



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

1200 New Jersey Avenue, SE
Washington, DC 20590

July 15, 2024

Mr. Richard Norl Jr.
Distribution Safety Manager
Chevron Phillips Chemical Company LP
10001 Six Pines Drive
The Woodlands, TX 77380

Reference No. 23-0104

Dear Mr. Norl:

This letter is in response to your December 6, 2023, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the transportation of combustible liquids in bulk packaging. You state that based on your reading of the provisions in §§ 171.22 and 171.25, it is your understanding that for the export of combustible liquids in bulk packaging by vessel, the placards may be removed or replaced once inside the port area, as those materials are not regulated by the International Maritime Dangerous Goods (IMDG) Code for international transportation. Specifically, you seek clarification of the HMR regarding the domestic transportation of combustible liquids by motor vehicle before being loaded onto a vessel for export—or conversely—combustible liquids that will be imported by vessel and then moved by motor vehicle domestically.

Your understanding of the HMR requirements regarding placarding requirements for the import and export of combustible liquid shipments is incorrect. In accordance with § 171.22(c), a material designated as a hazardous material under the HMR, but which is not subject to the requirements of the IMDG Code, may not be transported in accordance with the IMDG Code and must be transported in accordance with all applicable requirements of the HMR while in the United States.

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

Sincerely,

A handwritten signature in blue ink that reads "Eamonn Patrick".

Eamonn Patrick
Acting Chief, Regulatory Review and Reinvention Branch
Standards and Rulemaking Division

From: [INFOCNTR \(PHMSA\)](#)
To: [Dodd, Alice \(PHMSA\)](#)
Cc: [Hazmat Interps](#)
Subject: FW: Request Clarification on Use of the IMDG Code within the United States
Date: Wednesday, December 6, 2023 3:41:03 PM
Attachments: [RNorl.PHMSA-Request Clarification for Use of the IMDG Code.docx](#)

Hi Alice,

Please see the attached interpretation request. Let us know if you need anything.

Sincerely,
Janaye

From: Norl Jr., Richard <NORLR@cpchem.com>
Sent: Wednesday, December 6, 2023 12:49 PM
To: PHMSA HM InfoCenter <PHMSAHMInfoCenter@dot.gov>
Subject: Request Clarification on Use of the IMDG Code within the United States

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.

Richard Norl Jr., MS, DGSA
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December 7, 2023

Sent via email: phmsa.hm-infocenter@dot.gov

United States Department of Transportation
PHMSA Office of Hazardous Materials Standards
Attn: PHH-10
East Building
1200 New Jersey Avenue, SE.
Washington, DC 20590-0001

Richard Norl Jr.
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Re: Request Clarification on Use of the IMDG Code within the United States

Dear Sir/Madam:

I am requesting clarification on use of the IMDG Code within the United States per 49 CFR §171.25(b)(1) and (d), specifically the transport of combustible liquids with a flashpoint above 60 °C (140 °F) and below 93 °C (200 °F) as defined in 49 CFR §173.120(b)(1), in bulk packages placed on board a vessel for export or as an import shipment.

On 27 January 2006, PHMSA published and issued Docket No. 2005-23141, HM-215F, NPRM, which consolidated into one section those conditions and limitations applicable to the authorized international transport standards and regulations by creating a new Subpart C and separate sections containing additional provisions specific to each authorized standard, which is the current format of the HMR today. The NPRM proposed an exception from placarding combustible liquids in bulk packaging that are transported in a single port area and placed on board a vessel for export or as an import shipment. The exception would have at least resolved the issue of when to remove or add placards and markings as it would clearly mean at the ship/shore interface of the United States port as this cannot be accomplished on a vessel at sea. However, when the final rule was published on 03 May 2007, the exception was not adopted because of reservations expressed by two commenters that shipments could sit at a port for several days without information for emergency responders, which PHMSA agreed with in addition to several issues PHMSA felt needed further review.

On 05 April 2010, PHMSA published and issued Docket No. 2009-0241, HM-242, ANPRM, which was a petition for rulemaking to harmonize the transport of combustible liquids with the international standards. The ANPRM highlighted many of the problems encountered when attempting to ship combustible liquids in bulk packages internationally and the practical approach some Shippers were taking to try and meet the requirements of the HMR and IMDG Code, and that is to remove or add placards and markings just prior to loading on a vessel. PHMSA published a withdrawal of the ANPRM and denial of the petitions on 30 May 2012. In Part V of the withdrawal - Denial of Petitions, PHMSA inserted a chart comparing Class 3 liquids based on flashpoint of the UN Recommendations (Model Regulations) and

the HMR with variance shaded for 140-200 °F (60-93 °C) (a.k.a. High Flashpoint Combustible Liquids of HFCLs). **Under the HMR they specifically reflected domestic ground shipments.**

This category of combustible liquids continues to be very problematic for those of us that ship combustible liquids internationally in bulk packages. We know of two vessel carriers that have rejected shipments described on the transport document as “NA1993, Combustible Liquid, N.O.S.” with a notation “Non-regulated IMDG Code” and two vessel carriers that only accept shipments described as such, and for one of those shipments the Consignee received a penalty from the German Port Authorities. It is my understanding the Belgium Port Authorities have issued penalties for such infractions as well.

It appears to me that although PHMSA did not adopt the proposed exception on placarding combustible liquids in bulk packaging that are transported in a single port area and placed on board a vessel for export or as an import shipment into the final rule of HM-215F, dated 03 May 2007, the comparison of the UN Model Regulations and HMR in the withdrawal of HM-242, ANPRM, dated 30 May 2012 **could be interpreted that the regulation of combustible liquids in bulk packaging only applies to domestic ground shipments as PHMSA is authorizing the use of the IMDG Code for the water portion of the journey based on specific conditions and limitations.** The following provisions in the HMR seems to support that theory:

1. §171.22(a) – “This subpart **authorizes, with certain conditions and limitations,** the offering for transportation and the transportation in commerce of hazardous materials in accordance with the-----”
2. §171.22(c) – “A material designated as a **hazardous material under this subchapter** but **excepted from or not subject to the international transport standards and regulations** authorized in paragraph (a) of this section **must be transported in accordance with all applicable requirements of this subchapter.**”
3. §171.25(b)(1) – “Unless specified otherwise in this subchapter, a shipment must conform to the requirements in part 176 of this subchapter. **For transportation by rail or highway prior to or subsequent to transportation by vessel,** a shipment must conform to the applicable requirements of parts 174 and 177 respectively, of this subchapter, and **the motor vehicle or rail car must be placarded in accordance with subpart F of part 172**”.
4. §171.25(d) - “**A hazardous material being imported into or exported from the United States or passing through the United States in the course of being shipped between locations outside the United States may be offered and accepted for transportation and transported by motor vehicle within a single port area,** including contiguous harbors, **when packaged, marked, classed, labeled, stowed and segregated in accordance with the IMDG Code, offered and accepted in accordance with the requirements of subparts C and F of part 172 of this subchapter pertaining to shipping papers and placarding, and otherwise conforms to the applicable requirements of part 176 of this subpart**”.

I have spoken with other dangerous goods professionals (Industry Colleagues, DG Instructors, Third-Party Logistics Service Providers (carriers, freight forwarders, etc.) and Port Managers) and opinions of the regulatory provisions on this subject have varied. Although most of the professionals I have spoken

with have opined that when shipped in bulk packaging by ground, combustible liquids are subject to the HMR and once the shipment reaches the port (**designated area of the port**), the package must be shipped as non-dangerous goods in accordance with the IMDG Code or Environmentally Hazardous Substance (EHS) if applicable. In this situation, many shippers choose to hire an agent to remove and/or replace the placards and markings to ready the package for international shipment at the port. It is the reverse for imports in that shippers choose to hire an agent to place placards and markings to ready the package for domestic ground shipment at the port.

We dangerous goods professionals (shippers, carriers, freight forwarders, receivers, etc.) need clarification from PHMSA so that we can make the right decisions about compliance, be it that PHMSA's regulatory intent is **that the regulation of combustible liquids in bulk packaging only applies to domestic ground shipments or bulk packaging cannot be shipped internationally**. I am aware of DOT SP1287 and whereas it permits the transport of IBCs from placarding and marking, provided they are in a sealed freight container marked for export, the freight container still must be placarded and marked, and the placards and markings removed and/or replaced to ready the package for international shipment, so this does not resolve the problem.

Thank you in advance for your assistance in this matter.