



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, D.C. 20590

JUL 12 2016

Mr. Fred A. Romero
Instructor
Dangerous Goods of America
10400 NW 33 Street, Suite 230
Doral, FL 33172

Ref. No.: 16-0066

Dear Mr. Romero:

This responds to your April 7, 2016 letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you seek clarification of the definition of a hazardous substance in § 171.8. You ask if all hazardous substances listed in Appendix A to § 172.101 of the HMR must be declared as hazardous materials; or if the hazardous substances are only hazardous materials when packaged in quantities equal to or exceeding the reportable quantity in Appendix A. In addition, you ask if a hazardous substance that does not meet the definition of any other class or division should be assigned to Class 9 under the entries for UN3082 or UN3077.

Under § 171.8, a hazardous substance (other than radionuclides) is defined as a material, including its mixtures and solutions, that: (1) is listed in the Appendix A to § 172.101 of the HMR; (2) is in a quantity, in one package, which equals or exceeds its RQ listed in the Appendix A to § 172.101 of the HMR; and (3) when in a mixture or solution, is in a concentration by weight which equals or exceeds the concentration corresponding to the RQ of the material, as shown in the table in § 171.8. A material must meet all of these requirements in order to be a hazardous substance. A hazardous substance that is not listed by name in the § 172.101 Hazardous Materials Table and is not more appropriately described by another proper shipping name may be assigned to Class 9 under the entries "UN3077, Environmentally hazardous substances, liquid, n.o.s." and "UN3082, Environmentally hazardous substances, solid, n.o.s." in accordance with § 173.140(b).

I hope this information is helpful. If you have further questions, please do not hesitate to contact this office.

Sincerely,

Duane A. Pfund
International Standards Coordinator
Standards and Rulemaking Division