



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

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

SEP - 7 2000

Mr. Gilbert A. de Chauvigny de Blot
Dangerous Goods Management
Schipholweg 307
1171 PL Badhoevedorp
Netherlands

Ref. No. 00-0228

Dear Mr. de Chauvigny de Blot:

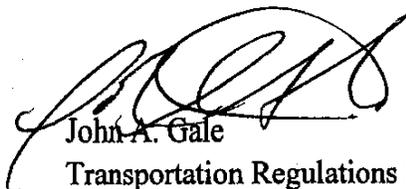
This is in response to your letter dated August 14, 2000, regarding the definition of a hazardous substance under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you request clarification that the table under the definition "Hazardous substance" in § 171.8 is only relevant to a package containing greater than 22,680 kg (50,000 pounds).

Under § 171.8, a hazardous substance (other than a radionuclide) is defined as a material, including its mixtures and solutions, that: (1) Is listed in appendix A to § 172.101 of the HMR; (2) Is in a quantity, in one package, which equals or exceeds its reportable quantity (RQ) listed in 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.

For a material to exceed the RQ listed in Appendix A to § 172.101 and be in a concentration by weight which does not equal or exceed the concentration corresponding to the RQ of the material as shown in the table in § 171.8, the quantity of the material in one package must be equal to or greater than 22,680 kg (50,000 pounds).

I hope this satisfies your request.

Sincerely,



John A. Gale
Transportation Regulations Specialist
Office of Hazardous Materials Standards



000228

171.8,
172.101



**dangerous
goods
management**

A Member of the International Dangerous Goods Management Support Group

BAH
§ 171.8, 172.101
App A
Hazardous Substance / R₁
00-0228

DA¹NGEROUS GOODS MANAGEMENT b.v.

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Ms. Helen Engrum
US Department of Transportation
RSPA
400 Seventh Street SW
Washington DC 20590
United States of America

Badhoevedorp, August 2nd 2000

Dear Ms. Helen Engrum,

This is in response to our telephone conversation of July 20th, 2000, regarding the definition for Hazardous substances under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180).

I raised the question how to interpret the definition for Hazardous substances dealing with Mixtures and Solutions containing a material listed in Appendix A to § 172.101 of the 49 CFR.

You explained to me that for mixtures and solutions the text must be interpreted as "clearly" mentioned in the 49 CFR, stating:

Under § 171.8, a hazardous substance is defined as a material, including its mixtures and solutions, that: (1) is listed in Appendix A to § 172.101 of the HMR; (2) is in a quantity, in one package, which equals or exceeds its reportable quantity; and (3) is in a concentration by weight which equals or exceeds the concentration corresponding to the RQ of the material, as shown in the table under § 171.8.

It is clear that if it is a mixture or solution containing a material that is listed in Appendix A to § 172.101 of the HMR, we will have to continue.

You informed me that now both, step (2) and (3) need to be applicable to identify the mixture or solution as a Hazardous Substance.

Example:

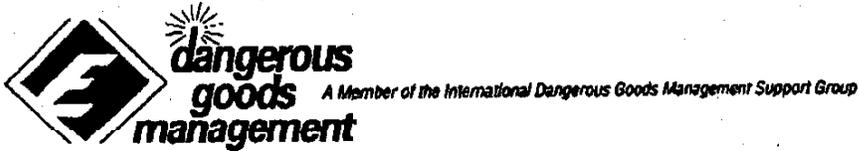
A mixture containing 4999 Pounds of the substance Benzoic acid is not a Hazardous Substance because it does not contain more than 5000 Pounds which is mentioned as the RQ for this product. It could be 80% Benzoic acid in the complete substance, but is not relevant according to your clarification.

Example:

A mixture containing 5000 (or more) Pounds of the substance Benzoic acid could be a Hazardous Substance if the concentration is equal to, or exceeds the concentration of 10% according to the table under § 171.8.

To equal or exceed this concentration we must have a total quantity of material that equals or exceeds 50000 pounds.

If we take a closer look at the table under § 171.8 it seems that for mixtures and solutions (to meet both (2) and (3)), the table can only be used for quantities of 50000 pounds or more.



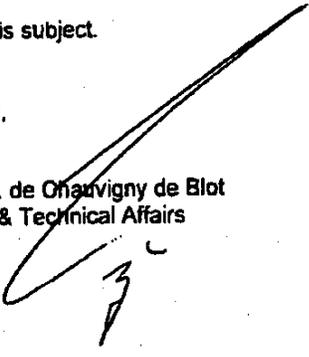
If the interpretation you clarified to me (supported by the letters you faxed to me signed by Mr. J.A. Gale, Mr. H.L. Mitchell and Mr. D.F. Billings) is correct, it would be a recommendation to clarify that for all mixtures and solutions the table under § 171.8 only needs to be used if the total quantity of the mixture or solution equals or exceeds the 50000 pounds.

I have the feeling that the industry will be served having this point clarified. The letters that you have faxed me didn't only confirm your interpretation, but showed me that even companies with highly specialized personnel did not have the confidence interpreting this text.

I hope you do appreciate my opinion regarding this subject.

Sincerely,

Gilbert A. de Onavigny de Blot
Training & Technical Affairs



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