

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

or rail) may not be transported under the provisions of this section.

(3) 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.

(4) A Class 1 material must be classed and approved under the procedures in subpart C of part 173 of this subchapter, and packages of Class 1 materials must be marked in accordance with §172.320 of this subchapter.

(5) When a hazardous material, which is a material poisonous by inhalation under the provisions of this subchapter (see §171.8 of this subchapter), is subject to the requirements of the TDG Regulations—

(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)(5)(v) of this section and for a package containing anhydrous ammonia, 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 the specifications in the TDG Regulations 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)(5)(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 material, regardless of quantity, in the manner specified in §172.313(c) of this subchapter and placarded as required by subpart F of this subchapter. When moving in the United States, the transport vehicle or freight container may also be placarded in accordance with the appropriate TDG regulations in addition to the POISON GAS or POISON

INHALATION HAZARD placards required by paragraph (b)(5)(iv) of this section;

(vi) For shipments of anhydrous ammonia, the shipping paper must contain an indication that the markings, labels and placards have been applied in conformance with the TDG Regulations and this paragraph (b)(5).

(6) Required shipping descriptions and package markings must be in English. Abbreviations may not be used unless specifically authorized by this subchapter. Identification numbers must be preceded by “UN” or “NA”. The use of an identification number preceded by “PIN” is not authorized.

(7) Shipments must conform to the requirements for emergency response information in subpart G of part 172 of this subchapter.

(8) A Class 7 material must conform to the provisions of §171.12(d) of this subchapter;

(9) For 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 §172.204 of this subchapter with respect to the shipper’s certification and §172.205 of this subchapter with respect to hazardous waste manifests are applicable;

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

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

(12) 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”.

(13) When the provisions of this subchapter require that a DOT specification or UN standard packaging must be used for a hazardous material, a packaging authorized by the TDG Regulations may be used only if it corresponds to the DOT specification or

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UN packaging authorized by this subchapter. Cylinders not manufactured to DOT specifications must conform to the requirements of § 173.301(j) through (m) of this subchapter.

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

(15) Transportation of marine pollutants, as defined in § 171.8 of this subchapter, must conform to the requirements of §§ 172.203(1) and 172.322 of this subchapter.

(16) 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.

(17) 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.

(18) 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.

(19) Rail and motor carriers must comply with 49 CFR 1572.9 and 49 CFR 1572.11 to the extent those regulations apply, when transporting Class 1 materials.

(20) 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.

[Amdt. 171-111, 55 FR 52473]

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

§ 171.14 Transitional provisions for implementing certain requirements.

General. The purpose of the provisions of this section is to provide an orderly transition to certain new requirements so as to minimize any burdens associated with them.

(a) *Previously filled packages*—(1) *Packages filled prior to October 1, 1991.* Notwithstanding the marking and labeling provisions of subparts D and E, respectively, of part 172, and the packaging provisions of part 173 and subpart B of part 172 of this subchapter, a package may be offered for transportation and transported prior to October 1, 2001, if it—

(i) Conforms to the old requirements of this subchapter in effect on September 30, 1991;

(ii) Was filled with a hazardous material prior to October 1, 1991;

(iii) Is marked "Inhalation Hazard" if appropriate, in accordance with § 172.313 of this subchapter or Special Provision 13, as assigned in the § 172.101 table; and

(iv) Is not emptied and refilled on or after October 1, 1991.

(2) *Non-bulk packages filled prior to October 1, 1996.* Notwithstanding the packaging provisions of subpart B of part 172 and the packaging provisions of part 173 of this subchapter with respect to UN standard packagings, a non-bulk package other than a cylinder may be offered for transportation and transported domestically prior to October 1, 1999, if it—

(i) Conforms to the requirements of this subchapter in effect on September 30, 1996;

(ii) Was filled with a hazardous material prior to October 1, 1996; and

(iii) Is not emptied and refilled on or after October 1, 1996.

(b) *Transitional placarding provisions.* Until October 1, 2001, placards which conform to specifications for placards in effect on September 30, 1991, or placards specified in the December 21, 1990 final rule may be used, for highway transportation only, in place of the placards specified in subpart F of part