



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

JUN 20 2008

1200 New Jersey Avenue, SE
Washington, D.C. 20590

Mr. William R. Sanderson
Environmental Health and Safety Manager
Polymeric, Inc.
2828 Second Street
Cuyahoga Falls, OH 44221

Ref. No.: 08-0138

Dear Mr. Sanderson:

This is in response to your March 26, 2008 letter and subsequent telephone conversation with a member of my staff requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to a rubber compound containing a hazardous substance.

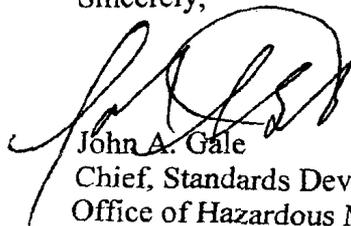
According to your letter, your company produces a rubber compound partially consisting of ethylene thiourea, a hazardous substance with a reportable quantity (RQ) of 10 pounds (4.54 kilograms). The rubber compound is formed into 2-3 pound slabs consisting of approximately 75% ethylene thiourea by weight. You state the polymer matrix greatly lessens or eliminates the hazard posed by the material, similar to asbestos fixed in a natural or artificial binder material.

Appendix A of the Hazardous Materials Table (HMT; § 172.101) lists materials that are designated as hazardous substances and their corresponding RQs. Ethylene thiourea is such a material and, thus, is regulated as a hazardous substance under the HMR. However, provided your material does not meet the RQ for ethylene thiourea in pounds (kilograms) in one package and does not meet any of the criteria of a hazardous material specified in § 171.8, it would not be subject to the HMR.

When bound in a natural or artificial binder, asbestos is excepted from the HMR by § 172.102, Special provision 156. No such exception exists for ethylene thiourea.

I hope this information is helpful. Please contact us if you require additional assistance.

Sincerely,



John A. Gale
Chief, Standards Development
Office of Hazardous Materials Standards

Heary
§172.101 App A
Hazardous Substance
08-0138

2828 Second Street
Cuyahoga Falls, OH 44221

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Polymeric, Inc.

March 26, 2008

Mr. Edward Mazullo

Dear Sir:

I just spoke to one of your technical experts at the Hazardous Materials Information Center concerning the DOT status of a product that we manufacture. The problem does not appear to be addressed in the regulations, however, a similar situation involving friable asbestos is addressed.

We are a custom rubber compounder and one of our specialty products involve taking some of the more 'health' hazardous materials and compounding them into rubber at between 70% and 90% activity. The product then is a solid slab of rubber in which the hazardous substance is incorporated into a polymer matrix. This polymer matrix then greatly lessens or even eliminates the health hazards associated with the powdered form of the chemical.

The product in question is Ethylene Thiourea (ETU) and it is by definition a hazardous substance. It is listed in Appendix A, Table I of the Hazardous Materials Table. ETU happens to have a Reportable Quantity (RQ) of 10 pounds. This material is compounded into rubber at 75% activity and generally packaged into 50 pound boxes. By definition, the RQ has been exceeded. However, it does not appear to meet the definition of a Class 9 hazardous material. It does not present any more of a hazard during transportation than any other slab of rubber in a box would. It does not have an anesthetic, noxious, or other hazardous odor and the polymer matrix would protect personnel from any exposure to the ethylene thiourea.

The main purpose of our product is to put a hazardous chemical into a non-hazardous form. It is my professional opinion that this product form does not present a hazard during transportation much like taking friable asbestos and coating with glue or cement does not present a hazard during transportation. In fact, there is less of a hazard because rubber will not fragment near as easily as hardened glue or cement.

Please, I'm requesting a formal clarification from the Research and Special Program Administration on the DOT status of our product. We also have a second product, thiram dispersion, having the same issues. Thiram is also listed in Appendix A of the Hazardous Materials Table. Thank you for your time and clarification on this matter.

Sincerely,

William R. Sanderson

William R. Sanderson, CIH
Environmental Health & Safety Manager

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TELEPHONIC CONVERSATION RECORD

<i>Specialist Placing Call:</i> Kevin Leary	ROUTING	
<i>Date of Call:</i> 5/28/2008, 5/29/2008	SYMBOL	INT
<i>Person(s) Contacted:</i> William Sanderson	PHH-11	<i>[Signature]</i>
<i>Their Organization:</i> Polymerics, Inc.		
<i>Date of Incoming Letter:</i> 3/26/2008		
<i>Specific Subject (including section #'s and key words):</i> Hazardous substances; Ethylene thiourea		
<p><i>Summary:</i> Called Mr. Sanderson and left voicemail to call back so that we can discuss letter.</p> <p>5/29/2008: Approximately 10:13 AM Mr. Sanderson returned call.</p>		
<p><i>Comments:</i> Mr. Sanderson clarified verbiage in letter "75% activity" means 75% by weight. The rubber slabs mentioned in the letter consist of approximately 75% thiourea by weight. The remaining 25% consists of rubber and other binder materials. Each rubber slab is approximately 3/8" thick and weighs approximately 2-3 pounds. Multiple rubber slabs are packaged into an approximately 12"x12" box. The gross weight of the completed package is approximately 50 pounds.</p>		
<p><i>Specialist Signature:</i> <i>Kevin A. Leary</i></p> <p><i>Date:</i> 5/29/2008</p>		