



CHEMICAL MANUFACTURERS ASSOCIATION

May 24, 1995

Mr. Edward Mazzullo
Office of Hazardous Materials Standards
Research and Special Programs Administration
U.S. Department of Transportation
400 Seventh Street, S.W.
Washington, D.C. 20590

Re: Interpretation of 49 C.F.R. § 172.302(f)

Dear Mr. Mazzullo:

The Chemical Manufacturers Association's Vinyl Chloride Panel respectfully requests an interpretation of 49 C.F.R. § 172.302(f) as it applies to the marking with the proper shipping name on existing rail tank cars used to transport vinyl chloride monomer. As you are aware, HM-215A revised the proper shipping name from "vinyl chloride" to "vinyl chloride, stabilized." This change becomes mandatory as of October 1, 1996.

I. Regulatory Provision at Issue

Vinyl chloride is classified under DOT's Hazardous Materials Table as a Division 2.1 flammable gas. It is transported domestically in DOT 105, 112 and 114 pressure tank car tanks. Section 173.314(b)(6) (of Part 173) provides that "each single unit tank car tank, which contains, . . . a Division 2.1 material . . . must be marked with the name of the contents in accordance with the requirements of Section 172.330." Under Section 172.330(a)(1)(i), no person may offer for transport a hazardous material in a tank car unless the tank car is "marked on each side when required by . . . Part 173 of this subchapter with the proper shipping name specified for the material in the § 172.101 Table."

An exception to these tank car marking requirements is provided under Section 172.302(f) which provides as follows:

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A bulk packaging marked prior to October 1, 1991, in conformance to the regulations of this subchapter in effect on September 30, 1991, need not be remarked if the key words of the proper shipping name are identical to those currently specified in the [Hazardous Materials Table]. For example, a tank car marked "anhydrous ammonia" need not be remarked "anhydrous ammonia, liquefied."

II. Proper Shipping Name Change

In 1991, the proper shipping name for this material was "vinyl chloride." This proper shipping name was retained when DOT's Hazardous Materials Regulations were amended by HM-181.^{1/} Shippers of vinyl chloride, therefore, had their rail tank cars marked with the proper shipping name "vinyl chloride." HM-215A, however, changed the proper shipping name for this material to "vinyl chloride, stabilized," effective October 1, 1996. The Panel is submitting this request to clarify the marking requirements applicable to existing rail tank cars as of October 1, 1996.

III. The Panel's Interpretation of the Marking Requirements

The Panel believes that this proper shipping name change falls under the Section 172.302(f) marking exception, and that it is not necessary to remark the rail tank cars with the new proper shipping name "vinyl chloride stabilized" because the current marking conveys the key words of the proper shipping name. Moreover, the marking "vinyl chloride" adequately conveys the hazards posed by the material.

There is another proper shipping name in the table for "vinyl chloride, inhibited." However, there is no difference between the inhibited vinyl chloride and the stabilized vinyl chloride in terms of the material's hazards. The terms "stabilized" and "inhibited" merely convey the way in which the material is treated to prevent self-polymerization.

Requiring all vinyl chloride shippers to embark on a campaign to remark their existing rail cars by October 1, 1996 is

^{1/} Additionally a listing was added to the Hazardous Materials Table under HM-181 for "vinyl chloride inhibited." Domestic shipments of vinyl chloride do not satisfy the definition of an inhibited material, and therefore, do not use this proper shipping name.

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expensive both in terms of the cost of remarking and the lost use of the car. Additionally, it serves no safety purpose because the key words are conveyed with the marking "vinyl chloride." Consequently, it is more efficient to allow shippers to remark their existing cars as the cars require repainting under a normal service schedule, rather than embarking on a massive remarking campaign that must be completed next year.

The Vinyl Chloride Panel of the Chemical Manufacturers Association thanks you for your prompt attention to this matter.

Sincerely,

Has Shah

Hasmukh Shah, Ph.D.
Manager, Vinyl Chloride Panel