



U.S. Department
of Transportation

Pipeline and Hazardous Materials
Safety Administration

1200 New Jersey Avenue SE
Washington DC 20590

MAR 11 2015

Mr. David Skater
Brian Kurtz Trucking Ltd.
RR#2, 6960 Speedvale Avenue West
Breslau, Ontario N0B 1M0
Canada

Ref. No. 14-0210

Dear Mr. Skater:

This responds to your October 29, 2014, email requesting clarification of shipping paper requirements for North American shipments under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask for clarification on the proper sequence of the shipping description on shipping papers of shipments originating in Canada and prepared in accordance with Canada's Transportation of Dangerous Goods Regulations (TDG Regulations).

In your letter, you state your driver was cited for having an improper shipping description sequence entered on the shipping paper. Specifically, the description was "Extracts, aromatic, liquid, Class 3, UN 1169, PG II" and because the UN number was not listed first, the driver was cited. However, it is your understanding that this is permitted because the HMR authorizes the use of the TDG Regulations under § 171.12(a); and the TDG Regulations prescribe the basic description with the proper shipping name listed first, followed by hazard class, UN number and packing group under Part 3; 3.5(1)(c).

Your understanding is correct. Shipments of hazardous material originating from Canada and offered for transportation by motor vehicle or rail in accordance with the TDG Regulations are authorized for transport by § 171.12(a)(1) provided the applicable requirements in §§ 171.12, 171.22 and 171.23 are met. The requirements of Part 172 of the HMR do not apply to material transported according to the TDG Regulations. Thus, if the TDG Regulations provides the option of placing the proper shipping name first in the shipping description sequence, then it is also authorized under the HMR.

I hope this answers your inquiry. If you need additional assistance, please contact this Office at 202-366-8553.

Sincerely,

Dirk Der Kinderen
Acting Chief, Standards Development Branch
Standards and Rulemaking Division

Goodall, Shante CTR (PHMSA)

Boothe
171.12
Shippers Responsibility
14-0210

From: Ciccarone, Michael CTR (PHMSA)
Sent: Wednesday, October 29, 2014 3:31 PM
To: Hazmat Interps
Subject: FW: Hazmat Safety Feedback: Other

Shante/Alice,

Please submit this for a formal letter of interpretation.

It looks like Mr. Skater's address is:

Brian Kurtz Trucking Ltd.
RR# 2, 6960 Speedvale Avenue West
Breslau, Ontario NOB 1M0
Canada

-----Original Message-----

From: HMIS (PHMSA)
Sent: Wednesday, October 29, 2014 12:28 PM
To: INFOCNTR (PHMSA)
Subject: FW: Hazmat Safety Feedback: Other

-----Original Message-----

From: PHMSA Webmaster
Sent: Wednesday, October 29, 2014 9:40 AM
To: HMIS (PHMSA); PHMSA Webmaster
Subject: Hazmat Safety Feedback: Other

Is it possible to obtain a written interpretation on the following: I had a driver stopped with a shipment of Extracts, Aromatic, Liquid, Class 3, UN# 1169, PG III and listed on the Bill of Lading in that order. Our driver was warned that the order was incorrect and not accepted in the USA. It is my understanding that the The Code of Federal Regulations 171.12 permits us to transport this shipment under guidelines of Transport Canada Clear Language Regulation. Under Clear Language regulation shippers have the option of (on documentation) putting the shipping name first? (shipping name, class UN number, packing group) or UN number first (UN number, shipping name, class, packing group) This can be found with Clear Language Regulation Part 3 3.5 Information on a Shipping Document. (7) Despite subparagraph (1)(c)(v), the UN number required in the description of each of the dangerous goods may be included in the shipping document before the shipping name.SOR/2005-216.

This is a very typical example of most shipments originating in Canada. I am need of something in writing to support me either when we get stopped or wrote up or to support me if I need to go to our customers and have them change the way they are completing their paperwork.

Name: David Skater
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