



U.S. Department  
of Transportation

**Research and  
Special Programs  
Administration**

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

AUG 7 1998

Mr. Larry W. Massey  
President Southeastern Fumigants, Inc.  
P.O. Box 548  
Dawson, Georgia 31742

Ref. No. 98-0202

Dear Mr. Massey:

This is in response to your letter dated June 12, 1998 regarding whether a "tube" located near the bottom of a 4BA 240 cylinder used to withdraw the liquid material out would be considered an "education tube" under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). You asked for clarification of what is considered an "education tube" for cylinders containing organic phosphates mixed with compressed gases under the HMR.

A tube used to facilitate the withdrawal of liquid from the bottom of a cylinder, as described in your letter, is an education tube. As you are aware, the requirements in § 173.334(c) prohibit cylinders containing organic phosphates mixed with compressed gases from being equipped with education tubes during transportation.

Procedures for requesting exemptions from HMR requirements are set forth in 49 CFR 107.109 and 107.117.

I hope this satisfies your request.

Sincerely,

Edward T. Mazza  
Director, Office of Hazardous  
Materials Standards

173.334



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Edward T. Mazullo  
Director, Office of Hazardous  
Materials Standards

# Southeastern Fumigants, Inc.

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P. O. Box 548

Dawson, Georgia 31742

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June 12, 1998

Engrum  
§ 173.334

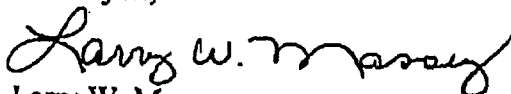
Mr. Edward Mazzullo, Director  
Office of Hazardous Materials Standards  
U. S. Department of Transportation  
Washington, D.C. 20590-0001

Dear Mr. Mazullo,

During a routine inspection of Southeastern Fumigants, Inc. Mr. Wayne Chaney of the Office of Hazardous Materials Enforcement questioned whether or not the liquid withdrawal tube which we use in our 4BA240 cylinders actually met the requirements of an eduction tube. Eduction tubes are prohibited in the Hazardous Materials Regulation 173.334(c). It has been our opinion that the tube was proper for use since its purpose is to facilitate the withdrawal of the liquid from the bottom of the cylinder. The tube is not intended as a safety relief tube or as a scavenging tube. Since there is some question as to what the definition of an "education tube" actually is, we would like to request clarification of what your office considers an education tube.

Liquid withdrawal or "dip" tubes have been used for dispensing insecticides for a number of years. Conversion to cylinders that do not have a withdrawal tube would result in a cost of over \$100,000 for our small company and would mean that most of the bulk peanut warehouses in the southeast would have to make modifications in their methods of dispensing insecticides. Additionally, the peanut harvest season will begin in mid-August and we must make preparations for that season, so time is a factor. We would appreciate your prompt reply as soon as possible. Should you have questions, you may contact me at the above address and telephone numbers.

Thank you,



Larry W. Massey  
President