

SUBJECT 2

SUBJECT 2: Item (Rule) 420, Sec. 5 – Classification of Articles – General**Re:** Item (Rule) 420, Sec. 5 – Classification of Articles – General**Contact:** Adam Mercer

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Proponent: Freight Classification Development Center**Quick View**

The Quick View feature is not intended to replace contextual information within this document. To understand the potential impact of the recommended changes shown here, please read the full proposal.

Subject 2: Item (Rule) 420, Sec. 5 – Classification of Articles – General**Quick View:** Item (Rule) 420 is amended to provide a new Note regarding the classification of shipments regulated as hazardous by the U.S. Department of Transportation.

SUBJECT 2

Proposed Classification Provisions

It is proposed to amend Item 420, Classification of Articles—General to read as follows:

Item 420

CLASSIFICATION OF ARTICLES—GENERAL

Secs. 1-4. No Change.

Sec 5. In determining the applicable classification provision, a specific description takes precedence over a more general description provided the article or material being classified is embraced within the terms of the specific description, including any generic heading, subheading(s) and Note reference(s). See Note 1.

Note 1—In determining the applicable item number for a commodity that is regulated by the U.S. Department of Transportation as hazardous and is required to bear a Hazard Class or Hazard Division label or placard, an item bearing the bomburst symbol (☼) takes precedence over an item that does not bear the symbol. In deciding between multiple items providing the bomburst symbol, the most specific description will take precedence. The determination of the applicable class remains subject to Item 680, Sec. 1 (a), Note 2(a) and (b).

Analysis and Conclusion

Item (Rule) 420, Sec. 5 currently states that a specific description takes precedence over a more general description when determining the applicable classification provision for a commodity. FCDC precedent has been that when a shipment is regulated by the U.S. Department of Transportation as hazardous, a provision that applies on the Hazard Class applicable to the shipment takes precedence over other provisions. This proposal would therefore add a Note to Item (Rule) 420, Sec. 5 clarifying that provisions bearing the bomburst symbol (☼) take precedence over provisions without the symbol when classifying a commodity that is regulated as hazardous.