



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

400 Seventh Street, S.W.
Washington, D.C. 20590

JUL 22 1998

Mr. Scott Waddell
Product Safety Specialist
Atotech USA Inc.
1750 Overview Drive
Rock Hill, SC 29731-2000

Reference No. 98-0159

Dear Mr. Waddell:

This is in response to your letter of June 24, 1998, regarding clarification of a proper shipping description under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask whether "Toxic solid, corrosive, inorganic, n.o.s. (contains Chromic Acid), 6.1, (8), UN 3290, PG II," is the most appropriate proper shipping description for a material that meets the HMR criteria for Toxic PG II, Corrosive PG II, and Oxidizer PG III.

The answer is yes. Section 172.101(c)(12)(iii) states that if a material meets the definition of more than one hazard class, and is not identified in the Hazardous Material Table specifically by name, the hazard class of the material shall be determined by using the precedence specified in § 173.2a. Toxic solid takes precedence followed by corrosive then oxidizer. Therefore, the proper shipping description is Toxic solid, corrosive, inorganic, n.o.s. (contains Chromic Acid), 6.1, (8) UN 3290, PG II.

The term "Oxidizer" does not have to be included in the proper shipping description. However, § 172.402(a) states that a material meeting Division 5.1 PG III must be labeled Oxidizer in addition to any other required labels.

I hope this answers your inquiry. If we can be of further assistance, please contact us.

Sincerely,

Delmer F. Billings
Chief, Standards Development
Office of Hazardous Materials Standards



Atotech USA Inc.
1750 Overview Drive, P.O. Box 12000
Rock Hill, SC 29731-2000
Tel: (803) 817-3500 — Fax: (803) 817-3666

George
File: 172.402

June 24, 1998

Mr. Edward Mazzullo, Director
Office of Hazardous Material Standards
400 7th Street SW
Washington, DC 20590

Dear Mr. Mazzullo,

Atotech USA Inc. seeks guidance from you with regard to proper shipping classification for one of our products, we received your name from the DOT Hot Line on June 23, 1998.

Specifically Atotech USA Inc., product contains chromic acid and an inorganic acid salt. We have had testing performed on our product at a DOT accepted laboratory. The product meets three (3) classification criteria for shipping, they are:

1. Oxidizer PG III (Lab Tested)
2. Toxic PG II (Dermal LD₅₀~190mg/kg)
3. Corrosive PG II

The DOT Hot Line suggest the proper shipping name as:

Toxic Solid, Corrosive, Inorganic, N.O.S.
(Contains Chromic Acid), 6.1, (8), UN3290 PG II

Note: An Oxidizer subsidiary Label is also to be placed on the container (172.402)

Atotech USA Inc. wishes to ship multi-mode (air, ground and sea). Atotech USA Inc., has encountered delays in shipment via air due to the oxidizer labeling. IATA was contacted and it was stated that a letter from DOT clarifying or approving the above mentioned shipping description would be sufficient to allow Atotech USA Inc. to ship the product by Air.

Please review this information and if possible clarify or approve this shipping description with the Subsidiary Labeling as acceptable by written communication. Your response should be addressed to:

Atotech USA Inc.
Attn. Scott Waddell
1750 Overview Drive
Rock Hill, SC 29731-2000

Thank you in advance for your timely response.

Sincerely,

Scott Waddell
Product Safety Specialist

SW/bdm

cc: M. Emick
W. Kramer
T. Hogarth