

approved by the Associate Administrator in accordance with the requirements of §173.124(a)(2)(iii) of this subchapter. An organic peroxide that is not identified by a technical name in any of the organic peroxide tables found in §173.225 of this subchapter must be approved by the Associate Administrator in accordance with the requirements of §173.128(d) of this subchapter.

(18) Primary lithium batteries and cells are forbidden for transportation aboard passenger-carrying aircraft. Equipment containing or packed with primary lithium batteries or cells are forbidden from transport aboard passenger-carrying aircraft except as provided in §172.102, Special Provision A101 or A103, of this subchapter. Except for primary lithium batteries and cells that are contained in or packed with equipment, packagings containing primary lithium batteries and cells that meet the exceptions in §173.185(b) and (c) of this subchapter must be marked "PRIMARY LITHIUM BATTERIES—FORBIDDEN FOR TRANSPORT ABOARD PASSENGER AIRCRAFT" and may be transported aboard cargo-only aircraft.

[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.* The IMDG Code (IBR, see §171.7) sets forth descriptions, classifications, packagings, labeling and vessel stowage requirements. Notwithstanding the provisions of this subchapter, a material that 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 that is designated as a hazardous material under this subchapter, but is not subject to the requirements of the IMDG Code (see §171.12 of this subchapter) may not be transported under the provisions of this section and is subject to the requirements of this subchapter. Examples of such materials include flammable gas powered vehicles and combustible liquids.

(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 (m) 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 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.

(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) For air bag inflators, air bag modules, or seat-belt pretensioners, the shipping paper description must conform to the requirements of §173.166(c) of this subchapter.

(20) A self-reactive substance that is not identified by technical name in the Self-Reactive Materials Table in §173.224(b) of this subchapter must be approved by the Associate Administrator in accordance with the requirements of §173.124(a)(2)(iii) of this subchapter. An organic peroxide that is not identified by a technical name in any of the organic peroxide tables found in §173.225 of this subchapter must be approved by the Associate Administrator in accordance with the requirements of §173.128(d) of this subchapter.

(21) No person may offer an IM or UN portable tank containing liquid hazardous materials of Class 3, PG I or II, or PG III with a flash point less than 100 °F (38 °C); Division 5.1, PG I or II; or Division 6.1, PG I or II, for unloading while it remains on a transport vehicle with the motive power unit attached, unless it conforms to the requirements in §177.834(o) of this subchapter.

(22) Except for primary lithium batteries and cells, packagings containing primary lithium batteries and cells that meet the exceptions in §173.185(b) and (c) of this subchapter must be marked "PRIMARY LITHIUM BATTERIES—FORBIDDEN FOR TRANSPORT ABOARD PASSENGER AIRCRAFT".

(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 sub-

parts 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," No. TS-R-1 1996 edition (IBR, 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, No. TS-R-1 of the IAEA "Regulations for the Safe Transport of Radioactive Material," 1996 edition;

(5) The requirements of §173.448 are fulfilled, when applicable; and

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

(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 highway 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 (IBR, see § 171.7) 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 (b)(5)(iv) of this section, the provisions apply only to shipments which originate in Canada and either terminate in the U.S. or transit the U.S. to a Canadian or foreign destination, and to the return to Canada of bulk packagings that meet the requirements of a DOT or UN Specification and other bulk packagings containing only residues of hazardous materials that were originally imported into the U.S. Reciprocal provisions, applicable to exports from the U.S., appear in the regulations of the Government of Canada.

(b) *Conditions and limitations.* Notwithstanding the requirements of parts 172, 173, and 178 of this subchapter, and subject to the limitations of paragraph (a) of this section, a hazardous material that is classed, marked, labeled, placarded, described on a shipping paper, and packaged in accordance with the Transportation of Dangerous Goods (TDG) Regulations (IBR, see § 171.7) issued by the Government of Canada may be offered for transportation and transported to or through the United States by motor vehicle or rail car. The following conditions and limitations apply:

(1) A number of materials listed in the TDG Regulations may not be subject to the requirements of this subchapter. The provisions of this subchapter do not apply to materials listed in the TDG Regulations 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 TDG Regulations.

(2) A material designated as a hazardous material under this subchapter which is not subject to the requirements of the TDG Regulations or is afforded hazard communication or packaging exceptions not authorized in this subchapter (*e.g.*, paragraph 1.16 of the TDG Regulations) excepts quantities of hazardous materials less than or equal to 500 kg gross transported by highway