



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

DEC 2 1999

Mr. Stanley A. Millan
Jones Walker Waechter
Poitevent Carrère & Denègre L.L.P.
201 St. Charles Avenue
New Orleans, LA 70170-5100

Ref. No. 99-0269

Dear Mr. Millan:

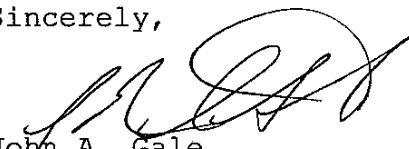
This is response to your letter dated October 1, 1999, concerning the definition of hazardous substance under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180).

Under § 171.8, a hazardous substance is defined as a material, including its mixtures and solutions, that: (1) is listed in Appendix A to § 172.101 of the HMR; (2) is in a quantity, in one package, which equals or exceeds its reportable quantity; and (3) is in a concentration by weight which equals or exceeds the concentration corresponding to the RQ of the material, as shown in the table under § 171.8.

For example, n-Butyl phthalate has an RQ of 10 pounds. To meet the definition of a hazardous substance, the quantity of n-Butyl phthalate in each package must equal or exceed 10 pounds, and the concentration by weight must be equal to or be greater than 0.02% (200 ppm).

I hope this satisfies your request.

Sincerely,


John A. Gale
Transportation Regulations Specialist
Office of Hazardous Materials Standards



990269

171-8

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BAA
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October 1, 1999

99-0269

BY FAX
(202) 366-3012

Mr. Edward Mazzulo
Director, Office of Hazardous Materials Standards
U.S. DOT/RSPA
(DHM 10)
400 Seventh Street, S.W.
Washington, D.C. 20590-0001

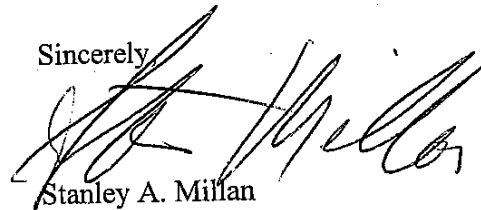
Re: Hazardous Substances

Dear Mr. Mazzulo:

I request any interpretative guidance you have on the definition of hazardous substances at 49 C.F.R. 171.8 with respect to solutions and the conjunctive (i.e., and) test that a hazardous substance is (1) a listed substance, (2) in a designated quantity, and (3) in a certain solution concentration.

Thank you for your consideration.

Sincerely



Stanley A. Millan

SAM/ksc

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