



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

1200 New Jersey Avenue, SE  
Washington, DC 20590

SEP 06 2017

Mr. Robert Miller  
ESHQ Services North America  
Evonik Corporation  
299 Jefferson Road  
Parsippany, NJ 07054

Reference No. 16-0204

Dear Mr. Miller:

This letter is in response to your December 14, 2016, e-mail and letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to use of the word “stabilized” in a proper shipping name. You note international regulations specifically require that the word “STABILIZED” be added to a proper shipping name of a material that requires mitigation (e.g., through the use of special transport conditions, chemical inhibitors, or stabilizers) to prevent a dangerous reaction that would be forbidden in transport. Specifically, you ask the Pipeline and Hazardous Materials Safety Administration (PHMSA) to amend the HMR by adding this requirement to the final rule being developed under Docket No. PHMSA-2015-0273 (HM-215N).

PHMSA published the HM-215N final rule in the *Federal Register* on March 30, 2017 [82 FR 15796]. Further, PHMSA published the HM-215N notice of proposed rulemaking (NPRM) in the *Federal Register* on September 7, 2016, with a comment period that closed on November 7, 2016 [81 FR 61741]. As a result, the changes you request could not be added to the NPRM or final rule. Additionally, the wording you describe would require the word “stabilized” to be added to a proper shipping name in the HMR without requiring at the same time that the material be stabilized.

In 2002, PHMSA issued a final rule that revised proper shipping names in the Hazardous Materials Table (§ 172.101) to replace the word “inhibited” with “stabilized” to harmonize with international regulations. See Docket No. RSPA-2000-7702 (HM-215D; 66 FR 33316). A version of the language you reference existed in the international regulations at that time (for the current version, see § 3.1.2.6 of the International Maritime Dangerous Goods Code; § 1.2.5 of the International Civil Aviation Organization Technical Instructions for the Safe Transport of Dangerous Goods by Air; and § 3.1.2.6 of the United Nations Recommendations for the Transport of Dangerous Goods). PHMSA did not adopt this language because it required the word “stabilization” to be added to the proper shipping names of materials that may not meet the chemical definition for “stabilization.”

If you believe a change to this requirement is warranted, you are welcome to file a petition for rulemaking (a request to change a requirement in the 49 CFR) in accordance with § 106.95. Please include all the information (see § 106.100) needed to support your petition.

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

Sincerely,

A handwritten signature in black ink, appearing to read "T. Glenn Foster". The signature is written in a cursive style with a large, sweeping initial "T".

T. Glenn Foster  
Chief, Regulatory Review and Reinvention Branch  
Standards and Rulemaking Division

**Goodall, Shante CTR (PHMSA)**

Edmonson  
172-201 (g)(4)  
Shipping Papers  
16-0204

**From:** INFOCNTR (PHMSA)  
**Sent:** Wednesday, December 14, 2016 11:39 AM  
**To:** Hazmat Interps  
**Subject:** FW: Request for Clarification Between CFR and IMDG  
**Attachments:** Disharmonization between IMDG and CFR.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Shante/Alice,

Please submit this as a letter of interpretation. I spoke with Mr. Miller on this.

Please let me know if you have any questions.

Thanks,  
Jordan

**From:** Miller, Robert [mailto:robert.miller@evonik.com]  
**Sent:** Wednesday, December 14, 2016 9:31 AM  
**To:** INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>  
**Subject:** Request for Clarification Between CFR and IMDG

Greetings,

Attached please find a letter requesting clarification on the disharmony between 49 CFR and the IMDG Code as it pertains to adding the word "Stabilized" to a Proper Shipping Name when it is not already included.

Thanks,

Rob

**Robert Miller**  
Manager - Transportation Safety

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December 14, 2016

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RE: Request for Clarification on the Disharmonization between  
IMDG and CFR

Dear Madam / Sir:

According to subsection 3.1.2.6 of the IMDG Code (the same in the UN Model Regulation TDG), it is required that for self-reactive substances and organic peroxides and unless it is already included in capital letters in the name indicated in the Dangerous Goods List, the word STABILIZED shall be added as part of the Proper Shipping Name of the substance, which without stabilization would be forbidden from transport in accordance with 1.1.3 due to it being liable to dangerously react under conditions normally encountered in transport (such as TOXIC LIQUID, ORGANIC, N.O.S., STABILIZED). This requirement, however, is absent from the 49 CFR.

According to the international regulations, when meeting the provision 3.1.2.6, we'll be forced to include the word "stabilized" as part of the basic description right after "n.o.s.", i.e. within the basic description sequence. Even though CFR allows in 172.201(a)(4) additional information (such as "stabilized") after the basic description, i.e. after the description sequence specified in paragraphs (1) to (4) of

RDT  
Except for

172.202 (a), we will get an unwanted and needless disharmony in the DG classifications concerned, which will cause additional work and be a permanent source of confusion.

Therefore, we ask for further explanation on this issue and consideration to amend the regulations. If there is still time (considering the objection period for the NPRM HM-215N) we urge PHMSA to harmonize this with the international DG regulations (UNMRTDG, IMDG Code and ICAO-TI), which would be logical and crucial as well.

Thank you for your time and guidance.

Sincerely yours,



Robert Miller  
Manager - Transportation Safety  
Product Regulatory Services  
USA