



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

1200 New Jersey Avenue, SE  
Washington, DC 20590

**NOV 15 2018**

David Nicolau Tous  
International Sales Manager  
Ercros  
Avda. Diagonal 595 4a  
Barcelona 08014  
Spain

Reference No. 18-0022

Dear Mr. Nicolau Tous:

This letter is in response to your February 21, 2018, email and subsequent phone conversations requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to classification. Specifically, you ask if your paraformaldehyde mixture would be considered a Class 4.1 flammable solid material for transport under the HMR.

Section 173.22 states that it is the shipper's responsibility to class and describe a hazardous material in accordance with Parts 172 and 173 of the HMR. This Office does not normally perform that function. In your initial letter, you provided us with several tests for different concentrations of your material. The tests were done in accordance with the Transport of Dangerous Goods, Manual of Tests and Criteria - Section 33 paragraph 33.2.1.4 and showed that the mixtures did not meet the definition of a Class 4.1 flammable solid. However, if the material or any component of the material meets the definition and criteria of another hazard class, it is the shipper's responsibility to class and describe the hazardous materials.

I hope this information is helpful. Please contact us if we can be of further assistance.

Sincerely,

T. Glenn Foster  
Chief, Regulatory Review and Reinvention  
Standards and Rulemaking Division

# INTERPRETATION LETTERS

<b>Requester</b>	David Nicolau Tous	<b>Date Received:</b>	2/21/2018
<b>Company</b>	Paraformaldehyde	<b>Tracking</b>	18-0022
<b>Phone</b>	+34 93 439 30 09	<b>Revision Date:</b>	2/21/2018

<b>Date Assigned</b>	2/21/2018	<b>Date of Letter</b>	2/21/2018
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<b>Staff</b>	Wolcott	<b>First Draft Due:</b>	3/14/2018
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<b>Section</b>	172.101	<b>First Draft Date:</b>	
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<b>Subject</b>	Definitions
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<b>Concurrence</b>	
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<b>Status</b>	PHH-10-Specialist	<b>Status Date</b>	2/21/2018
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<b>Sign Date</b>		<b>Signor</b>	
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<b>Comment</b>	HBP <input type="checkbox"/>	Copy to Docket <input type="checkbox"/>	Copy to DHM-60 <input type="checkbox"/>
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Walcott  
§172.101  
Definitions  
18-0022

**Dodd, Alice (PHMSA)**

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**From:** INFOCNTR (PHMSA)  
**Sent:** Wednesday, February 21, 2018 3:06 PM  
**To:** Hazmat Interps  
**Subject:** FW: Request for interpretation

Hello all,

Please see the below LOI request.

Just a heads up:

Requestor has spoken to Diane and Eugenio here in the INFOCNTR. The requestor told them that his mixture does not meet the definition of a 4.1 material, however, he is intent on keeping it classified as UN2213. Diane and Eugenio tried explaining to the requestor that he must properly classify his mixture and assign it a UNID, since it may no longer meet the definition of a 4.1, but it may meet the definition of another hazard class.

We think he is looking for something in writing to fully explain everything to him.

Regards,

-Breanna

**From:** Nicolau Tous, David [mailto:dnicolau@ercros.es]  
**Sent:** Wednesday, February 21, 2018 9:45 AM  
**To:** INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>  
**Subject:** Request for interpretation

Dear Sirs:

We are the Spanish company ERCROS, S.A. We export chemical products all around the world.

We address this letter to you because we export the product Paraformaldehyde to the US.

Before we started exporting Paraformaldehyde to the US we examined the country's applicable rules and regulations. We noticed that the rule concerning road transportation in the US - 49 CFR §172.101 - classifies Paraformaldehyde (UN 2213) as flammable (4.1), like the ADR and the IMDG Code rules do in Europe.

However, as indicated in its SDS (Safety Data Sheet), our product is not pure Paraformaldehyde, but a mixture. By virtue of the results of the hazardousness evaluation tests (Manual of Tests and Criteria Test N.1, The United Nations Document - Recommendations of the Transport of Dangerous Goods) that we conducted in accredited laboratories, we demonstrated to the European competent authorities in Transportation that our product is not flammable.

As a result of that, we got the permission from those authorities to apply Special Provisions for both road (ADR - European Agreement concerning the International Carriage of Dangerous Goods by Road) and maritime transportation (IMDG Code) whereby we were allowed to classify our product as non-flammable.

On Wednesday 14<sup>th</sup> of February we got in contact with the HAZMET INFO CENTER on +1 800 4674 922 to get information regarding either the possibility to obtain a Special Provision for our product or the procedure to follow to modify our product's classification from 4.1 to non-flammable for road transportation.

The specialist at the HAZMET INFO CENTER made some questions to us. The critical point was the fact that the paraformaldehyde that we produce, as we indicate in its SDS, is a mixture. It is not pure paraformaldehyde.

As a result of that, the classification determined by the 49 CFR §172.101 doesn't apply to our product, as it applies to a pure substance. Our product is a mixture, therefore its classification when it comes to transportation hazardousness is the responsibility of the manufacturer (us in this case) and has to be based on the information that we have about the product.

We address this letter to you because we would like to have your written confirmation of the above interpretation so that we can show our US customers that we are acting in compliance with the US rules and regulations.

We remain at your disposal to respond to any question or request that you may have.

We look forward to your reply.

PS: please note that our contact email regarding this subject is [dnicolau@ercros.es](mailto:dnicolau@ercros.es).

Sincerely,

David Nicolau Tous  
International Sales Manager  
Paraformaldehyde

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