



U.S. Department  
of Transportation

**Research and  
Special Programs  
Administration**

400 Seventh Street, S.W.  
Washington, D.C. 20590

AUG 10 1998

Mr. Bruce M. Pershan  
Browning Chemical Corp.  
707 Westchester Avenue  
White Plains, New York 10604-3104

Ref. No. 98-0150

Dear Mr. Pershan:

This is in response to your letter dated June 27, 1998, requesting clarification concerning sodium percarbonate which you state is required to be labeled under European requirements as an oxidizer but is not subject to the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) for transportation in the United States. You asked whether this material may be accepted and distributed in the United States if the European hazard warning label appears on the package.

Section 172.401 permits labeling in accordance with the ICAO Technical Instructions, IMDG Code, or Canadian TDG Regulations if a material is a hazardous material or dangerous good under any of these regulations. The HMR do not authorize labeling in accordance with the ADR/RID regulations. Therefore, a package may not display a hazard warning label for transportation in the United States if it contains a material regulated only under the European road or rail regulations. However, a shipment imported into the United States in accordance with the IMDG Code under § 171.12 of the HMR may be offered for transportation and transported in the United States to its final destination.

For your information, sodium percarbonate was removed from the HMR and international transportation regulations as a proper shipping name. However, available test data now indicates this material meets the hazard class defining criteria for a Division 5.1, Packing Group III. Therefore, it is our opinion that sodium percarbonate is subject to the HMR and must be shipped as an oxidizing material.

I hope this satisfies your request.

Sincerely,

Delmer F. Billings  
Chief, Standards Development  
Office of Hazardous Materials Standards

**BROWNING CHEMICAL CORP.**SUBSIDIARY OF JLM MARKETING INC.  
707 WESTCHESTER AVENUE • WHITE PLAINS, NY 10604 - 3104TELEPHONE: 914 686-0300  
FAX: 914 686-0310*Booth*  
*file: 172.401***FACSIMILE MESSAGE**

DATE: 06/27/98 FROM: Bruce M. Pershan  
TO: Edward Mazzulo COMPANY: Office Of Hazardous  
Materials Standards,  
Washington, DC

OUR FAX: [914] 761-3792 NUMBER OF PAGES  
FAX NUMBER: [202] 366-3012 (INCLUDING COVER SHEET) 2

IF THIS TRANSMISSION IS NOT RECEIVED CORRECTLY OR PAGES ARE MISSING,  
PLEASE CALL BROWNING CHEMICAL CORPORATION AT [800] 771-0008.

**Re: Sodium Carbonate Peroxyhydrate**

Browning Chemical is a domestic distributor of mostly imported chemicals. We are in the process of qualifying a European supplier who has advised he must use the enclosed label to satisfy EU requirements. Another supplier in Asia also uses a warning label but it does not have a symbol to reflect the oxidizing properties of the product. IMO and DOT regulations except the chemical [see Sodium Percarbonate] from transport regulations.

Our concern is that if we have the enclosed label on product we ship it will cause confusion with customers and possibly state authorities performing inspections. We therefore would like a written interpretation of the regulations by the DOT. It should explain that the product has oxidizing properties, however, it is not considered a hazardous material for DOT purposes.

We understand it may take a little while for your department to research and write about this matter. I would greatly appreciate it if you would simply have this note faxed back with an approximate reply date. Thank you.

Regards,  
*Bruce M. Pershan*

7-15-98

Per conversation with Fritz Wybenga, International Standards Coordinator and Charlie Ke, Chemist on July 15, 1998:

Sodium percarbonate was taken off the list of hazardous materials for both domestic and international transportation. However, test data has been made available to DOT that indicates this material meets DOT hazard class defining criteria for a Division 5.1, Packing Group III Oxidizer.

Therefore, unless Mr. Pershan's material test data is different (e.g., material is at a concentration so low that it does not meet the hazard class criteria for Division 5.1, PG III material), his material is regulated under the HMR, and must be shipped IAW the HMR.

A handwritten signature in black ink, appearing to read "Deborah L. Bette". The signature is written in a cursive style with a large, looping initial "D".