



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

JUN - 1 1999

Ms. Donna J. Buckinger
8512 SE Middleway
Vancouver, WA 98664

Ref. No. 98-0239

Dear Ms. Buckinger:

This is in response to your letter requesting clarification on how to determine a proper shipping name in accordance with the hazardous materials regulations. You state that you have a different opinion than the manufacturer of your product concerning the marking of cartons and proper shipping name assignment. Specifically, you state that the manufacturer of your product prefers your company use the proper shipping name "Coating solution" whereas your company prefers using the name "Paint UN1263." You asked which name is most appropriate under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180).

Based on the information you provided, it is our determination that this material may be properly described by the generic proper shipping name "paint" or "coating solution." Both of these shipping descriptions include a wide range of products and we defer to the manufacturer's or subsequent shipper's judgement in the selection of the most appropriate proper shipping name.

I hope this satisfies your request.

Sincerely,

Thomas G. Allan

Senior Transportation Regulations Specialist
Office of Hazardous Materials Standards



980239

172.101

August 10, 1998

Mr Edward T. Mazzullo
Director
Office of Hazardous Materials Standards
US DOT/RSPA
400 7th Street SW
Washington, DC 20590-001

Karim
§ 172.101 (C)
COATING SOLUTION

98-0239

Dear Mr. Mazzullo:

I am with a small company dealing with another smaller company who has a somewhat different opinion concerning the marking of cartons and proper shipping name for a hazardous material.

I realize the DOT does not choose the classification for products, it is up to the manufacturer. But what if the manufacturer and a customer do not agree on the classification. I have been told by someone in a DOT office that we could stop buying the product but this is not an option. That is rather an evasive answer so I'm writing to you. I would not have a problem with the marking by this company, except we in turn transport or ship this product. This makes me a shipper, and in good conscious I do not feel this is the proper marking for the product(s) in question. I would appreciate your opinion on this issue.

I do not want to cause problems for the manufacturer, but I also do not want to cause problems for my company. I just want to know if I'm in left field or what.

Page three of the material safety data sheet for Spantex gives the D.O.T. Proper Shipping name as Coating solution.

172.101 Hazardous Materials Table lists **Coatings solution** (includes surface treatments or coatings used for industrial or other purposes such as vehicle undercoatings, drum or barrel lining)
This product is used to paint decks on homes.

Using 171.101©(10)(ii) *Generic or n.o.s. descriptions* stating "If an appropriate technical name is not shown in the Table, selection of a proper shipping name shall be made from generic or n.o.s. descriptions.... The name that most appropriately describes the material shall be used;"

Table 172.101 lists

Paint including paint, lacquer, enamel, stain shellac solutions, varnish, polish, liquid filler, and liquid lacquer base. UN 1263

Paint or Paint related material UN 3066

Paint related material including paint thinning, drying, removing or reducing compound UN 1263

Based on the above information I feel the most appropriate description would be **Paint UN1263**. But somehow cannot get the manufacturer to see beyond coatings solution. This becomes a real problem when faced with reshipment of previously marked cartons.

Thank you for your reply.

Sincerely,

Donna J. Buckinger
8512 SE Middleway
Vancouver, WA 98664

Encl: MSDS for Spantex