



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

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

**FEB 05 2013**

Ms. Erin S. Murray  
Koppers Inc.  
436 Seventh Avenue  
Pittsburgh, PA 15219-1800

Ref No.: 12-0268

Dear Ms. Murray:

This is a response to your November 30, 2012 email requesting clarification of the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 100-185) with regard to the classification of petroleum products for transport. You state that you ship products that are a result of distillations of petroleum residuum. These products contain constituents that are listed under Appendix A to § 172.101, the hazardous substances table; however they do not meet the definition of any of the nine hazard classes. Specifically, you seek clarification on the definition of hazardous substance and whether your petroleum products are subject to the requirements of the HMR.

In accordance with the definition in § 171.8, a hazardous substance does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as such in Appendix A to § 172.101 of this subchapter. Therefore, unless the complete petroleum product is specifically listed in Appendix A to § 172.101, constituents of the petroleum products that are reportable quantities are not considered when determining if a material is a hazardous substance.

In regard to classification of this material, § 173.22 states that it is the shipper's responsibility to properly classify a hazardous material. This office does not perform that function. However, upon review of the Materials Safety Data Sheet (MSDS) you supplied, it is the opinion of this office that your product does not meet the definition of a hazardous substance specified in § 171.8, and is not subject to the HMR.

I hope this information is helpful. If you have any more questions, please do not hesitate to contact this office.

Sincerely,

Robert Benedict  
Chief, Standards Development  
Standards and Rulemaking Division

Erin S. Murray  
Logistics Regulatory Affairs Manager



Suchak  
§171.8  
§172.101  
Applicability  
12-0268

Koppers Inc.  
436 Seventh Avenue  
Pittsburgh, PA 15219-1800  
Tel 412 227 2248  
Fax 412 227 2423  
MurrayES@koppers.com  
www.koppers.com

November 30, 2012

United States Department of Transportation  
Information Center  
Washington, DC

**Subject: Requesting Formal Letter of Interpretation on Petroleum/Hazardous Substance Exclusion**

To Whom It May Concern:

We are writing to request that you issue an opinion letter verifying that Koppers is properly classifying its petroleum products as non-hazardous substances, and that they are therefore not regulated under 49 CFR 171.8 due to the hazardous substance exclusion for petroleum.

Koppers ships petroleum distillate products. These products are a result of various distillations of petroleum residuum. The products do have constituents which are hazardous substances and these substances are listed under appendix A in 172.101. However, because these substances are shipped as an integral component of a petroleum distillate product, we believe that the petroleum exclusion for hazardous substances (49 CFR 171.8) applies and that Koppers can ship those petroleum products as non-regulated by DOT. The product does not meet any other hazardous class definition.

We understand that carriers of these products will have to meet the conditions of 49 CFR Part 130 regarding Oil Spill Prevention and Response Plans.

Please advise if we are correct in our understanding of this hazardous substance exclusion for petroleum.

Thank you for your time and consideration of this matter.

Sincerely,

A handwritten signature in cursive script that reads "Erin S. Murray".  
Erin S. Murray