



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

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

NOV 20 2006

Mr. Marc Feldman
Regulatory Affairs Manager
Solvay Chemicals
3333 Richmond Avenue
Houston, TX 77098-3099

Ref. No. 06-0220

Dear Mr. Feldman:

This is in response to your October 2, 2006 letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you seek guidance on the use of the shipping description "Environmentally hazardous substance, solid, n.o.s. UN3077, III" with the additional statement "Not subject to DOT regulation" to describe a material that meets the definition of a Class 9 material in Europe, but does not meet the definition of any hazard class under the HMR. This material originates in Europe and will be reoffered for transportation within the United States without removing the Class 9 labels or other hazardous materials markings.

Section 172.401(c) permits labeling in accordance with the UN Model Regulations, the International Civil Aviation Organization Technical Instruction for the Safe Transport of Dangerous Goods by Air (ICAO Technical Instructions) or the International Maritime Dangerous Goods (IMDG) Code. Although this material does not meet the definition of a hazardous material under the HMR, the package may remain labeled with the Class 9 label in accordance with the UN Model Regulations, the ICAO Technical Instructions or the IMDG Code and transit the United States without shipping papers.

A material that does not meet the definition of a hazardous material is not subject to shipping paper requirements. However, if a person chooses to describe such a material on a shipping document it should be so described as to avoid confusion. For example, if a person intends to ship a material regulated as a Class 9 material in Europe but not in the United States, the description "Environmentally hazardous substance, solid, n.o.s. UN3077, III" is likely to cause confusion. Although this material is not subject to the



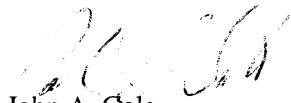
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172.101
172.401 (c)

HMR, the person offering this material should use an alternative shipping name such as the technical name or the common name of the material with an additional statement such as "Not subject to DOT regulation".

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



SOLVAY
CHEMICALS

INTEROX, FLUORIDES & MINERALS

Leary
8172.101
8172.401 (c)
Shipping Papers
06-0220

October 2, 2006

John A. Gale
Chief, Standards Development
Office of Hazardous Materials Standards
Pipeline and Hazardous Materials Safety Administration
ATTN: PHH-10
U.S. Department of Transportation
400 7th Street SW
Washington DC 20590

RE: Ref No. 06-0182

Via electronic mail and surface mail

Dear Mr. Gale,

Thank you for your response of September 11, 2006 to my inquiry dated July 31, 2006 concerning the material meeting a Class 9 definition under the ADR and RID but not meeting the definition of any hazard class under the HMR. You have explained the options very clearly in your response.

However, I have an additional question concerning the subject and shipping papers. If I do not wish to remove, obliterate or securely cover the markings and labels, leaving them intact and in place, and subsequently ship the packages with a bill of lading that does not indicate the packages as hazardous material (no 'X' in the HM column or equivalent), what is the most appropriate shipping description to use to avoid delay or other frustration in transport of the material – the 'common chemical name' which is not a Proper Shipping Name per the HMR, with or without with an indication on the paper that the material is "Not subject to DOT regulation" or the Proper Shipping Name, "Environmentally hazardous substance, solid, n.o.s. (technical name), UN 3077, etc.", with an indication that the material is "Not subject to DOT regulation" and no indication that the packages as hazardous material (no 'X' in the HM column or equivalent)?

Should you require any additional information, I may be reached at 713-525-6575, weekdays between 7:30 am and 3:30 pm Central time.

Thank you again for your interpretation,

Sincerely,

Dr. Marc A. Feldman, CQM/OE
Regulatory Affairs Manager.