



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

January 24, 2023

Mr. Gene Sanders
W.E. Train Consulting
8635 W. Hillsborough Ave.
#112
Tampa, FL 33615

Reference No. 22-0071

Dear Mr. Sanders:

This letter is in response to your July 20, 2022, letter, requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the classification of soybean meal. In your letter, you state that 40 samples of soybean meal were taken from a variety of different soybean meal suppliers around the country and tested at an independent company in accordance with the United Nations Manual of Tests and Criteria for Division 4.2 (Spontaneously Combustible Material) self-heating material. You state that the results of the tests indicated that the soybean meal had oil levels ranging from 0.42–2.86%, moisture levels ranging from 10.79–13.07%, and that all 40 samples were determined to not meet the self-heating material criteria for Division 4.2. You ask whether future shipments of soybean meal—created through the exact same processes and having identical oil and moisture ranges—may be classified as “NOT self-heating” without additional self-heating testing.

As specified in § 173.22 of the HMR, it is the shipper’s responsibility to properly class a hazardous material. Such determinations are not required to be verified by this Office. Furthermore, the Pipeline and Hazardous Materials Safety Administration does not certify a shipper’s determination of whether a material is a hazardous material. However, based on the information you included in your letter, it is the opinion of this Office that—provided the required tests were performed on the material in the form to be transported and returned negative results—the tested materials would not be considered Division 4.2 self-heating material.

Please note that exclusion from a Division 4.2 self-heating material classification does not necessarily indicate the material is not a hazardous material that is subject to the HMR. In addition, if future shipments of your materials do not meet the definition of a hazardous material as defined by the HMR, they may be transported as non-hazardous materials—although we stress that it continues to be the offeror's responsibility to properly class its material.

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

Sincerely,

A handwritten signature in blue ink that reads "T. Glenn Foster". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

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

Wolcott

22-0071

From: [Nickels, Matthew \(PHMSA\)](#)
To: [Hazmat Interps](#)
Subject: FW: Request for Letter of Clarification/Interpretation sent via snail mail status.
Date: Wednesday, July 20, 2022 1:25:21 PM
Attachments: [WE Train Request for PHMSA letter of clarification 14jun2022.pdf](#)
Importance: High

Hey Alice and Kenetha, please process the attached PDF as a new interp request. (I did a review of FileMaker, and did not see it already entered in the system – he sent it in by snail mail back in mid-June, but I have no idea if it ever made it to us to process.)

Thanks!

From: Gene Sanders of W.E. Train Consulting <gene@wetrainconsulting.com>
Sent: Wednesday, July 20, 2022 12:59 PM
To: Nickels, Matthew (PHMSA) <Matthew.Nickels@dot.gov>
Cc: William Eugene Sanders III <WEtrain@att.net>
Subject: Fwd: Request for Letter of Clarification/Interpretation sent via snail mail status.

CAUTION: This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hi Matt,

Here's an electronic copy of what was sent via snail mail, in case it helps you find the status more quickly. Thank you.

Sincerely,
Gene Sanders
Manager, W.E. Train Consulting

Begin forwarded message:

From: "Kelley, Shane (PHMSA)" <shane.kelley@dot.gov>
Subject: RE: Request for Letter of Clarification/Interpretation sent via snail mail status.
Date: July 20, 2022 at 12:55:36 PM EDT
To: "Gene Sanders of W.E. Train Consulting" <gene@wetrainconsulting.com>
Cc: William Eugene Sanders III <WEtrain@att.net>, "Nickels, Matthew (PHMSA)" <Matthew.Nickels@dot.gov>

Hi Gene –

Sorry for the delay in responding, I was out of the Office when your first email came in, and

I have included Matt Nickels, who can verify if we have received the request and if so, whether it has been assigned to staff. If you have not received an acknowledgement letter, I suspect we do not have it in process, but Matt can confirm and we can quickly get it into production if it has not been received.

Shane

From: Gene Sanders of W.E. Train Consulting <gene@wetrainconsulting.com>
Sent: Wednesday, July 20, 2022 12:51 PM
To: Kelley, Shane (PHMSA) <shane.kelley@dot.gov>
Cc: William Eugene Sanders III <WEtrain@att.net>
Subject: Fwd: Request for Letter of Clarification/Interpretation sent via snail mail status.

CAUTION: This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hi Shane,

I hope things are going well for you. I hate to bother you, but don't know a much better way to check the status than contacting you directly. Thanks.

Cheers,
Gene Sanders
Manager, W.E. Train Consulting

Begin forwarded message:

From: "Gene Sanders of W.E. Train Consulting" <gene@wetrainconsulting.com>
Subject: Request for Letter of Clarification/Interpretation sent via snail mail status.
Date: June 30, 2022 at 5:01:31 PM EDT
To: "Shane C. Kelley" <shane.kelley@dot.gov>
Cc: William Eugene Sanders III <WEtrain@att.net>

Shane,

On June 14th I sent, addressed to you, a snail mail requesting an interpretation/clarification. I don't know how to verify that it was received and is being worked upon. Is there a place on the PHMSA

website for me to do that, or is a form letter sent back via snail mail, or what? I know U are very busy, so I'm happy to do any legwork/on-line searching myself. Thank you.

Sincerely,
Gene Sanders
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14 June 2022

Shane C. Kelley, Director of Standards and Rulemaking
1200 New Jersey Avenue, S.E.
Washington, DC 20590 USA

Dear Mr. Kelley,

Soybean meal (SBM) is a valuable commodity around the world, mostly as a high protein feed for livestock. According to a recent LMC International study, jointly commissioned by the United Soybean Board (USB) and National Oilseed Processors Association (NOPA), the crushing industry generates approximately \$8.3 billion in revenue annually. The total value of U.S. SBM exports is approximately \$4.4 billion.

SBM is made by crushing the whole soybeans and then using a solvent to extract the soybean oil, which is a valuable commodity on its own. Thus, those processing are economically incentivized to remove as much oil as possible. Similarly, because freight charges are by weight, there is an economic incentive to remove as much moisture as is reasonably possible. Additionally, both economic cost and US environmental regulations dictate that the solvent used in the oil extraction be recovered for reuse. So, commercial SBM in the US is low oil, low moisture, and substantially free from solvent.

The residue from extracting oil from seeds is generically referred to as Seedcake, and so SBM is a type of seedcake. Seedcake is a proper shipping name in the 49CFR Hazardous Materials Table, with two different identification numbers, and a hazard class of 4.2, as self-heating material. But, because different kinds of seedcake may have very different physical properties and compositions, not all seedcake is self-heating. A representative selection (40 different samples) of SBM from a variety of different SBM suppliers around the USA was collected and then analyzed and tested at an independent company. Characteristics measured include oil and moisture, and the testing was for self-heating, using the UN Manual of Tests and Criteria methodology as prescribed by 49CFR 173.124(b)(2). Oil levels ranged from 0.42 - 2.86 %, moisture from 10.79 - 13.07 %. Every single self-heating test was negative.

Will you please confirm that future shipments of SBM created through the exact same processes, with oil levels 0.42-2.86%, and moisture levels 10.79-13.07%, are properly classified as "NOT self-heating" without the need for additional self-heating testing?

Thank you.

Sincerely,

Wm. Eugene (Gene) Sanders III, Manager

