

25-0093  
Jacobson, N.

Mr. Shane Kelley  
Director, Standards and Rulemaking Division  
U.S. DOT/PHMSA (PHH-10)  
1200 New Jersey Avenue, SE East Building, 2nd Floor  
Washington, DC 20590

6/10/2025

RE: Letter of Interpretation

Mr Kelley-

We are a small manufacturer located in Tampa, FL. We make a pavement repair product called "Top Patch" ([www.Top-Patch.com](http://www.Top-Patch.com))

We ship the material mostly LTL, in 5-gallon UN pails, on pallets, stretch wrapped.

There is 1.92 gallons (23 LBS) of Top Patch material in the pail.

Out of the 23 LBS of Top Patch in the 5-gallon pail:

8 LBS are UN 1866 Resin solution, combustible liquid, PGIII (MMA)

8.85 LBS Calcium Carbonate

6.65 LBS sand

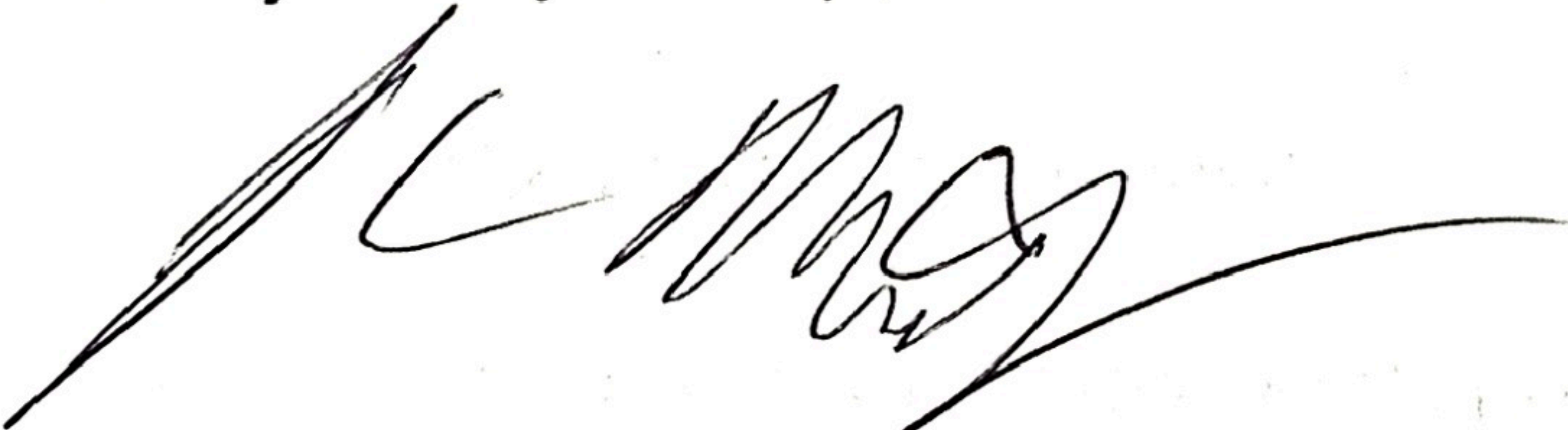
Less than ½ LB of suspension agent, pigment.

We ship separately, in small plastic bottles, 180 grams UN 3104, Organic Peroxide, Type C, Solid, NOS Benzoyl Peroxide – one each for the same number of 5-gallon pails.

A number of truck drivers have commented that they do not think we need to ship in UN pails, due to small quantities. However, I know we need a more solid answer.

Could I get a letter of interpretation?

Thank you for your help,



Jack Miltz

Top Patch

5196 Le Tourneau Circle

Tampa, FL 33610

239-778-6191 cell

[www.Top-Patch.com](http://www.Top-Patch.com)