

§ 173.421, § 173.424 or § 173.426 as appropriate of this subchapter.

(v) Type A package contents shall be limited in accordance with § 173.431 of this subchapter.

(vi) The definition for “radioactive material” in § 173.403 of this subchapter applies to radioactive materials transported under the provisions of this section.

(7) If a United States variation is indicated in the ICAO Technical Instructions for any provision governing the transport of the hazardous material, the hazardous material is transported in conformance with that variation.

(8) Abbreviations may not be used in shipping paper entries or package markings unless they are specifically authorized by this subchapter. ICAO class or division numbers are not considered to be abbreviations.

(9) When a hazardous material, which is subject to the requirements of the ICAO Technical Instructions, is a material poisonous by inhalation (see § 171.8 of this subchapter)—

(i) The shipping description must include the words “Toxic Inhalation Hazard” or “Poison-Inhalation Hazard” or “Inhalation Hazard”, as required in § 172.203(m) of this subchapter;

(ii) The material must be packaged in accordance with the requirements of this subchapter; and

(iii) The package must be marked in accordance with § 172.313 of this subchapter and labeled with “POISON INHALATION HAZARD” or “POISON GAS”, as appropriate, in accordance with subpart E of part 172 of this subchapter.

(10) Shipments of hazardous materials under this section must conform to the requirements for emergency response information as prescribed in subpart G of part 172 of this subchapter.

(11) Packages of Class 1 (explosive) materials must be marked in accordance with § 172.320 of this subchapter.

(12) If an ammonium nitrate fertilizer or ammonium nitrate mixed fertilizer, must not meet the definition and criteria of a Class 1 (explosive) material.

(13) Transportation of marine pollutants, as defined in § 171.8 of this subchapter, in bulk packagings must con-

form to the requirements of §§ 172.203(1) and 172.322 of this subchapter.

(14) Except as provided for limited quantities of compressed gases in containers of not more than 4 fluid ounces capacity under § 173.306(a)(1) of this subchapter, aerosols must meet the definition for “Aerosol” in § 171.8. In addition, an aerosol must be in a metal packaging if the packaging exceeds 7.22 cubic inches.

(15) A chemical oxygen generator is forbidden for transportation aboard a passenger-carrying aircraft and must be approved, classed, described and packaged in accordance with the requirements of this subchapter for transportation on cargo-only aircraft. A chemical oxygen generator (spent) is forbidden for transportation on aircraft.

(16) A cylinder containing Oxygen, compressed, may not be transported on a passenger-carrying aircraft or in an inaccessible cargo location aboard a cargo-only aircraft unless it is packaged as required by Part 173 and Part 178 of this subchapter and is placed in an overpack or outer packaging that satisfies the requirements of Special Provision A52 in § 172.102.

(17) An organic peroxide that is not identified by technical name in the Organic Peroxide Table in § 173.225(b) of this subchapter must be approved by the Associate Administrator in accordance with the requirements of § 173.128(d) of this subchapter.

[Amdt. 171-69, 47 FR 54821, Dec. 6, 1982]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 171.11, see the List of CFR Sections Affected which appears in the Finding Aids section of the printed volume and on GPO Access.

#### § 171.12 Import and export shipments.

(a) *Importer’s responsibility.* Except in the case of a shipment from Canada conforming to § 171.12a of this subchapter, each person importing a hazardous material into the United States shall provide the shipper and the forwarding agent at the place of entry into the United States timely and complete information as to the requirements of this subchapter that will apply to the shipment of the material within the United States. The shipper, directly or through the forwarding

agent at the place of entry, shall provide the initial carrier in the United States the certificate of compliance required by §172.204 of this subchapter. The carrier may not accept the material for transportation unless the required certification is provided. All shipping paper information required under paragraph (b) or (d) of this section must be in English.

(b) *IMDG Code* (see §171.7 of this subchapter). The IMDG Code sets forth descriptions, classifications, packagings, labeling and vessel stowage requirements. Notwithstanding the provisions of this subchapter, a material which is packaged, marked, classed, labeled, placarded, described, stowed and segregated, and certified (including a container packing certification, if applicable) in accordance with the IMDG Code, and otherwise conforms to the requirements of this section, may be offered and accepted for transportation and transported within the United States. The following conditions and limitations apply:

(1) The provisions of this paragraph (b) apply only if all or part of the transportation is by vessel.

(2) A number of materials listed in the IMDG Code are not subject to the requirements of this subchapter. The provisions of this subchapter do not apply to materials listed in the IMDG Code which are not designated as hazardous materials under this subchapter. These materials may, however, be transported in the U.S. when described, marked and labeled in accordance with the IMDG Code.

(3) A material designated as a hazardous material under this subchapter which is not subject to the requirements of the IMDG Code may not be transported under the provisions of this section. For example, internal combustion engines, and viscous flammable liquids having a flash point of 23 °C (73.4 °F) or greater and less than or equal to 60.5 °C (140.9 °F) as provided in 2.3.2.5 of the IMDG Code may not be transported under the provisions of this section and are subject to the requirements of this subchapter.

(4) A forbidden material or package according to §173.21 of this subchapter or column 3 of the §172.101 table may

not be transported under the provisions of this section.

(5) Except for IBCs and UN portable tanks intended for liquids or solids, bulk packagings must conform to the requirements of this subchapter. For UN portable tanks, Special Provisions TP37, TP38, TP44 and TP45 must be met when applicable. Except as specified in paragraph (b)(8) of this section for a material poisonous (toxic) by inhalation (see §171.8 of this subchapter), the T Codes specified for specific hazardous materials in Column 13 of the Dangerous Goods List of the IMDG Code may be applied to the transportation of those materials in IM, IMO and DOT Specification 51 portable tanks when these portable tanks are authorized in accordance with the requirements of this subchapter.

(6) For export, packagings must conform to the applicable requirements in §§173.24, 173.24a and 173.28 of this subchapter.

(7) A Class 1 material must be classed and approved under the procedures in subpart C of part 173 of this subchapter and conform to the requirements of §172.320 and part 176 of this subchapter.

(8) When a hazardous material, which is subject to the requirements of the IMDG Code, is a material poisonous by inhalation (see §171.8 of this subchapter)—

(i) The shipping description must include the words ‘Toxic Inhalation Hazard’ or ‘Poison-Inhalation Hazard’ or ‘Inhalation Hazard’, as required in §172.203(m) of this subchapter;

(ii) The material must be packaged in accordance with the requirements of this subchapter;

(iii) The package must be marked in accordance with §172.313 of this subchapter;

(iv) Except as provided in paragraph (b)(8)(v) of this section, the package must be labeled or placarded POISON GAS or POISON INHALATION HAZARD, as appropriate, in accordance with subparts E and F of this subchapter;

(v) A label or placard that conforms to IMDG Code specifications for a ‘‘Class 2.3’’ or ‘‘Class 6.1’’ label or placard may be substituted for the POISON GAS or POISON INHALATION HAZARD label or placard required by

paragraph (b)(8)(iv) of this section on a package transported in a closed transport vehicle or freight container. The transport vehicle or freight container must be marked with identification numbers for the hazardous material, regardless of the total quantity contained in the transport vehicle or freight container, in the manner specified in §172.313(c) of this subchapter and placarded as required by subpart F of this subchapter;

(vi) A package, freight container, or transport vehicle may be placarded in conformance with IMDG Code placard specifications for "Class 2.3" or "Class 6.1", as appropriate, in place of the POISON GAS or POISON INHALATION HAZARD placard required by paragraph (b)(8)(iv) of this section when moving within a single port area, including contiguous harbor.

(9) Class 7 materials must conform to the provisions of paragraph (d) of this section.

(10) For a hazardous waste, as defined in this subchapter—

(i) The word "Waste" must precede the proper shipping name on shipping papers and packages; and

(ii) The requirements of §172.205 of this subchapter with respect to hazardous waste manifests are applicable.

(11) A hazardous substance as defined in this subchapter must conform to the requirements of §§172.203(c) and 172.324 of this subchapter.

(12) A poisonous material must conform to the requirements of §172.203(m) of this subchapter.

(13) [Reserved]

(14) Any ammonium nitrate fertilizer or ammonium nitrate mixed fertilizer must not meet the definition and criteria of a Class 1 (explosive) material.

(15) Cylinders not manufactured to a DOT specification must conform to the requirements of §173.301(j) through (l) of this subchapter or, for Canadian manufactured cylinders, to the requirements of §171.12a(b)(13).

(16) Shipments of hazardous materials under this section must conform to the requirements for emergency response information as prescribed in subpart G of part 172 of this subchapter.

(17) Except as provided for limited quantities of compressed gases in con-

tainers of not more than 4 fluid ounces capacity under §173.306(a)(1) of this subchapter, aerosols must meet the definition for "Aerosol" in §171.8.

(18) A chemical oxygen generator must be approved in accordance with the requirements of this subchapter. A chemical oxygen generator and a chemical oxygen generator (spent) must be classed, described and packaged in accordance with the requirements of this subchapter.

(19) Except for Division 2.2, the shipping paper description for an air bag, air bag module, or seat-belt pretensioner must conform to the requirements of §173.166(c) of this subchapter.

(20) An organic peroxide that is not identified by technical name in the Organic Peroxide Table in §173.225(b) of this subchapter must be approved by the Associate Administrator in accordance with the requirements of §173.128(d) of this subchapter.

(c) *Use of IMDG Code in port areas.* Section 171.2 notwithstanding, a hazardous material (other than Division 1.1 or 1.2 or Class 7) being imported into or exported from the United States or passing through the United States in the course of being shipped between places 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, if the hazardous material is 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 subchapter. The requirement in §172.201(d) of this subchapter for an emergency telephone number does not apply to shipments made in accordance with the IMDG Code if the hazardous material:

- (1) Is not offloaded from the vessel;
- (2) Is offloaded between ocean vessels at a U.S. port facility without being transported by public highway.

(d) *Use of International Atomic Energy Agency (IAEA) regulations for Class 7 (radioactive) materials.* Class 7 (radioactive) materials being imported into or exported from the United States, or passing through the United States in the course of being shipped between places outside the United States, may be offered and accepted for transportation when packaged, marked, labeled, and otherwise prepared for shipment in accordance with IAEA “Regulations for the Safe Transport of Radioactive Material,” Safety Series No. 6 or TS-R-1 (incorporated by reference, see § 171.7), if—

(1) Highway route controlled quantities (see § 173.403 of this subchapter) are shipped in accordance with §§ 172.203(d)(4), 172.507 and 173.22(c) of this subchapter;

(2) For fissile materials and Type B packages, the competent authority certification and any necessary revalidation is obtained from the appropriate competent authorities as specified in §§ 173.471, 173.472 and 173.473 of this subchapter and all requirements of the certificates and revalidations are met;

(3) Type A package contents are limited in accordance with § 173.431 of this subchapter;

(4) The country of origin for the shipment has adopted the corresponding edition (Safety Series No. 6, 1985 Edition, or TS-R-1, 1996 Edition) of the IAEA “Regulations for the Safe Transport of Radioactive Material”;

(5) The requirements of §§ 173.448(e), 173.448(f), and 173.448(g)(3) of this subchapter are fulfilled, when applicable;

(6) Shipments comply with the requirements for emergency response information prescribed in subpart G of part 172 of this subchapter; and

(7) The definition for “radioactive material” in § 173.403 of this subchapter is applied to radioactive materials transported under the provisions of this section.

(e) *Shipments to or from Mexico.* Unless otherwise excepted, hazardous materials shipments from Mexico to the United States or from the United States to Mexico must conform to all applicable requirements of this subchapter. When a hazardous material that is a material poisonous by inhalation (see § 171.8) is transported by high-

way or rail from Mexico to the United States, or from the United States to Mexico, the following requirements apply:

(1) The shipping description must include the words “Toxic Inhalation Hazard” or “Poison-Inhalation Hazard” or “Inhalation Hazard”, as required in § 172.203(m) of this subchapter.

(2) The material must be packaged in accordance with requirements of this subchapter.

(3) The package must be marked in accordance with § 172.313 of this subchapter.

(4) Except as provided in paragraph (e)(5) of this section, the package must be labeled or placarded POISON GAS or POISON INHALATION HAZARD, as appropriate, in accordance with subparts E and F of this subchapter.

(5) A label or placard that conforms to the UN Recommendations on the Transport of Dangerous Goods specifications for a “Division 2.3” or “Division 6.1” label or placard may be substituted for the POISON GAS or POISON INHALATION HAZARD label or placard required by §§ 172.400(a) and 172.504(e) of this subchapter on a package transported in a closed transport vehicle or freight container. The transport vehicle or freight container must be marked with identification numbers for the material, regardless of the total quantity contained in the transport vehicle or freight container, in the manner specified in § 172.313(c) of this subchapter and placarded as required by subpart F of this subchapter.

[Amdt. 171–111, 55 FR 52472, Dec. 21, 1990]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 171.12, see the List of CFR Sections Affected which appears in the Finding Aids section of the printed volume and on GPO Access.

#### **§ 171.12a Canadian shipments and packagings.**

(a) *Scope and applicability.* This section sets forth provisions for the transportation by rail or highway of shipments of hazardous materials which conform to the regulations of the Government of Canada but which may differ from the requirements of this subchapter with regard to hazard communication, classification or packaging. Except as provided in paragraph