



U.S. Department  
of Transportation

**Research and  
Special Programs  
Administration**

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

AUG 28 1998

Ms. Elaine Bradford  
Safety/Regulatory Affairs Director  
Spectra Gases, Inc.  
3434 Route 22 West  
Branchburg, NJ 08876

Ref. No. 98-0237

Dear Ms. Bradford:

This is in response to your letter dated July 20, 1998, requesting clarification on the proper classification of your gas mixtures under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, as stated in your letter, an overseas customer is requesting that you furnish documentation from this Department to confirm that Spectra Gases, Inc. has correctly classified the gas mixture in question.

Under 49 CFR 173.22, it is the shipper's responsibility to properly classify a hazardous material. Such determinations are not required to be verified by this Office. Generally, the manufacturer of a material has the knowledge to properly classify and is required to properly classify the hazardous material prior to initial shipment.

I hope this satisfies your request.

Sincerely,

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



**SPECTRA GASES**

3434 Route 22 West • Branchburg, NJ 08876 USA Tel: (908) 252-9300 • (800) 932-0624 • Fax: (908) 252-0811

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§ 173.22

follow-up

98-0237

July 20, 1998

Mr. Ed Mazzullo, Director  
D.O.T. Office of Hazardous Materials Standards  
400 Seventh Street S.W.  
Washington, D.C. 20590

Dear Mr. Mazzullo:

I have been referred to your office by Richard Tarr (one of DOT's chemists) whom I reached after speaking with Harpreet Singh in the Competent Authority Division.

We have an overseas customer requesting that we furnish documentation from D.O.T. to confirm that Spectra Gases, Inc. has correctly classified the gas mixture in question

Spectra Gases, Inc. has informed our customer that proper shipping names are assigned by the manufacturer/shipper, not by DOT. We provided them with relevant 49 CFR regulations regarding classification of gas mixtures and with our classification process for this mixture in particular. Our customer remains unconvinced that Spectra Gases, Inc. is the final authority regarding assignment of this proper shipping name/classification. Their opinion is probably strongly based on their previous experience with documentation provided by DOT Competent Authority (see attached --dated 1985?).

In conclusion, we are requesting that your department please confirm whether classification of this mixture (specifications attached) as a Compressed Gas, n.o.s. UN 1956 (Class 2.2) is correct or not. If this is not possible, I would be grateful for written response to the effect that DOT does not provide this type of documentation.

Sincerely,

Elaine Bradford  
Safety/Regulatory Affairs Director

Phone: 908-252-9300 ext 230

Fax: 908-252-0811

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Attachments:

- (1) June 29 1985 (?) document from US DOT Competent Authority for the United States
- (2) specifications of compressed gas mix in question (55 components, each at 1ppm; balance Nitrogen)