



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

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

APR 12 2001

Mr. William Oister  
ATOFINA Chemicals, Inc.  
2000 Market Street  
Philadelphia, PA 19103-3222

Ref. No. 01-0005

This responds to your January 4, 2001 letter requesting clarification on the applicability of the subsidiary labeling requirements in § 172.402(a)(2) to organic peroxides under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180).

Division 5.2 materials (organic peroxides) are subject to the subsidiary labeling requirements in 172.402(a)(2). Therefore, in accordance with § 172.402, a package containing a Division 5.2 material that also meets the definition of Class 3 must be labeled ORGANIC PEROXIDE and FLAMMABLE LIQUID (Note the exception in § 172.402(a)(2) for Class 3 materials in Packing Group III.) As you note, however, 5.2.2.1.9 of the UN Model Regulations specifies that a subsidiary FLAMMABLE LIQUID label is not required on such a package because the ORGANIC PEROXIDE label is understood to convey the inherently flammable nature of organic peroxides. We will consider addressing this inconsistency in a future rulemaking.

I hope this information is helpful. If we can be of further assistance, please contact us.

Sincerely,

*for*  
Edward T. Mazzullo  
Director, Office of Hazardous  
Materials Standards



**ATOFINA**

ATOFINA Chemicals, Inc.

Engrum  
§ 172.402  
§ 173.225 (b)  
Labeling  
01-0005

January 4, 2001

U.S. Department of Transportation  
400 Seventh Street, S.W.  
Washington, D.C. 20590-0001  
Attn: Mr. E. Mazzullo, Director  
Hazardous Materials Standards [DHM-10]

Dear Mr. Mazzullo:

This letter requests clarification of DOT's requirements for labeling organic peroxides that have subsidiary hazards.

For Type B organic peroxides, the Hazardous Materials Table specifies that a subsidiary Explosive label is required. In addition, in the Organic Peroxide Table [§173.225(b)] other subsidiary labeling is provided for specific organic peroxides.

Please provide clarification of DOT's intent for applying the requirements of §172.402, Additional Labeling Requirements, to organic peroxides that have subsidiary hazards. As written, this Section would appear to require a Flammable Liquid label for any liquid organic peroxide with a flash point less than 141 F. Because this conclusion would be a radical divergence from international standards [See 5.2.2.1.9 of UN Recommendations on the Transport of Dangerous Goods, 11<sup>th</sup> revised edition- copy enclosed], we question whether this is DOT's intent.

If it is not DOT's intent to apply all of the additional labeling requirements of §172.402 to organic peroxides, we think it would be informative to add a new §172.402(h) that includes the subsidiary labeling requirements specific to organic peroxides.

In the interest of international harmonization, we would encourage DOT to have labeling requirements for organic peroxides that are consistent with international standards.

Thank you for your prompt consideration of this request. If we can provide further information, please contact me.

Sincerely,

  
William Oister

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CC:  
Richard Tarr DOT Office of Hazardous Materials Exemptions and Approvals [DHM-30]