



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

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

OCT 10 2000

Ref. No. 00-0170

Mr. Walter D. Toomer, CHMM
Manager, Regulatory Affairs
Stonhard, Inc.
One Park Avenue
Maple Shade, NJ 08052

Dear Mr. Toomer:

This is in response to your June 8, 2000 letter requesting a definition of "Paint." You also asked whether the gross mass of inner packagings must be shown on the shipping paper for vessel shipments.

You are correct, "Paint" is not defined in 49 CFR 171.8. Section 173.173 identifies "Paint" as the proper shipping name for "paint, lacquer, enamel, stain, shellac, varnish, liquid aluminum, liquid bronze, liquid gold, liquid wood filler, and liquid lacquer base." The proper shipping name "Paint-related material" describes paint thinning, drying, reducing or removing compounds. If a more specific description is listed in the § 172.101 Hazardous Materials Table, that description must be used.

In response to the second question, the shipping paper entry required by § 172.203(i)(3) for the gross mass of each type of package or the individual gross mass of each package for vessel shipments applies to the outside package; which in your case is the combination package. The gross mass of individual inner packagings is not a required entry.

I hope this satisfies your request.

Sincerely,

Hattie L. Mitchell
Chief, Regulatory Review and Reinvention
Office of Hazardous Materials Standards



000170

08 June 2000

STONHARD

Mr. Edward Mazzullo, Director
US Department of Transportation
Office of Hazardous Materials Standards
400 7th Street SW
Washington, DC 20590

Stonhard, Inc.
One Park Avenue
Maple Shade, NJ 08052
856/779-7500
FAX: 856/321-7510
Page 1 of 2

VIA: CERTIFIED MAIL # Z 794 959 433
RETURN RECEIPT REQUESTED

RE: Stonhard, Division of StonCor Group, Inc.
Hazardous Materials Transportation
Request for Regulatory Interpretation

Corbin
§ 173.173
cc: 172.203
00-0070

Dear Mr. Mazzullo:

Per the recommendation of the USDOT Hazardous Materials Information Center, Stonhard hereby requests clarification interpretations of the following regulations:

• **49 CFR 171.8:**

No specific definition of "*Paint*" is provided in 49 CFR 171.8. The listing for the proper shipping name "*Paint*" in the Hazardous Materials Table (49 CFR 172.101) provides examples of what types of materials can be shipped under the proper shipping name "*Paint*", but no definition is provided.

For reference, Merriam Webster's Collegiate Dictionary, Tenth Edition, defines "*Paint*" as "*a mixture of pigment and a suitable liquid to form a closely adherent coating when spread on a surface in a thin film*".

Stonhard requests a clear and specific definition of "*Paint*", as referenced in the 49 CFR 172.101 Hazardous Materials Table, so that we may make an accurate assessment of that proper shipping name's applicability to our products.

• **49 CFR 172.101:**

Stonhard manufacturers products which, using the definition provided above for convenience, may or may not be considered "*Paint*", depending on the product's intended or ultimate use. With regard to the selection of the most suitable and accurate proper shipping name from the Hazardous Materials Table at 49 CFR 172.101, how much consideration must be given to the material's intended or ultimate use?

• **49 CFR 172.203(i):**

When transported by water, 49 CFR 172.203(i) requires the following additional shipping paper entries:

(i)(1) Identification of the type of packagings such as barrels, drums, cylinders, and boxes.

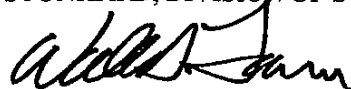
- (i)(2) The number of each type of package including those in a freight container or on a pallet.
- (i)(3) The gross mass of each type of package or the individual gross mass of each package.
- (i)(4) The name of the shipper.

Stonhard ships hazardous materials packaged as "*Epoxy Kits*" in combination packages. These combination package kits include multiple inner containers of the two part epoxy liquids. When the kits are offered for maritime transportation, does 49 CFR 172.203(i) require that all the inner packagings of the combination packages be declared on the shipping papers with their individual gross mass and counts?

We appreciate your careful consideration of these issues as they relate to our business. Should any questions arise regarding this inquiry, please contact me at (856) 321-7537.

Sincerely,

STONHARD, DIVISION OF STONCOR GROUP, INC.



Walter D. Toomer, CHMM
Manager, Regulatory Affairs

WDT

pc: J. Beam, Stonhard
J. Garcia, Stonhard
L. Bowers, Stonhard
K. Schlereth, Carboline
C. Brush, RPM
M. McMahon, MDHB
Transportation Files