



U.S. Department
of Transportation

Research and
Special Programs
Administration

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

JAN 6 1998

Mr. Hugh Taylor
Regulatory Specialist
The Dow Chemical Company
2020 WH Dow Center, C-1306
Midland, MI 48674

Dear Mr. Taylor:

This is in response to your letter dated November 5, 1997, regarding residues of Class 9 hazardous substances under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask whether tank cars and cargo tanks that contain residues of Class 9 hazardous substances may be returned from the consignee without removing the ID number marking and/or the placards.

The answer is yes. The HMR do not require removal of the identification markings and/or placards when a package has a residue of a Class 9 hazardous substance. However, the shipping paper should be consistent with the transport vehicle's hazard communications by prefacing the shipping description with "RESIDUE Last Contained ***" as provided by § 172.203(e)(1). However, markings or placards may be removed when the Class 9 hazardous substance residue is below its reportable quantity. No shipping paper is necessary if placards and markings are removed.

I hope this information is helpful. If we can be of further assistance, please do not hesitate to contact us.

Sincerely,

Delmer F. Billings
Chief, Regulations Development
Office of Hazardous Materials Standards



George
File: 172-300, 172, 512(3)(c)
SC: 230, 355

2020 WH Dow Center
C-1306

The Dow Chemical Company
Midland, Michigan 48874

November 5, 1997

Mr. Edward Mazzullo, Director
Hazardous Materials Standards, DHM-31
Office of Hazardous Materials Transportation
U.S. Department of Transportation
400 Seventh St. S.W.
Washington, DC 20590-0001

HAZARDOUS SUBSTANCE RESIDUES IN TANK CARS AND TANK TRUCKS

It has recently come to the attention of Richard Humburg and myself that the DOT may have received a request for an interpretation on the subject from Mr. Jack Gibbs of BASF. Dow Chemical respectfully offers its comments as an interested party in an effort to ensure a continuation of what we believe to be the prevailing industry practice.

In contention is whether tank cars and tank trucks that previously contained only Class 9 Hazardous Substances may be returned from the consignee without removing the ID number marking and/or placards.

Dow Chemical believes that either retaining or removal of marking and/or placards are acceptable alternatives, particularly if shipping papers are consistent with the practice. We think that the alternatives are adequately supported in the letters of DOT's Mr. Metcalf (2/3/81) and Mr. Billings (4/18/94) and in CFR 49, 171.8 definition of a hazardous materials and a residue and in 172.303 and 173.29.

With the advent of electronic shipping papers, shippers and railroads are communicating in a manner, such that the original shipping information in the railroad computer is used to generate the return hazardous material documentation. Under those circumstances the return shipping documents contain a hazardous material description of the hazardous substance. Any action that significantly alters the manner in which tank cars containing residues of hazardous substances are handled would be difficult and costly to manage by both shippers and carriers. Additionally, we don't believe the current practice has a detrimental effect on safety.

Please feel free to contact either Richard or me if any additional information is required.

Sincerely,

Hugh Taylor

Hugh Taylor
Regulatory Specialist

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Richard Humburg 517 636 4126

Enclosures: Documents from Mr. Metcalf, Mr. Billings & FRA