n.o.s. (Stoddard solvent), 3, PGII
or
UN1993, RQ, Flammable Liquids, n.o.s. (Stoddard solvent), 3, PGII

Can we further assume that the requirement of adding the word “waste” to a shipping description that does not contain the word “waste” in the basic description has not changed either?

One further request...does the new shipping description sequence apply to “markings?”

Corporate Office: 435 North 2nd Street, Lewiston, NY 14092

Telephone: 716-754-5400 • Fax: 716-754-8001

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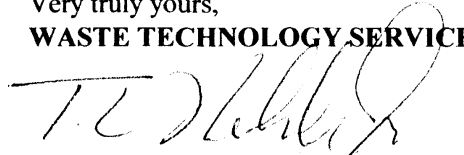


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If you have any further questions, please do not hesitate to contact me.

Very truly yours,
WASTE TECHNOLOGY SERVICES, INC.



T.L. Nebrich, Jr., CHMM, QEP, REM
Technical Director

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