



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

1200 New Jersey Avenue, SE  
Washington, DC 20590

May 23, 2024

Mr. Paul Errichetti  
Senior Manager, Fleet and Dangerous Goods  
W.R. Grace & Co - Conn.  
7500 Grace Drive  
Columbia, MD 21044

Reference No. 23-0066

Dear Mr. Errichetti:

This is in response to your July 11, 2023, letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to portable tanks. In your letter, you state your company packages and transports “UN1838, Titanium tetrachloride, 6.1, (8), PG I” and “UN3390, Toxic by inhalation liquid, corrosive, n.o.s., 6.1, (8), PG I” in 250-gallon portable tanks in full compliance with the HMR. The portable tanks are then transported in closed transport vehicles in the United States, Canada, and Mexico for their eventual transport via vessel to international destinations. For domestic shipments, the portable tanks are marked with the United Nations (UN) identification number, proper shipping name, owner’s name, poison inhalation hazard labels, and corrosive labels. The closed transport vehicles are provided with the poison inhalation placards (see § 172.555), corrosive placards (see § 172.558), and UN identification number markings.

You ask about shipments of your portable tanks by highway to Mexico under § 171.12. The portable tanks are marked with the proper UN identification number, proper shipping name, owner’s name, poison labels (see § 172.430) minus the word “poison”, and corrosive labels (see § 172.442). The closed transport vehicle is provided with poison placards (see § 172.554) minus the word “poison”, corrosive placards (see § 172.558), and the associated UN identification number markings. Your questions are paraphrased and answered below:

- Q1. You ask whether the “Inhalation Hazard” marking in § 172.313(a) is required on the portable tanks described in your letter for shipments from the United States to Mexico.
- A1. The answer is yes. As specified in § 171.12(b), unless otherwise excepted, hazardous materials shipments from Mexico to the United States or from the United States to Mexico must conform to all applicable requirements of the HMR. Additionally, the requirements in § 171.12(b)(1)-(4) apply to a hazardous material that is a material poisonous by inhalation—see § 171.8—when transported by highway or rail from Mexico to the United States or from the United States to Mexico. Specifically, § 171.12(b)(3) states that packages must be marked in accordance with § 172.313, which requires materials poisonous by inhalation—see § 171.8—be marked with the words “Inhalation Hazard” in association with the required labels, placards, and shipping name when applicable.

Q2. You ask whether the “Inhalation Hazard” marking in § 172.313(a) is required on a closed transport vehicle containing the portable tanks described in your letter when transported from the United States to Mexico.

A2. The answer is no. As specified in § 171.12(b)(5), a label or placard that conforms to the UN Recommendations (IBR, see § 171.7) specifications for a “Division 2.3” or “Division 6.1” label or placard may be substituted for the POISON GAS or POISON INHALATION HAZARD label or placard required by §§ 172.400(a) and 172.504(e) on a package transported in a closed transport vehicle or freight container. The transport vehicle or freight container must be marked with UN identification numbers for the material, regardless of the total quantity contained in the transport vehicle or freight container, in the manner specified in § 172.313(c) and placarded as required by subpart F. There is no specific requirement for a transport vehicle shipped under § 171.12(b) to have the “Inhalation hazard” marking required in § 172.313(a). Please note that for this scenario described in this letter where closed transport vehicles are referenced, the appropriate placard is the poison inhalation hazard placard shown in § 172.555, as required by § 171.12(b)(5).

You ask about shipments of your portable tanks by highway to Canada shipped in accordance with §§ 171.12 and 171.23 that are marked with the UN identification number, proper shipping name, owner’s name, poison labels (see § 172.430) minus the word “poison”, and corrosive labels (see § 172.442). The closed transport vehicle containing the portable tanks is provided with poison placards (see § 172.554) minus the word “poison”, corrosive placards (see § 172.558), and the associated UN identification markings. Your questions are paraphrased and answered below:

Q3. You ask whether shipments of the portable tanks described in your letter from the United States to Canada require the “Inhalation Hazard” marking in § 172.313(a)?

A3. The answer is yes. As specified in § 171.23(b)(10)(iii), a material poisonous by inhalation—see § 171.8—must be packaged in conformance with § 172.313, which requires that a material poisonous by inhalation—see § 171.8—be marked with “Inhalation Hazard” in association with the required labels or placards, as appropriate, and shipping name when required.

Q4. You ask whether the “Inhalation Hazard” marking in § 172.313(a) is required on the closed transport vehicle containing the portable tanks described in your letter when transported from the United States to Canada.

A4. The answer is no. As specified in § 171.23(b)(10)(iv)(B), the transport vehicle or freight container must be marked with the UN identification numbers for the hazardous material in the manner specified in § 172.313(c). However, there is no requirement to mark the transport vehicle with the words “Inhalation Hazard” as required in § 172.313(a). Please note that for this scenario described in this letter where closed transport vehicles are referenced, the appropriate placard is the poison inhalation hazard placard shown in § 172.555, as required by § 171.12(b)(5).

Your ask about shipments of your portable tanks by highway to ports for continued transportation via vessel to international destinations under §§ 171.23 and 171.25. You note that the portable tanks are marked with the proper UN identification number, proper shipping name, owner's name, poison labels (see § 172.430) minus the word "poison", and corrosive labels (see § 172.442). The closed transport vehicle containing the portable tanks is provided with poison placards (see § 172.554) minus the word "poison", corrosive placards (see § 172.558), and the associated UN identification number markings. Your questions are paraphrased and answered below:

- Q5. You ask whether shipments of the portable tanks described in your letter, from the United States to ports for continued transportation via vessel to international destinations, require the "Inhalation Hazard" marking in § 172.313(a).
- A5. See answer A3.
- Q6. You ask whether shipments of the portable tanks described in your letter from the United States to ports for continued transportation via vessel to international destinations, require the closed transport vehicle to display the Inhalation Hazard markings § 172.313(a).
- A6. The answer is no. As specified in § 171.23(b)(10)(iv)(A), the transport vehicle or freight container must be marked with the UN identification numbers for the hazardous material in the manner specified in § 172.313(c). However, there is no requirement to mark the transport vehicle with the words "Inhalation Hazard" as required in § 172.313(a). Please note that for this scenario described in this letter where closed transport vehicles are referenced, the appropriate placard is the poison inhalation hazard placard shown in § 172.555, as required by § 171.12(b)(5).

I hope this information helpful. Please contact us if we can be of further assistance.

Sincerely,



Steven Andrews  
Acting Chief, Regulatory Review and Reinvention Branch  
Standards and Rulemaking Division

**From:** [INFOCNTR \(PHMSA\)](#)  
**To:** [Dodd, Alice \(PHMSA\)](#)  
**Cc:** [Hazmat Interps](#)  
**Subject:** FW: LOI for Poison Inhalation Hazard shipments  
**Date:** Friday, July 14, 2023 12:32:26 PM  
**Attachments:** [DOT-PHMSA LoI Poisonous-Inhalation Harzard Liquids-11Jul2023.pdf](#)

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Hi Alice,

Please see the attached interpretation request.

Let us know if you need anything.

Regards,

-Breanna

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**From:** Errichetti, Paul <Paul.Errichetti@grace.com>  
**Sent:** Wednesday, July 12, 2023 9:30 AM  
**To:** INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>  
**Subject:** LOI for Poison Inhalation Hazard shipments

**CAUTION:** This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hi,

Please find attached a request for a formal letter of interpretation.

If you have questions with regards to this request please contact me via email or my mobile number listed below in my signature.

Thanks,

**Paul Errichetti** | Senior Manager, Fleet & Dangerous Goods

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July 11, 2023

Mr. Shane Kelley  
Director, Standards and Rulemaking Division  
U.S. DOT/PHMSA (PHH-10)  
1200 New Jersey Avenue  
SE East Building, 2<sup>nd</sup> Floor  
Washington, DC 20590

Dear Mr. Kelley:

I am contacting the agency on behalf of WR Grace with this formal request for a letter of interpretation regarding the Hazardous Materials Regulations 49 CFR 171.12, 171.23, 171.25 and 172.313.

In the United States, we package UN1838 and UN3390 in 250-gallon portable tanks in full compliance with the HMR. These packages are then offered for transportation in closed transport vehicles by road in the contiguous 48 states, by road to Canada, by road to Mexico, and by road to ports for continued transportation via vessel to international destinations.

For shipments made via road in the contiguous 48 states, the packages are marked with the proper UN ID#, proper shipping name, owner's name, poison inhalation hazard labels (49 CFR 172.429), and corrosive labels (49 CFR 172.442). The closed transport vehicle is provided with poison inhalation placards (49 CFR 172.555), corrosive placards (49 CFR 172.558), and the associated UN ID# markings.

Per 49 CFR 171.12, for shipments made via road to Mexico, the packages are marked with the proper UN ID#, proper shipping name, owner's name, poison labels (49 CFR 172.430) minus the word "poison", and corrosive labels (49 CFR 172.442). The closed transport vehicle is provided with poison placards (49 CFR 172.554) minus the word "poison", corrosive placards (49 CFR 172.558), and the associated UN ID# markings.

Question 1: For shipments from the USA into Mexico, does the package require Inhalation Hazard markings (49 CFR 172.313)?

Question 2: For shipments from the USA into Mexico, does the closed transport vehicle require Inhalation Hazard markings (49 CFR 172.313)?

Per 49 CFR 171.12 and 171.23, for shipments made via road to Canada, the packages are marked with the proper UN ID#, proper shipping name, owner's name, poison labels (49 CFR 172.430) minus the word "poison", and corrosive labels (49 CFR 172.442). The closed transport vehicle is provided with poison placards (49 CFR 172.554) minus the word "poison", corrosive placards (49 CFR 172.558), and the associated UN ID# markings.

Question 3: For shipments from the USA into Canada, does the package require Inhalation Hazard markings (49 CFR 172.313)?

Question 4: For shipments from the USA into Canada, does the closed transport vehicle require Inhalation Hazard markings (49 CFR 172.313)?

Per 49 CFR 171.23 and 171.25, for shipments via road to ports for continued transportation via vessel to international destinations, the packages are marked with the proper UN ID#, proper shipping name, owner's name, poison labels (49 CFR 172.430) minus the word

“poison”, and corrosive labels (49 CFR 172.442). The closed transport vehicle is provided with poison placards (49 CFR 172.554) minus the word “poison”, corrosive placards (49 CFR 172.558), and the associated UN ID# markings.

Question 5: For shipments from the USA to ports for continued transportation via vessel to international destinations, does the package require Inhalation Hazard markings (49 CFR 172.313)?

Question 6: For shipments from the USA to ports for continued transportation via vessel to international destinations, does the closed transport vehicle require Inhalation Hazard markings (49 CFR 172.313)?

If you have any questions or need clarification to my questions, please feel free to contact me by cell phone at (732) 306-0683 or via email at [Paul.Errichetti@grace.com](mailto:Paul.Errichetti@grace.com).

Sincerely,

*Paul Errichetti*

Paul Errichetti

Sr. Mgr., Fleet and Dangerous Goods